

Area North Committee – 28 November 2012

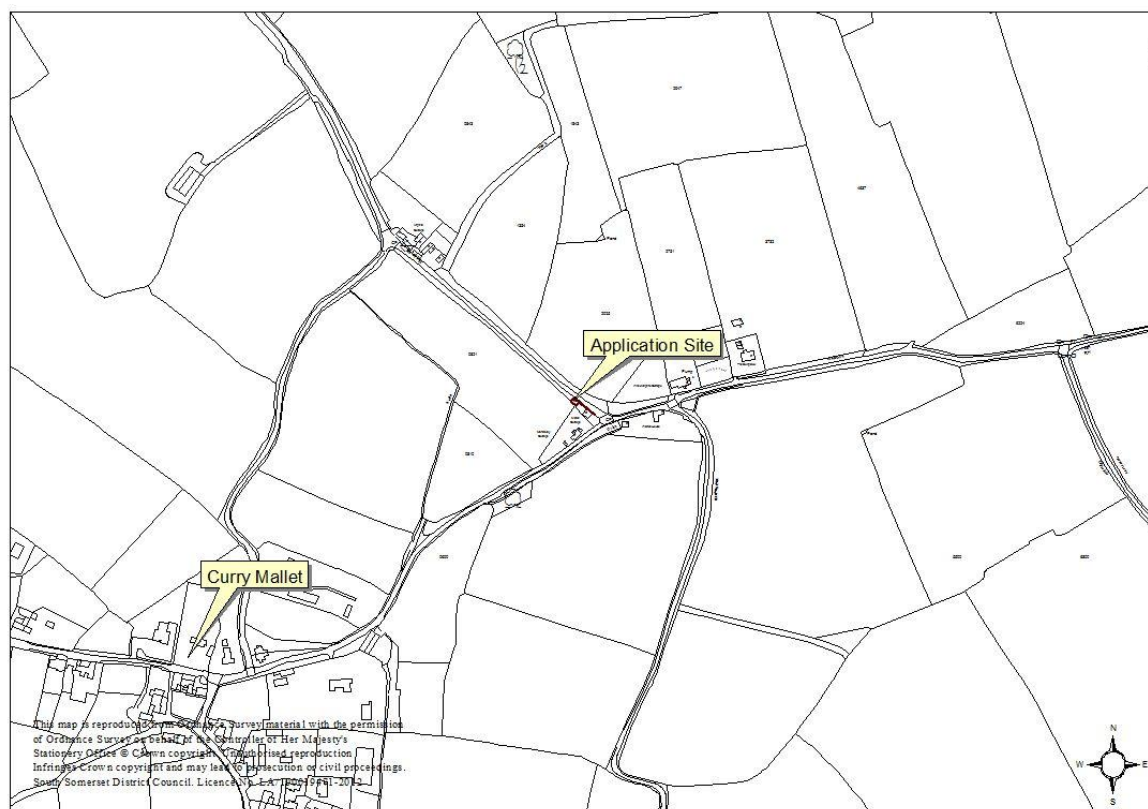
Officer Report on Planning Application: 12/03395/FUL

Proposal :	Erection of a boundary wall together with a detached garage (GR:333194/122153)
Site Address:	March Cottage, Marshway, Curry Mallet
Parish:	Curry Mallet
ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	31st October 2012
Applicant :	Mr Niel Dove
Agent: (no agent if blank)	Mr Paul Day, Honeysuckle Cottage, Church Street, Kingsbury Episcopi, Martock, Somerset TA12 6AU
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

The application is referred to committee as the recommendation for approval is contrary to an objection from the Highway Authority on highway safety grounds.

SITE DESCRIPTION AND PROPOSAL



The proposal seeks permission for the erection of a boundary wall together with a detached garage. The property is a two-storey detached house finished in render, with a thatched roof and painted timber window frames. The house is a Grade II listed building and located close to a variety of residential buildings and open countryside. The property is not within a development area as defined by the local plan. The proposed garage will be finished in natural stone and render under a slate roof. The proposed boundary wall will be constructed of natural stone. The proposal involves the formation of a new vehicular access from an unclassified road.

HISTORY

12/03396/LBC - Erection of a boundary wall together with a detached garage - Pending consideration – application withdrawn 29/10/2012.

12/01552/FUL - Demolition and rebuild of two single storey extensions and internal alterations to include relocation of staircase - Application permitted with conditions 31/08/2012

12/01553/LBC - Demolition and rebuild of two single storey extensions and internal alterations to include relocation of staircase - Application permitted with conditions 31/08/2012

11/04411/LBC - General internal and external repairs and alterations to property to include the installation or replacement windows - Application permitted with conditions 08/12/2011

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 considers that the relevant development plan comprises 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:

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

Policy STR1 - Sustainable 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 EH5 - Setting of Listed Buildings

The National Planning Policy Framework

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy
 Goal 3 - Healthy Environments
 Goal 4 - Services and Facilities
 Goal 8 - High Quality Homes

CONSULTATIONS

SSDC Conservation Officer - No objections subject to detail as normal, please ensure you include wall coping and joinery details. I note that no gate is shown in the opening in the wall. Is this intentional?

SSDC Technical Services - No comment

County Highways - The highway authority have three main concerns.

Firstly the proposed garage and wall are sited on highway land. The requisite notice has not been served on the highway authority, and even if the LPA grant approval, the applicant would need to proceed with a formal 'stopping up' of the highway before he could commence works.

Secondly the requisite parking levels are not being provided in accordance with the Somerset Parking Strategy.

Thirdly the garage (and thereby the access) are not positioned perpendicular to the highway and therefore not ideal for entering or exiting the highway and providing essential visibility splays. The angle at which vehicles will be entering and exiting the garage, together with the siting of the garage and wall within the highway limits will restrict visibility for vehicles emerging to see oncoming traffic. The garage will not be sited the required six metres from the highway to allow a vehicle to park in front of the garage without overhanging the adjoining public highway. The doors of the garage open over the highway, which is unacceptable.

"Taking the above into consideration there I have not alternative but to recommend refusal of the application for the following reason:

1. *On the information currently available, the Local Planning Authority is not convinced that an appropriate and safe means of access, that incorporates sufficient visibility splays, can be achieved. The proposal therefore does not meet the requirements of Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000); The Somerset County Council Parking Strategy and ST5 of the South Somerset Local Plan."*

Parish Council - Fully supportive but note that whilst they acknowledge the need for process and regulation to be respected "...it remains a concern that this most welcome of initiatives, enabling a derelict and uninhabitable shell of a building to become fully-functional as a domestic dwelling, is being subjected to such delays. The Council asks therefore that a pragmatic approach be accorded to the outstanding Planning and Highways' issues, such that completion of the building works can be expedited and this cottage re-instated as usable housing stock for the village."

REPRESENTATIONS

None received

CONSIDERATIONS

History

A similar wall and garage originally formed a part of a recently approved scheme at the property. However they were withdrawn from the scheme prior to approval on the advice of the case officer due to objections from the highway authority.

Conservation

As the property is a listed building the conservation officer was consulted as to the potential impact of the proposed boundary wall and detached garage on the setting of the building. He has no objections to the scheme subject to suitable detailing.

The proposed alterations are considered to be of an appropriate design and detailing that would have an appropriate relationship with the main dwelling in terms of scale and design. On this basis it is not considered that it would harm the character or setting of the listed property or have a detrimental impact on the visual amenity of the area.

Residential Amenity

It is not considered that the proposed alterations will have any significant impact on the amenity of neighbouring occupiers.

Highways

The highway authority has raised an objection to the scheme for a variety of reasons.

Firstly they are concerned that the proposed wall and a portion of the proposed garage project onto land that constitutes a part of the public highway. However, whilst this is an understandable concern of the highway authority it is not strictly a planning matter. The current scheme could be approved by the Local Planning Authority, but not necessarily constructed until all the relevant permissions are in place, including any required stopping up orders for highway land.

The second concern of the highway authority relates to the provision of parking. The current scheme provides for a single off-street parking space, rather than the 2.5 - 3 spaces required according to the Somerset Parking Strategy. However, historically the property has not benefitted from any off-street parking, so the provision of a single space is considered to be an improvement.

The third concern of the highway authority is that an appropriate and safe means of access to the highway cannot be achieved. Their main concerns being that the siting of the garage parallel to the highway and slightly overhanging highway land means that the necessary visibility splays cannot be achieved, and vehicles would not be able to park safely off the highway when opening and closing the garage doors. The garage doors would also open out onto highway land, which would further exacerbate the problems and is not considered to be acceptable. However, the highway in question is an unclassified road so an access could be formed in this location without any need for planning permission. It is also noted that there is ample space to pull of the metalled highway onto highway verge/field access whilst garage doors are being opened. Furthermore the proposed access is close to the junction where vehicle speeds are likely to be slow, and the parish council, with good local knowledge of the highway, are fully supportive of the scheme. So whilst there are clearly highway issues, given the above and the highly constrained nature of the site, it is not considered that the impact on

highway safety would be significant enough to warrant refusal of the scheme.

Conclusion

The proposed garage and boundary wall are considered to respect the character of the area and cause no demonstrable harm to the setting of the listed building, residential amenity, or highway safety in accordance with policies ST5, EH5 and ST6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

RECOMMENDATION

Permission be granted for the following reason:

The proposed garage and boundary wall, by reason of size, design and materials are considered to respect the character of the area and cause no demonstrable harm to the setting of the listed building, residential amenity, or highway safety in accordance with policies ST5, EH5 and ST6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

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: 6233-21 received 05 September 2012

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

03. No work shall be carried out on site unless full details of the stonework walls, including the materials, coursing, bonding and coping; mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing and supported with a sample panel to be provided at a time to be agreed in writing. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

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 the external render to be used have been provided to and approved in writing by the Local Planning Authority. Details shall include the finish, materials and colour of the render, and shall be supported by a sample panel, which shall remain available on site for the duration of the works.

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

05. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings 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).

06. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

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

07. No work shall be carried out on site unless design details of all roof eaves, verges and abutments and all new cast metal guttering, down pipes, other rainwater goods, and external plumbing shall be submitted to and approved in writing by the Local Planning Authority. Such 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).

Informatives:

01. It should be noted that this permission does not give the Applicant all the necessary consents to construct any part of the proposal on the adjoining public highway and this will need to be dealt with/addressed through the Stopping Up procedure prior to any works commencing on site.
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