

Area North Committee – 28 March 2012

## Officer Report on Planning Application: 11/04039/FUL

<b>Proposal :</b>	Erection of 2 no. two bedroom single storey dwellings. (GR 348484/128327 )
<b>Site Address:</b>	Building Plot Adjoining Rosenheim, Polham Lane, Somerton
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Members)</b>	Cllr Pauline Clarke Cllr David J Norris
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	29th November 2011
<b>Applicant :</b>	Messrs M and A Dimmick
<b>Agent: (no agent if blank)</b>	James Ewart Fox 55 The Park, Yeovil BA20 1DF
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Chairman to enable the comments of the Town Council and Neighbour(s) to be fully debated.

### SITE DESCRIPTION AND PROPOSAL



The application site is within development limits. The site was formerly part of the garden area of Rosenheim, a single storey dwelling set back from the road on rising ground, alongside a watercourse and public footpath. There is a mix of single and two storey dwellings in the locality predominantly constructed using reconstructed stone.

On the south side of Polham Lane there is a two-storey terrace of four dwellings with reconstructed elevations under double roman tiles. To the west across the public footpath and stream a detached stone dwelling of more recent date and infill, while to the east an extant planning permission ref: 10/03245/OUT for 14 dwellings, details of which have yet to be agreed with all matters reserved. Rosenheim is of similar character to what is proposed although of slightly larger proportions and with a larger garden area more in keeping with the adjacent properties that is accessed from Sutton Road.

The proposal seeks the erection of 2(no.) two bedroom single storey dwellings, accessed from Polham Lane. The layout shows the dwellings with `L' shaped footprints at right angle to the roadside. It is proposed to use reconstructed stone elevations under double roman roof tiles.

The application site covers an area of 621.27 square metres that provides about 310 square metres per dwelling. The properties across the road and to the west have plot sizes of about 120 square metres.

## HISTORY

- 11/00480/FUL Erection of two (no.) bedroom single storey dwellings. Withdrawn because the flood risk issues had not been resolved.  
08/00037/OUT Erection of a two storey dwelling and detached garage. Approved.

## 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 accords significant weight to the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review, and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

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

Policy STR1 - Sustainable Development

Policy STR5 Development Inside Towns, Villages and Rural Centres.

Save policies of the South Somerset Local Plan:

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EH12 AHAP

Policy HG4 Housing Densities

National Guidance  
PPS3 Housing  
PPS25 Flooding

South Somerset Sustainable Community Strategy  
Goals 7 and 8.

## CONSULTATIONS

**SOMERTON TOWN COUNCIL** - The Council unanimously recommended refusal of this application, on the grounds of over-development, parking and traffic issues both on site and nearby as well as concerns over the increased risk of flooding with the additional hard surfacing proposed.

**ENVIRONMENT AGENCY** - We withdraw our objection and confirm the proposed development falls within Flood Zone 1.

**COUNTY HIGHWAY AUTHORITY** - No objection subject to conditions; namely, consolidated surface, splays, disposal of surface water, visibility and no obstruction.

**AREA ENGINEER** - I agree with the comments of the submitted Flood Risk Assessment, which concludes that the site is not at risk of flooding. This is based on proven techniques.

**ARCHAEOLOGY** - No objections.

**COUNTY RIGHTS OF WAY** - General comments whether encroachment of public right of way is involved.

**ENVIRONMENTAL PROTECTION** - No observations.

## REPRESENTATIONS

Two objection letters received:

- Over-development
- Loss of privacy and over-looking
- Parking problems and congestion
- Road safety
- Site levels and overlooking from windows

## CONSIDERATIONS

There is no objection in principle given the site's location within development limits. The site was formerly a garden area although now separated and sold on from Rosenheim. PPS3 Housing was amended in 2010 removing gardens from the definition of previously developed land. It did not create a presumption against development. Instead, each proposal should be assessed on its merits. Accordingly the main considerations concern: density, character and appearance, neighbour amenity, highway safety and flood risk.

### Density

National policy and guidance, seeks efficient use of land in a sustainable location. While the revisions to PPS3 did change the status of garden land, they did not preclude such

areas from development provided they were well designed and reflective of the character of the area.

The prevailing pattern of density is considered to accord with what is identified in the Polham Lane area compared to properties accessed from Sutton Road, whose character has a lower density. The application site is located midway between the two locations and accessed from Polham Lane with the presence of the public footpath and stream that passes to the west of the site that acts to reinforce the site's locality.

### **Character and appearance**

The proposed dwellings have frontages at right angles to Polham lane presenting a flank elevation that is considered acceptable given the relationship to the nearby public path that cuts through to Sutton Road. As single storey dwellings they impinge less on the street scene and as currently viewed there is no established street frontage along this section (north side) of Polham Lane heading towards Somerton centre. The extant permission for the adjacent site is for Outline with all matters reserved.

### **Neighbour Amenity**

A 1.8metre high boundary fence separates the development from Rosenheim. The land level slopes from east to west and flattens out towards the access drive. Rosenheim has a large living room window 9metres from plot one. There are two openings that serve a bathroom and box room - a possible third bedroom. Notwithstanding the lie of the land the boundary fence acts to limit views between properties.

### **Highway Safety**

Off road parking is provided for up to two vehicles per unit. The proposal is for 2(no.) two bedroom dwellings, although it is noted that one property has the potential to be three bedrooms. Four parking spaces is considered acceptable. The Highways officer considers that the boundary fencing with Rosenheim's drive should be taken down to aid parking and turning within the application site. However, the neighbour considers this an intrusion of their privacy and it would be equally possible for the neighbour to re-erect fencing in any case. Having put this to the Highways Authority they accept the situation and would not seek refusal on the basis that the fencing remained.

### **Flood Risk**

Following further research the applicant has provided sufficient evidence that allows the Environment Agency to withdraw their earlier objection and confirm the application site is now part of Flood Zone 1 and no further action is required.

### **Town Council Comments**

Close attention is given to local character and possible over-development. Over-development is considered in terms of policy HG4 and local character. Overdevelopment is difficult to ascribe the development given the site's context that readily relates to the character of Polham Lane.

Two parking spaces for each property are provided and accords with policy standards, while on-road parking management is not central to the application, likewise flooding concerns are covered by condition 7 that deals with surface water.

## **RECOMMENDATION**

GRANT CONDITIONAL PERMISSION

The proposal, by reason of its size, design, materials and location, represents an appropriate infill which is carefully designed to respect the character of the area, causes no demonstrable harm to residential amenity and does not foster growth in the need to travel in accordance with the aims and objectives of policies ST2, ST5 and ST6 of the South Somerset Local 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: Block and Location Plans, and 01A received 4 October 2011.

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

03. No development shall commence, before details of the proposed finished ground floor level of the dwellings hereby permitted, in relation to the natural and finished ground levels of the site, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with any details as may be agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain adequate control over proposed floor levels, in the interests of neighbour amenity, further to policy ST6 of the South Somerset Local Plan.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the north elevation of plot 1, or other external alteration made without the prior express grant of planning permission.

Reason: In the interests of neighbour amenity further to policy ST6 of the South Somerset Local Plan.

05. Before the new dwellings are occupied, the modified access to serve the existing and proposed dwellings over the first 4.5m of its length as measured from the edge of the adjoining carriageway 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 LPA.

Reason: In the interests of highway safety, further to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

06. The area allocated for access/ parking/ turning shall be kept clear of obstruction at all times and shall not be used other than for access, parking and turning of vehicles in connection with the development hereby permitted and the existing dwelling, Rosenheim.

Reason: In the interests of highway safety, further to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

07. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed in writing shall be undertaken as part of the approved development.

Reason: In the interests of highway safety, further to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

08. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage (including land edged blue). Such visibility splays shall be duly provided before the access hereby permitted is first brought into use and thereafter be maintained at all times.

Reason: In the interests of highway safety, further to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

09. Prior to the development hereby approved being first brought into use the bathroom window in the north elevation of plot 1 shall be fitted with obscure glass and not openable above 1.7m above finished floor level and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of neighbour amenity further to policy ST6 of the South Somerset Local Plan.

10. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity further to policy ST6 of the South Somerset Local Plan.

**Informatives:**

01. Having regard to the powers of the Highway Authority under the Highway Act 1980 the applicant is advised that a section 184 Permit must be obtained from the Highway Service Manager at least four weeks before access works are intended to commence.
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