

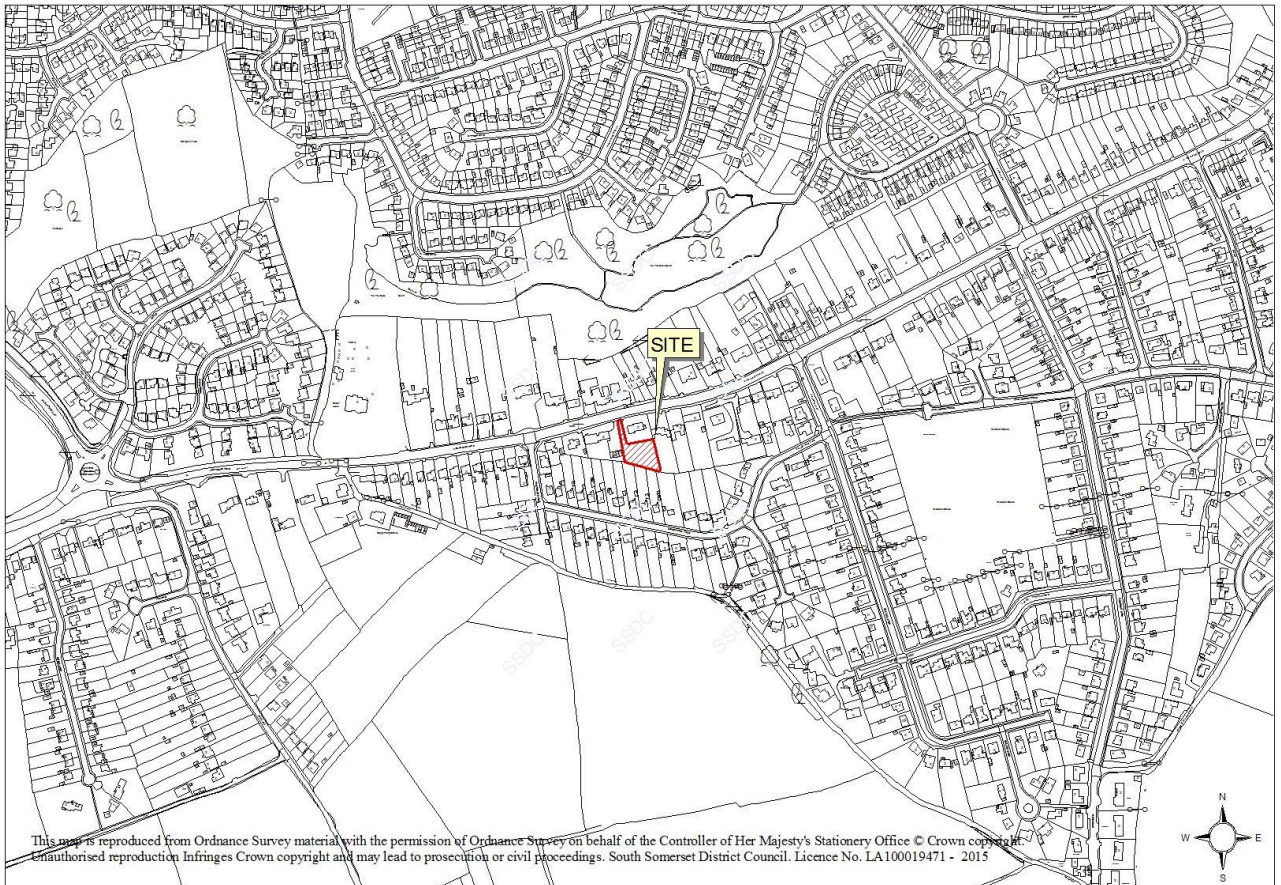
Officer Report On Planning Application: 14/05567/FUL

Proposal :	The installation of 5 No. rooflights to south roof slope (GR 354154/114503)
Site Address:	99A West Coker Road Yeovil Somerset
YEOVIL SOUTH:(SSDC Member)	Cllr Dave Greene Cllr Marcus Fysh Cllr Nigel Gage
Recommending Case Officer:	Jacqui Churchill Tel: (01935) 462158 Email: jacqui.churchill@southsomerset.gov.uk
Target date :	4th February 2015
Applicant :	Mr David Dawkins
Agent: (no agent if blank)	Michael Rowlinson Architect
Application Type:	Other Householder - not a Change of Use

Reason for Referral to Committee

The application has been brought to Committee under the Council's adopted scheme of delegation as the Ward Member does not accept the case officer's recommendation and would like to discuss the overlooking issue; the Chairman has subsequently called it in to committee.

Site Description and Proposal





99A West Coker Road is a modern detached single storey dwellinghouse with a linked-attached double garage located on the south side of West Coker Road behind 99 West Coker Road. It is constructed of block and render under a tiled roof with timber openings.

The application seeks planning permission for the installation of 5 No. timber rooflights on the south slope of the roof, one of which is to be obscure glazed to serve the W.C.

Planning permission is required due to the removal of permitted development rights relating to insertion of windows on planning consent reference 10/00470/FUL - 26.05.10.

HISTORY

14/00229/COND - Non compliance with conditions - pending consideration

10/00470/FUL - Demolition of existing garage and erection of 1 No. detached bungalow and garage - permitted with conditions 26.05.10 - Informative: The approved plans show no habitable space within the roof volume. Due to the concerns of local residents the plans were amended to omit the proposed rooflights. The applicant is reminded that any amendments to the approved plans to facilitate rooms in the roof requiring additional openings that subsequently require planning permission may not receive the support of the LPA on the basis of overlooking of adjoining properties.

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.

On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to "the stage of preparation", with the proviso in the first bullet point that: "the more advanced the preparation, the greater the weight that may be given". Given the plan has passed through the examination process, there can be no doubt therefore that the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against the relevant policies.

The policies of most relevance to the proposal are:

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

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policies of the Emerging South Somerset Local Plan (2006-2028)

Policy EQ2 - Design and General Development

National Planning Policy Framework

Chapter 7 - Requiring Good Design

South Somerset District Council Supplementary Guidance - Extensions and Alterations to Houses - A Design Guide

Somerset County Council Parking Strategy (March 2012) and Standing Advice (June 2013)

CONSULTATIONS

Yeovil Town Council - Recommend approval

Highways Authority - No observations

REPRESENTATIONS

14 neighbours were notified, the following representations were received:

Three objections from residents of Beaconfield Road were received - the following points were made in summary (officer response in brackets):

- o Strongly object to this proposal.

- o SSDC planning website has not been working over the Christmas period making it difficult to review historical reasons for previous planning applications and refusals. (Website available from 2nd January. Also, planning officer aware of planning history)
- o There was great opposition to the building being erected in the back garden of 99 West Coker Road but when planning consent was granted the local residents were assured it would remain a single storey dwelling with no living accommodation on the first floor due to it being in an elevated position to the existing houses to the rear. (An informative was included on decision notice 10/00470/FUL with regards to rooflights. However, this only an informative and each application is considered on its own merits)
- o Trees and shrubs that helped screen the building have been removed (the applicant has planted more laurel trees to act as a screen)
- o Concerns of the height of the roof and the footprint of the building which are considered overbearing. (Not a planning consideration for this application as dwellinghouse has been approved 10/00470/FUL)
- o It is very long and completely out of scale with existing buildings and resembles a commercial building rather than a private dwelling. (Not a planning consideration for this application as dwellinghouse has been approved 10/00470/FUL)
- o Proximity to the boundary results in overlooking. (Dealt with below under considerations)
- o When the roof trusses were put in place, openings had been cut for the insertion of Velux windows - this was not part of the original planning application. When the roof was tiled the Velux openings were tiled over. (No planning breach as roof tiled over in accordance with approved plan)
- o The addition of large windows to the south slope would effectively turn the building into a grandstand with a view over the rear gardens of Beaconfield Road. (Dealt with below under considerations)
- o This application to build a virtually self-contained flat in the roofspace, which is likely to be in constant use. With its large roof lights there will be people sat in an upstairs dining room peering into the gardens and windows of houses in Beaconfield Road. (Dealt with below under considerations)
- o When planning was applied for originally on this site back in 2007 (reference 07/02649/FUL) it was refused due to overlooking issues. Even when appealed against the inspector noted (in summary - overlooking from upstairs windows would result in loss of privacy). Now although this planning was originally for two storey dwellings and not the bungalow that is situated there now surely the point made still applies due to the roof lights being in effect where an upstairs window would be. (Overlooking issue dealt with below)
- o Decision notice dated 26.05.10 10/00470/FUL, Informative states - the approved plans show no habitable space within the roof volume. Due to the concerns of local residents the plans were amended to omit the proposed roof lights. The applicant is reminded that any amendments to the approved plans to facilitate rooms in the roof requiring additional openings that subsequently require planning permission may not receive the support of the LPA on the basis of overlooking of adjoining properties. (Whilst planning history is considered, every application is considered on its own merits)
- o Concern over impact on property value (As a general rule, planning decisions have to be based on land-use planning considerations, such as the scale or design of what is proposed. The effect on local property values is not a planning consideration)

Full representations are available to view at www.southsomerset.gov.uk

CONSIDERATIONS

Principle of Development

The alteration of existing properties is usually acceptable in principle subject to the proposed

development being in accordance with Development Plan policies and proposals. In this case, the main considerations will be the impact on the visual amenity of the area and residential amenity of neighbouring residents.

Visual Amenity

The proposal will see the installation of 5 No. timber rooflights to the south roof slope to serve a loft conversion containing a bedroom, W.C. and sitting area.

The visual impact of the proposal due to its design and proposed materials is considered acceptable. Its scale and position above the eaves, in the middle third section, is such that it will not dominate the roofslope and is considered in keeping with the property's character and appearance and the character of the wider area. Therefore it is considered that the proposal, by reason of design, scale and materials, will not adversely affect visual amenity of the property or surrounding area.

Impact on Residential Amenity

Objections have been raised by residents of Beaconfield Road which have gardens that back onto the rear garden of the application property. Their concerns include overlooking and loss of privacy. SSDC's Design Guide to Extensions and Alterations to Houses states that windows of habitable rooms should not overlook neighbours' windows and the distance to the rear windows of a building backing onto the property should be a minimum of 20 metres. It is noted that the application property is on elevated ground to those of Beaconfield Road. However, it is also noted that there is approximately 12 metres from 99A West Coker Road to the south boundary and a further 45-50 metres to the windows of properties backing on Beaconfield Road.

The rooflights are situated approximately 1metre above floor level. Although rooflights sited at 1.5metres above floor level will ensure no overlooking of neighbouring properties or gardens they will not be suitable for emergency escape purposes. The applicant confirmed that the position of the escape rooflight was dictated by Building Regulation requirements and the others simply maintain the same height for uniformity. One rooflight is proposed obscure glazing to serve a bathroom.

During the course of the application it was confirmed by the applicant that the proposed rooflights could not be installed on the front (north) roof slope as the neighbouring property, 99 West Coker road, is a two storey property that would look directly down into the rooflights.

The agent and applicant confirmed that the loft space would be used occasionally by visiting family. Although the sitting area is considered to be a habitable room with the potential for overlooking it is noted that the mitigating factors include the distance between properties and the existing trees which partly act as a screen.

During the course of the application the applicant submitted a planting scheme, which is almost completely implemented (with the exception of a Gingko Biloba tree). It shows that laurel trees which were planted in 2013 along the south boundary would, assuming a growth of three feet per year, effectively screen the line of sight between 19 Beaconfield Road to an eye level of 1.5 metres within the roof space of the application property by summer 2016. As an objector raised concerns that trees had been removed which helped screen the building, this goes some way to re-instate the trees and mitigate any potential overlooking into the gardens of properties that back onto the application property. It is considered appropriate to condition the planting scheme to ensure that it is maintained.

It is acknowledged that the rooflights could overlook the rear garden of 19 and 21 Beaconfield Road. However, there is no general or automatic 'right' in law, as such, not to have your land overlooked. Furthermore, due to the angle of the rooflights within the roof slope, the distance between the properties (approx. 60 metres) and the planting scheme there would be no detrimental levels of overlooking to the neighbouring properties and a substantially reduced potential of perceived overlooking into the gardens. It is not considered that any increase in overlooking would warrant the withholding of planning permission. Subject to the imposition of a condition ensuring that the planting scheme is maintained to create an effective screen the proposal would accord with Local plan policies ST5, ST6 and EQ2. Therefore, on balance, the proposed rooflights are not considered to cause demonstrable cause harm in terms of overlooking or loss of privacy.

In conclusion, it is not considered that the proposal will cause an adverse effect to the residential amenity of neighbouring occupiers or be detrimental to the visual amenity of the area. As such, the scheme accords with policies ST5 and ST6 of the South Somerset Local Plan and Policy EQ2 of the Emerging South Somerset Local Plan (2006-2028).

RECOMMENDATION

Grant consent for the following reason:

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of policy ST5 of the South Somerset Local Plan Deposit Adopted 2006 and the provisions of the National Planning Policy Framework (March 2012).

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 reference DAW01 A, DAW02 A, DAW03 , DAW05 dated as received 10.12.14 and planting scheme dated as received 16.01.15.

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

03. All planting shown in the approved planting scheme shall be carried out in the first planting and seeding season following the implementation of the planning consent. Any trees or plants which within a period of five years from the completion of the landscaping, 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 residential amenity and in accordance with policies ST5 and ST6 of the South Somerset Local Plan.
