

Area North Committee – 14 December 2011

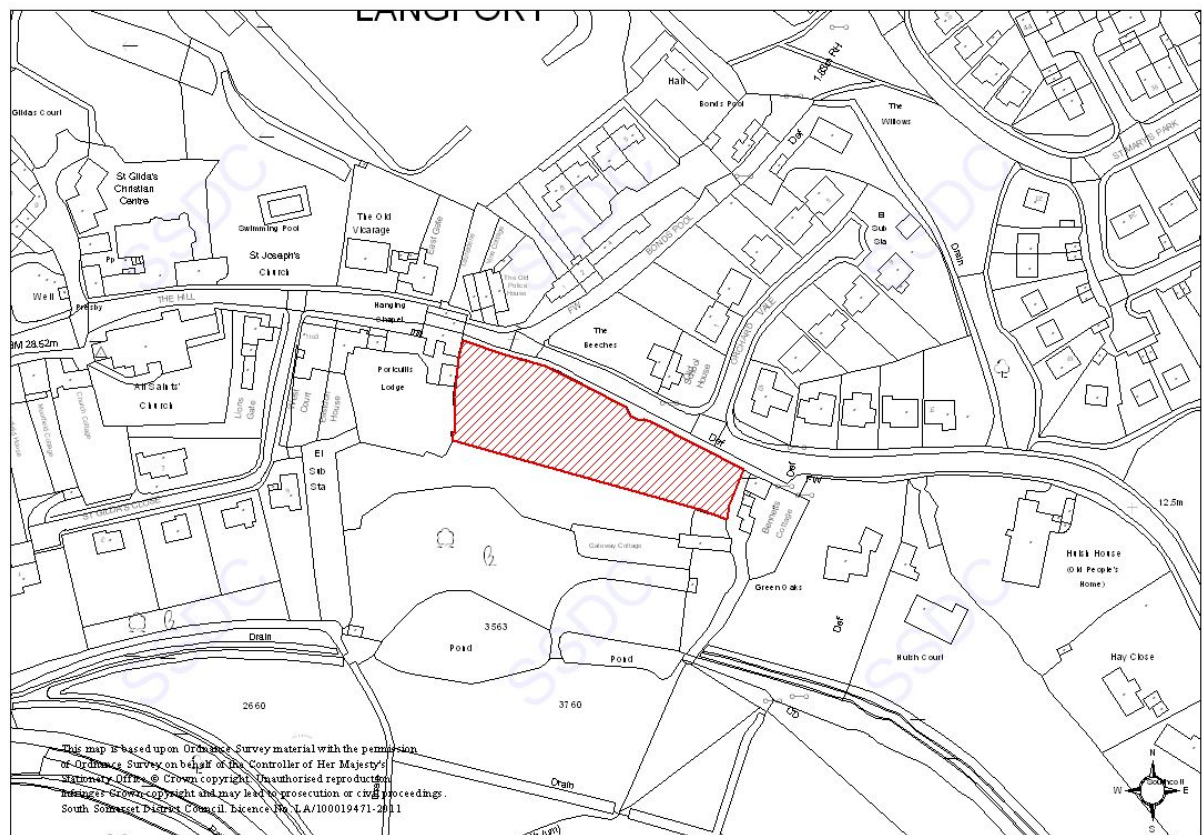
## Officer Report On Planning Application: 11/03879/FUL

<b>Proposal:</b>	Alteration of portion of wall to form access for maintenance to walled garden (GR 342347/126718)
<b>Site Address:</b>	The Gateway, The Hill, Langport
<b>Parish:</b>	Langport
<b>LANGPORT AND HUISH Ward (SSDC Member)</b>	Mr Roy Mills (Cllr)
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date:</b>	25th November 2011
<b>Applicant:</b>	Mr Christopher Chapman
<b>Agent: (no agent if blank)</b>	Mr James Paul, db + Paul 27 & 29 St Cuthbert Street, Wells, Somerset BA5 2AW
<b>Application Type:</b>	Other Householder - not a Change of Use

### REASON FOR REFERRAL TO COMMITTEE

The application is referred directly to the committee, as the officer recommendation is contrary to an objection by the County Highway Authority on highway safety grounds. The town council have also raised an objection.

### SITE DESCRIPTION AND PROPOSAL



The proposal seeks permission for the alteration of a portion of a boundary wall to form a maintenance access to a walled garden. The property is a two-storey detached house with a natural stone walled garden in the grounds. The house is a Grade II listed building and is located close to a variety of residential buildings including other listed buildings. The new access will be 1.5 metres wide, with timber gates and a timber lintel. The property is within a development area and a conservation area as defined by the local plan.

## RELEVANT HISTORY

11/03983/LBC - Alteration of wall to form access for maintenance to walled garden - Pending consideration

11/02910/FUL - Alteration of portion of wall to form access for maintenance to existing walled garden - withdrawn 22/09/11

11/02911/LBC - Alteration of portion of wall to form access for maintenance to existing walled garden - withdrawn 22/09/11

09/04281/LBC - Alterations to wall to form new vehicular access and parking - refused 01/09/2010

09/04096/FUL - Alterations to wall to form new vehicular access and parking - refused 01/09/2010

## 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.

PPS 5 - Planning and the Historic Environment

Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan  
STR1 - Sustainable Development  
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006)

ST6 - Quality of Development  
ST5 - Principle of Development  
EH1 - Conservation Areas  
EH3 - Alterations to Listed Buildings  
EH5 - Setting of Listed Buildings

## CONSULTATIONS

**SSDC Technical Services** - No comment

**Langport Town Council** - Recommend refusal on the grounds that there is no

justification for the creation of a new gateway into the listed perimeter wall for use on an occasional basis. It is the Town Council's view that the necessary work in the Kitchen Garden can be carried out either via the double gateway in the main grounds of the property or by widening the existing pedestrian access on The Hill to a maximum of 1.5metres.

**SSDC Conservation Officer** - No objections subject to the impositions of conditions to control the making good of the wall, the details of the door, and details of the reveal.

**SCC Highways** - Maintains previous objection on the grounds that the proposal would have an adverse impact on highway safety as it would be possible for vehicles to use the access and the necessary visibility splays have not been provided.

*"If the LPA are minded to grant consent despite the Highway Authority's concerns regarding any type of vehicular traffic, i.e. quad bike sized tractor, using the access without the access meeting the appropriate standard for vehicular traffic, I would seek that appropriate conditions are imposed to ensure it is properly consolidated/surfaced and drained, as to avoid any material or water being discharged onto the adjoining footway/highway."*

## REPRESENTATIONS

None received

## CONSIDERATIONS

### History

Planning permission and listed building consent were sought for an access at this point in 2009. The applications involved the provision of a more heavily engineered access including visibility splays, and set back electrically operated gates. The applications were refused on the grounds that an access formed in the manner proposed would have a significant adverse impact upon the listed wall that forms part of the setting of a listed building.

Revised applications were submitted earlier this year for 1.8m wide access in an attempt to address these concerns with a simple gated hole in the wall. However these were withdrawn, after concerns were raised about the width of the access. The current proposal reduces the access to 1.5m.

### Conservation

The house is a Grade II listed building and as such requires a concurrent listed building consent, which is currently pending consideration. Whilst the Town Council has objected on the basis of a lack of a justification it is not considered unreasonable for a property of this nature to have a rear access to its garden.

The proposed opening is very simple in design and the conservation officer has not objected subject to the imposition of conditions to ensure to safeguard the wall, the character of the surrounding conservation area and setting of the nearby listed buildings.

On this basis the comments of the town council are not considered sustainable.

### **Residential Amenity**

The proposal is not considered to have any impact on the residential amenity of the occupiers of neighbouring properties.

### **Highways Safety**

The highway authority have objected to the proposal on the grounds that the proposal would have an adverse impact on highway safety as it would be possible for vehicles to use the access and the necessary visibility splays have not been provided. However the applicants have made it clear that the proposed access would only be for occasional use to allow a quad bike sized tractor or small trailer to enter the garden for maintenance purposes. The width of the proposed access would preclude its use by even very small cars such as a Smart Car or a Fiat 500.

It is considered unlikely that the applicants would use it on more than an occasional basis. As such any impact on highway safety is likely to be negligible and the concerns of the highways officer are considered unfounded in this instance.

The conditions suggested by the highways officer are not considered reasonable as the garden slopes away from the wall thus preventing any discharge of surface water onto the highway, and the very occasional use of the access by vehicles is considered unlikely to drag a significant quantity of loose material onto the highway.

### **Conclusion**

Therefore, the proposal for alterations to the existing wall to form an access into the walled garden is not considered to cause demonstrable harm to the residential amenity of adjoining occupiers, highway safety, the special architectural and historic qualities of the listed wall, the character of the conservation area or setting of nearby listed buildings. As such the proposal complies with policies ST6, ST5, EH1, EH3 and EH5 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

As such the proposal is recommended for approval.

### **RECOMMENDATION**

Approve for the following reason

The proposal, by reason of its size, siting, materials and design, respects the character of the conservation area, is considered to respect the historic and architectural interests of the listed building, and causes no demonstrable harm to residential amenity or highway safety in accordance with Policies EH1, EH3, EH5, ST5 and ST6 of the South Somerset Local Plan 2006 and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

### **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: 4746W-03B received 30 September 2011.

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

03. The gates hereby permitted shall be recessed vertically-boarded, side hung doors of timber, details of which shall be submitted to and approved in writing by the local planning authority. Subsequently, the gates shall not be changed without the prior written consent of the local planning authority.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan (Adopted April 2006).

04. No work shall be carried out on site unless details of any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan (Adopted April 2006).

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