



The property has been extended in the past with the addition of a two-storey extension to the rear. The proposed retaining walls will be constructed of block and finished in painted render. The property is not located within a development area as defined by the local plan. The property is located opposite a Grade II listed building.

## **HISTORY**

09/02624/FUL - The erection of a detached double garage - Application refused 18/08/2009

05/00120/OUT - Proposed detached dwelling - Application withdrawn 08/03/2005

04/02619/FUL - Erection of two storey extension to rear and relocation of garage - Application permitted with conditions 05/11/2004

## **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:

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

EN4 - Quality in the Built Environment

#### Somerset and Exmoor National Park Joint Structure Plan

STR1 - Sustainable Development

#### South Somerset Local Plan (Adopted April 2006)

EH5 - Setting of Listed Buildings

ST6 - Quality of Development

ST5 - Principle of Development

### Policy-related Material Considerations

#### Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):

Development Policy C - Development in Small Towns and Villages

Development Policy E - High Quality Development

### PPS's/PPG's

PPG 13 - Transport

### South Somerset Sustainable Community Strategy

Goal 8 - High quality homes, buildings and public spaces

### Other Relevant Documents:

None

## **CONSULTATIONS**

**SSDC Technical Services** - No comment

**County Highways** - In response to the above application I have the following comments. Whilst the Highway Authority are aware that the visibility from the access is slightly restricted it is considered that the visibility achieved from the access will not be significantly compromised as part of this proposal. As a consequence, it is felt that to raise an objection to the proposal on this point may be unreasonable. As a result, I would advise you that from a highway point of view there is no objection to the proposal.

**Town/Parish Council** - South Petherton Parish Council recommends refusal as they are concerned about safety of the vehicular access. The visibility splay is limited and this arrangement for the proposed new garage does not allow space to turn a car around. SPPC question the permitted development under which the garage is proposed, which would, it is understood, reduce the turning area that was proposed in the earlier application as the proposed garage would have to be further away from the boundary with the neighbouring property. With no new report available from Somerset Highways, SPPC refer back to their earlier comments on this site which were "despite noting the comments of Ian McWilliams about sufficient turning within the curtilage of the property, these comments were made before the application was submitted and within the total curtilage there may well be space to allow vehicles to drive in forward, turn and drive out forward, but South Petherton Parish Council has concerns that this will not be possible with a proposed garage sited at 90° to the road and with a retaining wall restricting the turning area".

For these reasons SP PC recommend refusal

**SSDC Conservation Officer (verbal)** - No objections

## **REPRESENTATIONS**

One letter received from the occupier of an adjacent property. The letter raises a concern over the impact on their own property from the impact of the excavation works adjacent to the wall of the house.

## **CONSIDERATIONS**

It is not considered that the proposal will have a significant impact on the residential amenity of the occupiers of neighbouring properties by way of overbearing, overshadowing or overlooking.

The SSDC conservation officer is satisfied that the proposal will not have an adverse impact on the setting of the listed building opposite the site.

The parish council has raised an objection to the scheme over concerns about the safety of the vehicular access. However, the county highway authority has raised no objections to the scheme. The objections raised by the parish council relate to a garage that was proposed as part of a previous scheme at the site. However the garage is not proposed as part of the current application so cannot be considered as a part of this process.

A letter has been received from the occupier of the adjacent property raising a concern over the impact of the proposed excavation works in such close proximity to their own house. However, this is matter beyond the control of planning legislation and as such

cannot be considered as part of this application. It is noted that the applicant's have employed a structural engineer to advise them on this aspect of the proposed work.

Therefore, the proposal for the excavation of land and the erection of retaining walls is not considered to have an adverse impact on the setting of the listed building and the character of the surrounding area in accordance with policies ST6 (Quality of Development) and EH5 (Setting of Listed Buildings) of the South Somerset Local Plan (adopted April 2006).

As such, it is considered that the application is acceptable and should be recommended for approval.

## **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

None

## **RECOMMENDATION**

Approve for the following reason:

01. The proposal by reason of its design and materials is considered to preserve the visual appearance of the property, the character of the area, and the setting of the nearby listed building. As such it complies with policy STR1 of the Somerset and Exmoor National Joint Structure Plan Review and Policies EH5, ST5 and ST6 of the South Somerset Local Plan (adopted April 2006).

## **SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 02 November 2009.

Reason - To comply with Section 73A of the above Act.

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