

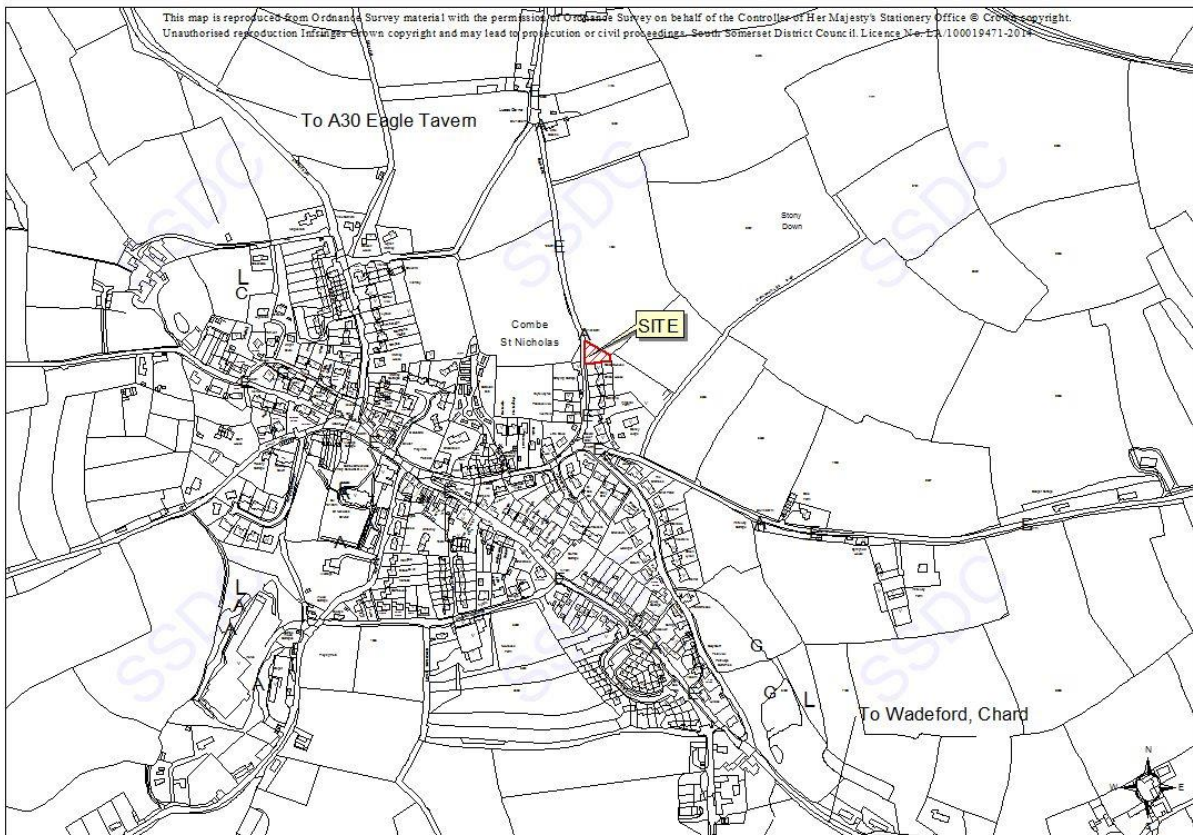
## Officer Report On Planning Application: 14/02626/FUL

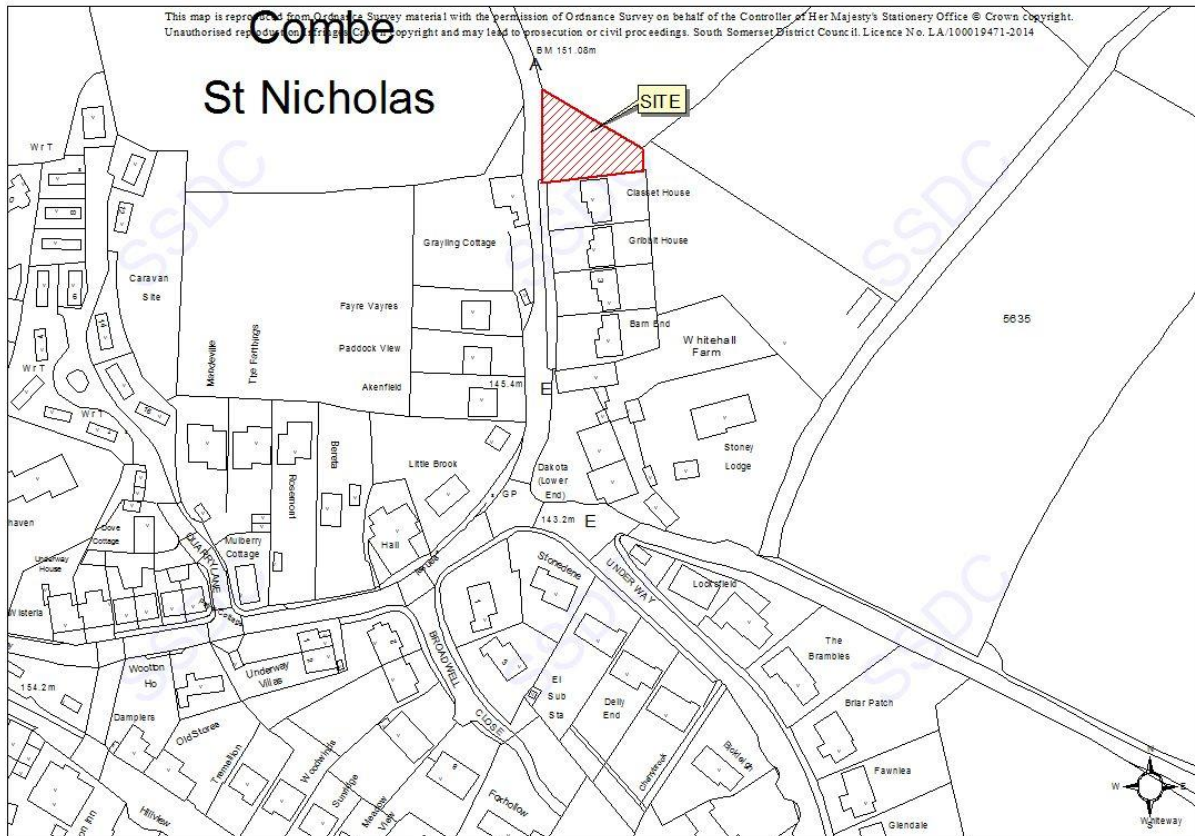
<b>Proposal :</b>	The erection of 1 No. detached dwellinghouse (GR 330434/111420)
<b>Site Address:</b>	Land North Of Classet House, Frog Lane, Combe St Nicholas.
<b>Parish:</b>	Combe St Nicholas
<b>BLACKDOWN Ward (SSDC Member)</b>	Cllr R Roderigo
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	8th August 2014
<b>Applicant :</b>	Mrs Julie Gray
<b>Agent: (no agent if blank)</b>	Greenslade Taylor Hunt, 1 High Street, Chard Somerset
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application for a dwelling is outside settlement limits and is referred to Committee as a departure from the saved policies of the local plan.

### SITE DESCRIPTION AND PROPOSAL





The application site is a field situated to the north of a property called 'Classet House' to the east of Combe St Nicholas. The site is roughly triangular and sits at a higher level than the road rising upwards from the roadside with mature hedging to the north. There is a detached house immediately to the south, with agricultural fields and Frog Lane to the other boundaries.

This is an application for the erection of a single two bedroom dwelling incorporating an integral double garage. The proposed dwelling would be constructed with rendered elevations and brick quoins with double Roman clay tiled roof. The plans have been amended to deal with concerns regarding levels and to remove the half hips proposed on the roof.

The site is outside of but directly abutting the defined development area of the village.

**HISTORY**

There is no planning history for the site.

**POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (2006):

ST3 - Development Areas  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
EC3 - Landscape Character

National Planning Policy Framework  
Chapter 4 - Promoting sustainable transport  
Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring good design  
Chapter 11 - Conserving and enhancing the natural environment

## CONSULTATIONS

**Combe St Nicholas Parish Council:** "In principle the Parish Councillors do not disagree with the development but to date we have always refused applications which are outside the development plan area. Until such times as we receive the new regulations in printed form we are going to be consistent with our past decisions, and therefore pass this back to you, as Planning Officer, for decision."

**County Highway Authority:** Standing Advice applies.

**Landscape Officer:** Satisfied that the proposal works are within the parameters originally set out, and has no further issues to raise. However, suggests it may be worthwhile seeking a view from the Tree Officer with regard to safeguarding the hedgerow.

(Officer Note: The Tree Officer investigated this site at pre-application stage and advised that the hedge has been poorly maintained in recent years. He advised the applicants to restore the hedgerow back to a traditional regime of management (coppicing and relaying) as this would then significantly reduce the root protection area; the hedge would then present a minimal constraint to development of the site. The Design and Access Statement confirms that the hedge has been laid.)

## REPRESENTATIONS

Two letters of objection have been received making the following comments:

- Suggest that Local Plan Policies ST5 and ST6, Proposed Submission Local Plan policy SS2 and the NPPF Chapter 7 'Good Design' are relevant to the determination of this application.
- There is an established pattern of development; the proposed development projecting forward may not be in the best interest of 'good design'.
- Proposed dwelling is substantially larger than existing dwellings to the south and could be considered unduly dominant.
- Disagree with agent's description of the dwelling as a 'modest two bedroom dwelling'.
- Concerned about lack of detail with regard to existing and proposed levels.
- Concerned that the proposal does not meet the standards of 'good design'.
- The proposed projection forward of Classet House will result in an overbearing impact upon the occupiers of Classet House. Raised veranda may result in overlooking.
- The potential occupant is not relevant as this would be an open market property.

- The proposal is considered to be rather contrived to fit the site and is more of an intrusion into the landscape than a natural extension of the development boundary.
- Site is outside of the settlement limit for the village which has been firmly applied in the past avoiding 'rural sprawl'; the policy is defined and seen to be impartial.
- Policy SS2 should not be given any weight until the Local Development Document is adopted.

## **APPLICANTS CASE**

In response to the above comments the applicant's agent has responded with the submission of amended plans to deal with the issues regarding site levels and house design. In addition, the agents make the following points:

- The amended plans relate to the correcting of site levels and the addition of further information on finished floor levels.
- Do not consider that the dwelling is overly large or out of scale with surrounding context; the dwelling will sit comfortably in relation to the neighbouring property.
- There will be no overshadowing and no openings proposed in the south elevation looking towards Classet House.
- The proposed increase in height over the adjacent dwelling is entirely consistent with the increase in ground levels between the properties.
- Appropriate boundary treatment will ensure privacy.
- The design is considered appropriate in the context incorporating local materials and design features; it will appear as a traditional vernacular cottage.
- The Landscape Officer comments that he is satisfied that the proposal works within the parameters originally set out and has no further issues.
- The plot is a finite and enclosed site that would round off the pattern of development. The hedgerow to the north would represent a defensible barrier against further development.

## **CONSIDERATIONS**

### **Principle of Development**

#### **Principle:**

The application site is located outside but immediately adjacent to the development area for Combe St Nicholas as defined by the South Somerset Local Plan where, under the requirements of Policy ST3, new residential development is usually strictly controlled. Beyond this it should be acknowledged that the 2006 plan is now out of date and only those policies that are compliant with the aims of sustainable planning as set out within the NPPF have been saved. Whilst the emerging local plan has yet to be adopted, Policy SS2 has not been queried by the local plan inspector or challenged in the course of the local plan suspension and was not debated at the recent re-opening of the local plan inquiry. Accordingly, for the purpose of this application, it is considered that the general thrust of Policy SS2 and the NPPF's support for sustainable development should be balanced against the historic interpretation of Policy ST3 which weighs heavily against unwarranted development outside settlement boundaries.

Given these circumstances, the proposal to construct a single dwelling should be considered on its own merits. From a sustainability perspective, the site is within walking distance of the centre of the village where services such as a village primary school, hall, shop and pub can be found. The site physically abuts the development area with existing built development immediately to the south. The current application site is not considered to be an important gap

within the streetscene and its development raises no substantive landscape or visual amenity concerns. On this basis, the proposed infill development is considered to represent a sustainable form of development that raises no other significant harm and to therefore be acceptable in principle.

### **Visual Amenity**

Given the close relationship of the site with the existing built form to the south and west the principle of developing this site raises no strong landscape objection. Overall, given the proposed layout, orientation, size and amended design of the house, the scheme is considered to be in keeping with surrounding development. It is considered that provided an appropriate landscaping scheme is secured through a condition the development raises no significant visual amenity concerns.

### **Residential Amenity**

Whilst it is noted that the proposed dwelling will sit forward of the existing property 'Classet House', it will be to the north of the existing dwelling. As such, it is not considered that there will be any overshadowing of the existing property. With the proposed distance between the existing and proposed dwelling it is not considered that the impact of the new dwelling will be so overbearing as to justify refusal of the application.

There are no windows proposed on the elevation facing Classet House and whilst a set of steps are proposed to provide access to the higher rear garden it is not considered that these will result in unacceptable loss of privacy to the front garden of the neighbouring house, as all of the front gardens along the street are readily viewable from the street and neighbouring properties.

As such, it is not considered that the proposed dwelling would result in such a significant loss of amenity to the neighbouring dwelling as to justify refusal of this application.

### **Highways**

It has been established that the site is within a sustainable location and as such the remaining issue relates to the acceptability of the proposed access to the site.

The Design and Access Statement notes that the proposed visibility to the south is below the normal standard for a 30mph road. However, it is considered that due to the narrowness of the road and its lightly trafficked nature, that it would be inappropriate to require the full visibility requirements at this site. In all other respects the proposals complies with the relevant standards and with appropriate conditions it is considered that the proposal will not prejudice highway safety in the locality.

## **CONCLUSION**

Notwithstanding the location of the site outside defined development limits, by virtue of its close physical relationship to existing built form and easy walking distance to nearby services it is considered to meet the aims of sustainable development as set out within the NPPF. For the reasons set out above, the development raises no substantive landscape, visual or residential amenity concerns and is not considered to be prejudicial to highway safety, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan, and is therefore recommended for approval.

## **RECOMMENDATION**

Approve

01. Notwithstanding the location of the site outside defined development limits, by virtue of its close physical relationship to existing built form and easy walking distance to nearby services it is considered to meet the aims of sustainable development as set out within the NPPF. For the reasons set out above, the development raises no substantive landscape, visual or residential amenity concerns and is not considered to be prejudicial to highway safety, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan, and the aims and objectives of the NPPF.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 2004-PL-001 Rev B, 2004-PL-002 Rev B, 2004-PL-003 Rev B and 2004-PL-004 Rev A received 5 August 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) particulars of the materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
- b) particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;
- c) details of the recess, design, materials and external finish for all external doors, windows, boarding and openings, including detailed sectional drawings where appropriate;

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

04. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

05. The area allocated for parking and turning on the submitted plan including the proposed double garage shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

06. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of the visibility lines shown on Drawing No. 2004-PL-001 rev B received 5 August 2014. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan (2006).

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