



JOINT AREA COMMITTEES IN SOUTH SOMERSET



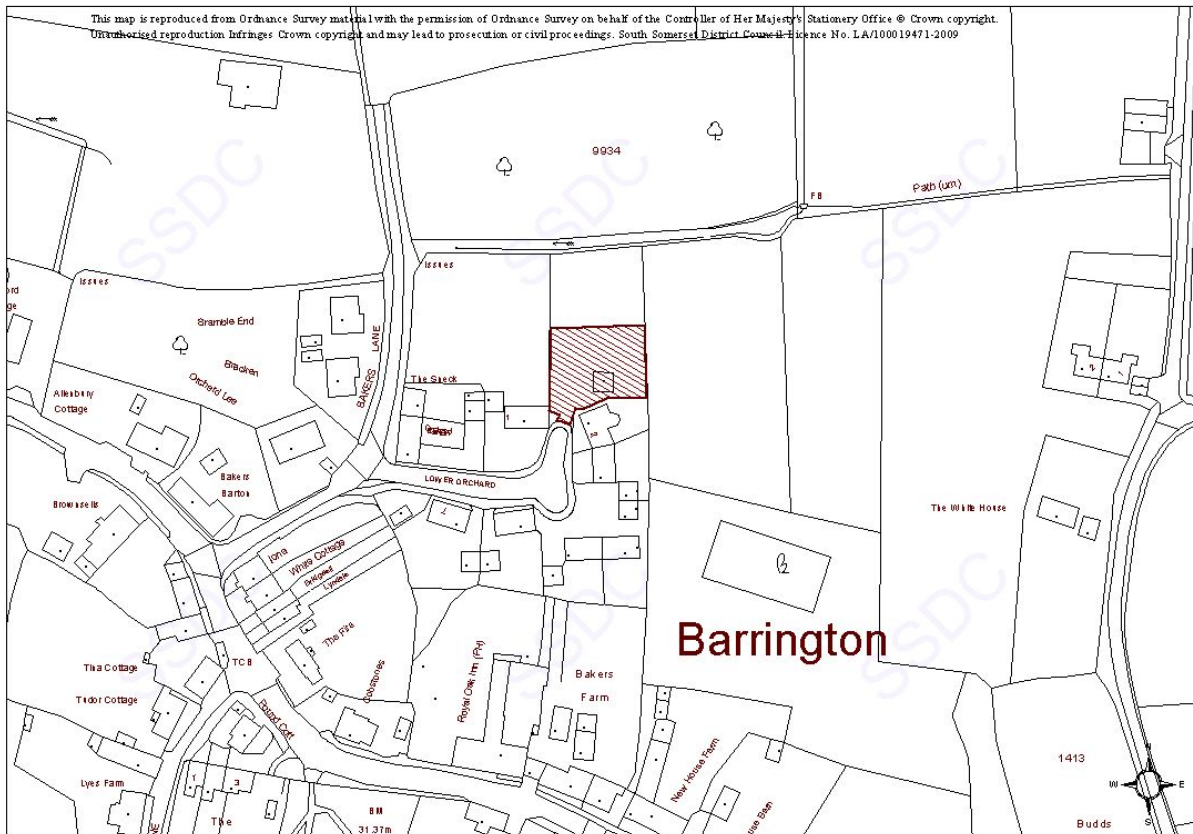
Officer Report On Planning Application: 09/01314/FUL

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| Proposal : | The erection of a dwelling (GR 338990/118253) |
| Site Address: | 2 Lower Orchard Barrington Ilminster |
| Parish: | Barrington |
| Ward : (SSDC Member) | BURROW HILL Mr Derek Yeomans (Cllr) |
| Division (SCC Member) | BURROW HILL Mr Derek Yeomans (Cllr) |
| Recommending Case Officer: | Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk |
| Target date : | 22nd May 2009 |
| Applicant : | Mr Anthony Turner |
| Application Type : | Minor Dwellings 1-9 site less than 1ha |

REASON(S) FOR REFERRAL TO COMMITTEE

This application was referred to the Area North Joint Area Committee at the request of the Ward Member and with the agreement of the Chairman to allow the issues of the Development Area Boundary to be considered further.

SITE DESCRIPTION AND PROPOSAL



The site forms an area of land to the rear of 2 Lower Orchard, a cul-de-sac to the north of Barrington. A small area of the site was granted consent as an extension to the residential curtilage of 2 Lower Orchard in 2003 but this was subject to a condition removing permitted development rights for any buildings on the land.

The application proposes the erection of a detached two storey house (188m², external measurement), a turning and parking area is proposed to the west of the proposed house. The

Design and Access Statement advises that the building is to be constructed to meet the conditions of the Code for Sustainable Homes, Level 4.

The site is situated to the north of the village of Barrington; the proposed site for the dwelling straddles the defined development area boundary and is outside of the Conservation Area.

HISTORY

08/05224/FUL - Erection of detached dwelling with integral garage (revised application). Application withdrawn.

08/02368/FUL - The erection of a live/work chalet bungalow with double garage and associated parking. Refused August 2008, currently awaiting decision on the subsequent appeal. The reasons for refusal were:-

1. The proposal would result in the extension of development along this narrow country lane that would encroach into this sensitive area of countryside on the edge of the village. The site is situated outside of the defined development boundary and as such is contrary to Policy ST3 of the South Somerset Local Plan 2006 and advice contained with PPS 7 'Sustainable Development in Rural Areas (2004).
2. The proposed development would be located where it is remote from adequate services, employment, education, public transport, etc, and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13, RPG10 and Policy STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, April 2000.

02/02301/FUI - Erection of single garage. Approved 2002

02/01442/COU - Change of use of land from agricultural to residential curtilage. Approved 2003

98/01908/OUT - Erection of two dwellings to the rear of No.'s 1 and 2 Lower Orchard. Refused 1999 and subsequent appeal dismissed.

Consent for the Lower Orchard development was granted from 1988 onwards and implemented after the final consent in 1997 (97/01228/Ful). The 1997 permission was subject to a section 106 agreement that stated the following when referring to the proposed site:-

'in regard to the remainder of the land.....notwithstanding any grant of planning permission howsoever derived not to erect any buildings on such part of the land unless and until a Local Plan for the area within which the land is located shall specifically identify such part of the land....as being suitable for residential or other development purposes.'

This agreement was subsequently amended to remove the garden area approved under 02/01442/COU but still applies to the remaining land.

Additionally an objection to the non-inclusion of the land within the Development Area for Barrington was made to the South Somerset Local Plan Deposit Draft 1998; in reaching his conclusions on the matter in his report to the District Council (June 2003) the Inspector stated the following:

"I agree with the conclusions reached by the two Inspectors considering the planning appeals. I consider that the inclusion of these areas of land within the Development Area and any subsequent development, would harm the character and setting of this part of the village. Regardless of whether this land is in due course accepted as being with residential curtilages, it is not unusual for the Development Area boundary to exclude garden areas in the interests of restricting the further extent of built development." (para 3.3.3).

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,

Relevant Development Plan Documents

Regional Spatial Strategy (RSS) for the South West (RPG10) (adopted September 2001):
VIS1 Expressing the Vision
VIS2 Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):
STR1 - Sustainable Development
STR6 - Development outside towns, rural centres and villages

South Somerset Local Plan (adopted April 2006):
ST3 - Development outside development areas
ST5 - General Principles of Development
ST6 - The Quality of Development

Policy-related Material Considerations

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):
SD4 Sustainable Communities
Development Policy C - Development in Small Towns and Villages
Development Policy E - High Quality Design

PPS's/PPG's
PPS 1 Sustainable Development and Climate Change
PPS 3 Housing
PPS 7 Sustainable Development in Rural Areas
PPS 22 Renewable Energy

South Somerset Sustainable Community Strategy
Goal 8 - Quality Development
Goal 9 - Homes
Goal 10 - Energy

CONSULTATIONS

Barrington Parish Council:-

'The Parish Council is not prepared to comment in view of the advice from the SSDC that the development building line is crossed by the proposal.'

Local Highway Authority:

'It is noted from the South Somerset Local Plan that the proposed development site is located just outside the development boundaries for Barrington. The village of Barrington does not accommodate adequate services and facilities, such as, employment, health, retail and leisure, and the public transport services within the village are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provision of policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000).

In detail, the access from the site emerges on to Lower Orchard at the end of the cul-de-sac where the volume and speed of passing traffic is minimal. As a result, it is felt that with the implementation of a suitable condition adequate visibility can be achieved from the site. The site is provided with a suitable level and arrangement of parking and turning facilities and the access whilst of singular width is acceptable in this location.

It is noted that the erection of the dwelling in this location will result in the loss of the existing parking facilities currently serving 2 Lower Orchard. So as to prevent parking on the highway at this point the Highway Authority would wish to see these spaces relocated within the site. It appears from the submitted plan that there is sufficient room within the site for these spaces to be provided.

As a result, whilst there is no objection to the detail aspects of the proposal the concerns relating to the suitability of the location remain. Therefore, I would recommend that the application be refused on highway grounds for the following reason:

1. The proposed development would be located where it is distant from adequate services, employment, education, public transport, etc, and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13, RPG10 and Policy STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, April 2000.'

Area Engineer, Technical Services Department:-
No comments.

REPRESENTATIONS

8 representations have been received: 3 in support (one from the application site) with 6 responses objecting to the development. The supporting responses make the following comments:

1. Noted the amendments from the previous application as reduction in size of building; alterations to design and materials; no increase in number of buildings and; off road parking provided.
2. Believe the proposed building is within the DAB (Development Area Boundary) and not through centre of applicants garage.
3. Support the application as it is one building for another and if permission is given for a sustainable home to CSH (Code for Sustainable Homes) Level Four this will be a first for Barrington.
4. Believe the erection of this dwelling will complement Lower Orchard.

The objectors make the following comments:

1. Objections remain as set out in previous letters; if the proposed building breaches the DAB it should be rejected to preserve Barrington. The DAB was reviewed and agreed in its present position in 2003, Local circumstances have not changed since then. The DAB can only be changed under a new local plan and be subject to testing, review and public consultation.
2. If permission is granted it will open the flood gates for other applications that breach the DAB and significantly change the nature of Barrington; a precedent will be set.
3. The design and size of the proposed dwelling clashes with the style of the houses in Lower Orchard, it is architecturally out of keeping with the area.
4. The bulk and massing of the building together with proximity to existing residential properties will result in a significant detrimental impact on both the general streetscape and amenities of existing residents.
5. Proposed dwelling would reduce the value of other houses in the road.
6. It would be inappropriate to use the property as a workplace as it could restrict access to the site and create parking problems.
7. Believe that the exemption clause in PPS 7 was really intended to allow for exceptional and innovative design in the countryside rather than to allow piecemeal extension to existing village curtilages.
8. Barrington is not in a sustainable location and has limited facilities.
9. Concerned that the parking provision could result in parking of vehicles outside 2 Lower Orchard within the turning head that would impede delivery vehicles and other road users.
10. There are legal agreements and planning conditions in place that restrict the development of this land.
11. Two planning appeals for development of a broad plot of land of which this planning application forms a part have been dismissed. There has been no material change in situation since then.
12. The proposal does not comply with Regional or Local Plan policies.

CONSIDERATIONS

1. It is considered that the main planning considerations with regard to this proposed development are:
2. The design of the proposed dwelling and its impact upon the character of the surrounding development and neighbouring amenity
3. The siting of the proposed development in relation to the development area boundary

4. Loss of off-street parking

1) The design of the proposed dwelling and its impact upon the character of the surrounding development and neighbouring amenity

Lower Orchard is a well designed and cohesive development that incorporates the use of traditional materials, including natural stone with tiled and thatched roofs. The design of the dwellings is very traditional with archetypal casements windows and low stone boundary walls. It is considered that the proposed dwelling is of a more modern design and whilst it will incorporate the use of traditional materials it will appear fundamentally different in design terms when compared to the existing dwellings. The proposed property incorporates a variety of window designs and openings, in addition, in order to minimise the impact of the development upon neighbouring properties, the front (south elevation) has a limited number of openings and as such is relatively bland in appearance this is at odds with the traditional elevations of the existing dwellings.

In terms of the impact upon residential amenity, as mentioned previously, the property has been design so as to minimise the impact of the proposal upon the adjoining residential houses and it is not considered that there will be any unacceptable overlooking of neighbouring properties. The development will run alongside the northern boundary within 4 metres of side of No.2 Lower Orchard and as such could present a very dominant feature when compared to the existing relatively open boundary, this could result in an overbearing impact upon the garden of No.2 Lower Orchard but due to the orientation of the buildings it is unlikely to result in the loss of any significant light or cause undue overshadowing.

With regard to the actual construction of the building and the intention that it meets Level 4 of the Code for Sustainable Homes, this is to be welcomed and supported as set out in the relevant planning guidance. However, the support for sustainable methods of construction has to be weighed against all other material planning considerations. In this case, it is considered that the proposed design of the dwelling and its subsequent impact upon the cohesive layout and design of the existing cul-de-sac outweigh the support for a dwelling built sustainably.

2) The siting of the proposed development in relation to the development area boundary

This is a particular contentious issue and the applicant is adamant that the boundary line is incorrectly drawn. However, the adopted Local Plan map clearly shows that the defined development area boundary runs directly through the middle of the garage to No.2 Lower Orchard. As such, the proposed development would clearly straddle this boundary. Therefore, it is appropriate to consider this application in light of the restrictive planning policies that apply to housing development on land outside of the defined development area boundary. In this case, the proposed development would result in the introduction of built form into what is currently an open area of land. Whilst there is an existing garage in the location this is of an ancillary nature that clearly forms a dependent part of the residential dwelling, No. 2 Lower Orchard. The proposed dwelling would have a much greater impact than this garage and would represent an encroachment of large residential form onto the development area boundary. This is further emphasised by the proposed dormers and balconies that form part of the rear elevation and which face north onto the open area of land.

Furthermore, due to the limited facilities available in Barrington it is considered highly likely that future occupiers of this property would be dependent upon the car for access to many essential services. Therefore, the proposed development cannot be considered to be sustainable in terms of its location within a village with limited services. This view is reinforced by the comments of the County Highway Authority.

3) Loss of off-street parking

The applicant's agents have submitted an amended plan indicating that the car parking area to be provided for the new dwelling will be a shared area and will, therefore, provide parking for the existing dwelling, No.2 Lower Orchard. Any further comments regarding the proposed parking provision will be reported at the meeting.

It is concluded that the proposed scheme is unacceptable in terms of its design and impact upon the character and appearance of the existing cul-de-sac. In addition, it is considered to be inappropriate development upon an existing sensitive development area boundary that is distant from adequate services, employment, education and public transport.

RECOMMENDATION

Refuse

01. The proposed design of the property is considered to be out of character with the existing traditional design of the cul-de-sac and will appear as an alien feature that will disrupt the cohesive design of the surrounding development. This is contrary to Policies ST5 and ST6 of the South Somerset Local Plan adopted 2006.
02. The proposal would result in the extension of development that would encroach into this sensitive area of countryside on the edge of the village. The site is situated outside of the defined development boundary and as such is contrary to Policy ST3 of the South Somerset Local Plan 2006 and advice contained with PPS 7 'Sustainable Development in Rural Areas (2004).
03. The proposed development would be located where it is remote from adequate services, employment, education, public transport, etc, and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13, RPG10 and Policy STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, April 2000.