

Area North Committee – 27 October 2010

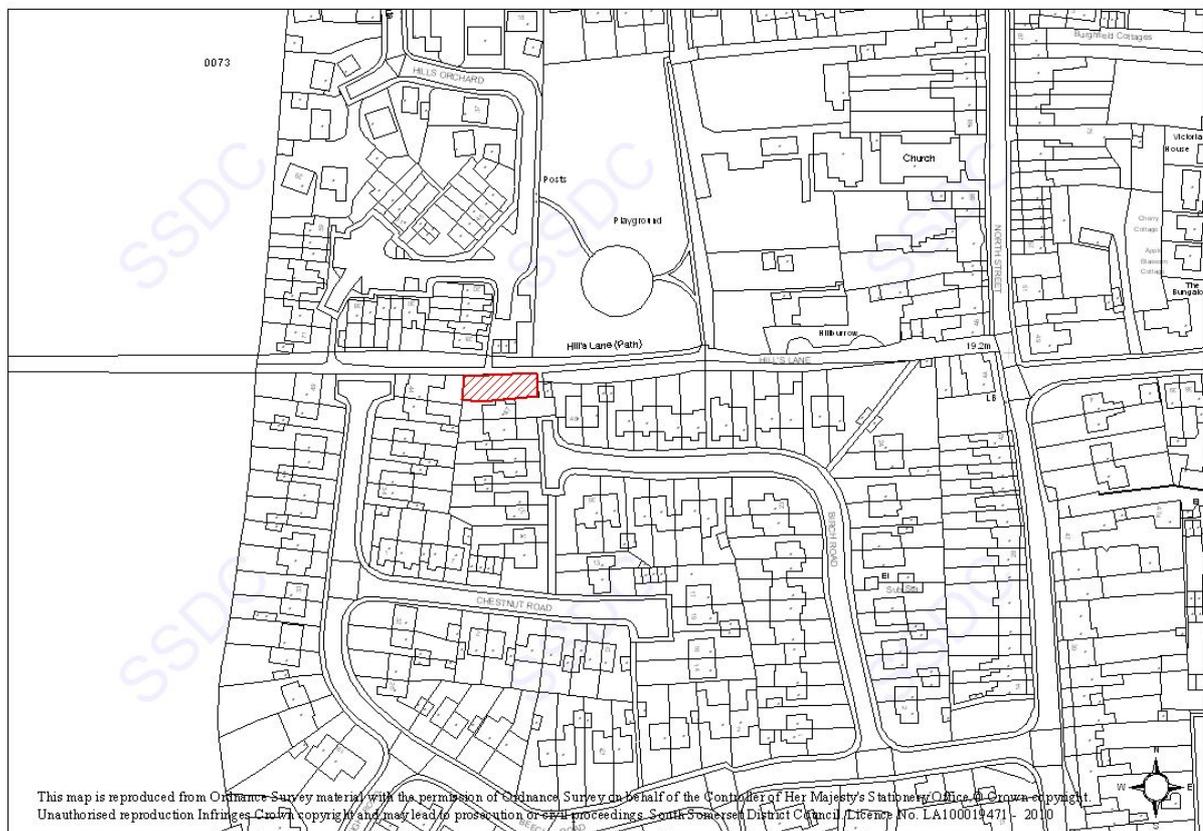
Officer Report On Planning Application: 10/02898/FUL

Proposal :	Demolition of existing garage and the erection of a new dwelling (GR: 346082/119617)
Site Address:	47 Birch Road, Martock, Somerset
Parish:	Martock
MARTOCK Ward (SSDC Members)	Mrs Ann Campbell (Cllr) Mr Patrick Palmer (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date :	3rd September 2010
Applicant :	Mr S N Chapman
Agent: (no agent if blank)	Jeffrey Clements Associates Camelot, Bradford Lane Longburton, Sherborne DT9 6ES
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North committee at the request of the local Ward Members and Chair due to the controversial nature of the application.

SITE DESCRIPTION AND PROPOSAL



The site is located within the defined development area for Martock. The site is situated at the end of a cul-de-sac and has a restricted byway running along the north boundary of the site, which is accessed by a footpath that runs along the east boundary of the site.

The site currently accommodates a semi-detached, two-storey dwelling constructed from reconstituted stonework and concrete mix roof tiles, and a single garage with matching materials. The dwelling and garage both have pitched roofs.

This application seeks permission for the erection of a two-storey dwelling to the north of 47 Birch Road, within the existing curtilage of this property. The proposed dwelling is a three-bedroom dwelling. The proposed materials are reconstituted stone and concrete mix roof tiles.

The proposed parking layout provides two car parking spaces for the proposed property, and leaves two car parking spaces for the existing property at 47 Birch Road.

This application is the resubmission of a previously refused planning application, and varies from the previous application by rearranging the parking layout and altering the design of the dwelling so that the roof line matches adjacent properties, rather than being gable fronted.

HISTORY

10/01505/FUL: The erection of a detached dwelling, including the demolition of existing garage. Application refused on 04/06/2010.

851166: The retention of an extension (conservatory) to dwellinghouse. Approved on 28/06/1985.

802585: The erection of a two-storey extension to dwellinghouse. Granted conditional approval on 05/01/1981.

800534: The erection of an extension (conservatory) to dwellinghouse. Granted conditional approval on 10/04/1980.

790887: The erection of a single storey extension to dwellinghouse. Granted conditional approval on 08/06/1979.

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.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR4 - Development in Towns

Policy 33 - Provision of Housing

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (Adopted April 2006):
 Policy ST5 - General Principles of Development
 Policy ST6 - The Quality of Development
 Policy TP7 - Residential Parking Provision

National Guidance
 PPS1 - Sustainable Development
 PPS3 - Housing

South Somerset Sustainable Community Strategy
 Goal 7 - Distinctiveness
 Goal 8 - Quality Development
 Goal 9 - Homes

CONSULTATIONS

Martock Parish Council - Recommend refusal as the proposed development would not be in keeping with the houses in the area.

County Highway Authority – *No objection; The material considerations of the scheme have not changed although the layout has been improved from a highway point of view and the previous refusal reason has been overcome. Some of the comments made previously still apply. The site is located within the development boundaries for Martock within walking distance of the local services and facilities and as such there is no objection to the proposal in principle. In detail, the site is located at the end of the cul-de-sac where it is clear that the speed and volume of passing traffic is minimal.*

The Highway Authority is satisfied that sufficient visibility is provided at the point of access at this point. A previous area for concern was the parking area for the proposed dwelling, which would have been very difficult to access and could have resulted in parking displaced to the turning head where it would have caused an obstruction. This scheme has shown a much better scheme for parking which is capable of being used and which will ensure that vehicles are parked on the site. It is important that the reformed access is hard surfaced so that loose material is not carried on to the highway. Where there is a distinct driveway a distance from the roadway edge can be specified but in this instance, specifying a distance would result in a mish-mash of different surfaces. It is easier therefore, to condition the access and parking areas in their entirety. Safeguarding condition as recommended.

Area Engineer - No comment

County Rights of Way - From the information provided it would appear that the proposal would not affect the restricted byway adjacent to the site.

Wessex Water - Standard response that points of connection to Wessex Water systems need to be agreed with them prior to the commencement of any works on site.

REPRESENTATIONS

EIGHTEEN LETTERS OF OBJECTION - Have been received, eleven of which are identical. The letters raise the following concerns:

- A detached house built in the corner of a cul-de-sac consisting of detached houses and bungalows will have a negative visual impact on the road
- Four vehicles parked so close to a heavily used public footpath is dangerous
- The addition of 2-3 vehicles in the cul-de-sac will worsen the parking problem in the event of a emergency access by fire vehicles being needed
- The new dwelling will stand out from the current line of houses in Birch Road, and will ruin the balance
- The proposed dwelling would have a negative impact on the environment within the area
- The unmanageable garden aspect of the proposal is laughable
- South Somerset District Council should make a stand against 'Garden Grabbing' which is an issue which our new government feels very strongly about
- A dwelling in this location is not wanted and it is not needed
- If there was room to built a dwelling on this plot then the original developer would have done it
- Similar garages in the area are in still in good condition
- Concern over noise and disruption caused during construction
- Machinery used for construction would be dangerous to children and other road users
- The window serving Bedroom 1 will overlook opposite neighbouring property, and cause a loss of privacy
- Loss of view to opposite neighbour
- Loss of light to opposite neighbour
- Dwelling will spoil view along Hills Lane
- Loss of value to neighbouring property that will become end of terrace due to proposed house being attached to existing semis

CONSIDERATIONS

Principle

The site is located within defined settlement limits where the principle of new residential development is acceptable, subject to various criteria such as parking, access, design and impact on local amenities to name a few.

Highways

The application makes provision for two car parking spaces for the proposed dwelling, while also retaining two parking spaces for the occupiers of 47 Birch Road. This level of parking meets the requirement of the County Highway Authority. As such the Highway Authority has not raised an objection to the proposal, as they are satisfied with the parking provision, parking layout, and small increase in traffic in the Close.

Visual Amenity/Design

The design of the proposed dwelling has been significantly improved from the previous application. The proposed dwelling is now fronted with a plain pitch roof that runs in line with roofs on adjacent residential properties. This differs from the previous application where the proposed dwelling was gabled fronted.

While the proposed property is detached in an area that is characterised by semi detached dwellings and detached bungalows, it is considered the appearance of the dwelling in its end of the cul-de-sac location would not be incongruous. The view from the street would be of a dwelling with the same roofline as the adjacent property, and given this uniformity it would be barely noticeable that the property is detached, and

would blend in with the existing line of houses. As such the impact on the character of the street scene and visual amenity of the area would be limited.

On a precautionary basis, due to the size of the site it is considered appropriate to remove permitted development rights for extensions to the proposed dwelling.

Residential Amenity

It is considered the proposed dwelling is in a location where it will not overlook adjacent properties anymore than the existing arrangement, and will not cause a loss of light or overbear adjacent properties.

Other Objections

The Highways Authority has not raised concern over the proximity of the car parking spaces to the public footpath. Appropriate boundary treatment will ensure the parking area does not encroach onto the footpath.

It is claimed that the existing garage is still in good condition and therefore does not need to be demolished. The site is not within a Conservation Area and the garage is not listed, and therefore permission is not required from the Local Planning Authority to demolish this structure.

The issue on whether the size of the garden is too large to manage is not a planning consideration. What is a consideration is whether the proposed dwelling and existing dwelling can both fit onto the site, and still have an adequate garden area each. With this application it is considered there is enough area to accommodate two dwellings with appropriately sized gardens, which are comparable to neighbouring garden sizes, within the site.

There is a public perception that government policy has changed to prevent 'garden grabbing'. What, in fact, has occurred is that PPS3 has been amended in two respects. First, there is no longer a minimum density requirement. This means that there is now no policy imperative requiring that any available land be used to the optimum effect. Secondly, gardens are now no longer regarded as 'previously developed land' (so-called 'brownfield' land). What this means is that local authorities are no longer compelled by policy to ensure optimum use of garden areas, which were defined as 'brownfield' land. However, this does not prevent the use of garden areas for additional housing, as most gardens in towns are within the identified development area of their settlement (as in this case), and in appropriate cases development can be permitted which would retain the existing character and not harm residential amenity. There is, therefore, no government policy preventing the use of this site for the erection of a single new dwelling.

The loss of view is not a planning consideration. Loss of value to neighbouring properties is also not a planning consideration.

It is considered the visual amenity along Hills Lane will not be compromised, as the proposed dwelling will screen the existing flat roof extension on the existing dwelling, and would arguably improve the existing visual amenity from this point.

With regard to concern over disruption caused during construction, a condition can be attached to restrict the hours that works take place.

Conclusion

The design of the proposed dwelling has been significantly improved, and consequently the appearance of the dwelling from the street scene has also been improved. The

Highways Authority is now satisfied with the parking arrangement. On this basis, it is considered the previous refusal reasons for the site have been overcome, and as such the proposal is considered to be acceptable.

RECOMMENDATION

Permission be granted

Justification

01. The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the local amenities of the area, in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and South Somerset Local Plan Policies ST5, ST6 and TP7.

SUBJECT TO THE FOLLOWING:

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

02. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing area in accordance with Policy ST6 of the South Somerset Local Plan.

03. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with South Somerset Local Plan Policy ST6.

04. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 4594/7, and shall be available for use before the proposed dwelling is commenced.

Reason: In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

05. The areas allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

06. The proposed access and parking area shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

07. During construction no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: 08.00hrs - 18.00hrs nor at any time on Sundays, Bank or Public Holidays.

Reason: To minimise the impact of the development in accordance with Policy ST6 of the South Somerset Local Plan.

08. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no addition or extension to the building unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: To protect the character of the area in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

09. The development hereby permitted shall be carried out in accordance with the following approved plans: 4594/1, 4594/3, 4594/6, 4594/7.

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