

Area North Committee – 28 November 2012

## Officer Report On Planning Application: 12/03608/FUL

<b>Proposal :</b>	Installation of a sliding 5 bar gate (Revised Application) (GR:348309/128649)
<b>Site Address:</b>	Ashleigh Villa, Langport Road, Somerton
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Members)</b>	Cllr Pauline Clarke & Cllr David Norris
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	20th November 2012
<b>Applicant :</b>	Mr A Wheller
<b>Agent: (no agent if blank)</b>	Mr Roger Davis, 79 Bell Chase, Yeovil BA20 2FF
<b>Application Type :</b>	Other Householder - not a Change of Use

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to the 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 partially retrospective permission for the installation of a timber and steel framed electric sliding gate. The property is a two storey semi-detached house, constructed of natural stone, with clay roof tiles and white UPVC window frames. The house is located close to various residential properties and opposite a Roman Catholic Church. The house is located within a development area, as defined by the local plan.

## HISTORY

12/01476/FUL - Installation of a timber and steel framed electric sliding gate (retrospective) - Application refused 25/06/2012.

11/02025/FUL - Formation of vehicular access and hardstanding - Application permitted with conditions 30/09/2011.

## 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.

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)  
ST5 - Principles of Development  
ST6 - Quality of Development  
EH5 - Setting of Listed Buildings

National Planning Policy Framework  
Chapter 7 - Requiring Good Design

## CONSULTATIONS

**Parish Council** - Recommend refusal on grounds of the impact on visibility/highway safety for both the application property and the adjoining houses.

**SSDC Technical Services** - No comment

**SCC Highways** - Previous comments equally apply:

*"As the Planning Officer will be fully aware, this site was the subject of a previous planning application, (11/02025/FUL), for the creation of the vehicular access and whereby the Highway Authority recommended refusal for, four reasons. However, Area North Planning Committee subsequently granted consent, contrary to the Planning Officers recommendation/report.*

*The Applicant has now erected a (electric sliding) entrance gate that measures 1.85m in height and it has been stated in the Design and Access Statement that the reason for its*

erection is that the property has no other amenity space, apart from the area to the front of the house, and with a solid gate it will offer a degree of privacy and improve security.

This would seek somewhat contradictory as the Applicant opted to change the use of an area of residential curtilage (garden) to an off road parking area. It is therefore not clear since the last application, why a vehicle (parked in this area) would require privacy and security. This being the case perhaps a garage would have been more appropriate.

In any event, the gate will totally obstruct both pedestrian and vehicular visibility for vehicles emerging (to the east) from the access onto the adjoining public highway, in addition it is also likely that the vehicles will be reversing onto the highway as there is no turning area available within the site.

Whilst the gate maybe remotely operated, vehicles will still have to wait on the adjoining public highway, whilst it opens up, and vehicles waiting on the highway will effectively cause a hazard/obstruction to other road users. The arrangement that was granted consent, meant that vehicles could drive straight in, off of the highway.

The Highway Authority would seek that gates fronting a classified highway (in this particular case a well utilised County Route), are set back a minimum distance of 5m from the carriageway edge to enable vehicles to pull clear of the highway whilst the gates are opened or are opening (in the event of a remote device is being used).

Clearly this site is not of an appropriate size (which was clearly pointed out by in the previous consultation response), to have the gates set back as this would impact upon the parking area.

Given that a substandard access/parking area was previously approved, I would seek that this substandard arrangement is not exacerbated, by allowing these gates to remain. Therefore taking the above points into consideration I would recommend refusal of the application for the following reasons:

1. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) since the erection of the gates will obstruct visibility for vehicles emerging to see approaching vehicular and pedestrian traffic, in addition to vehicles having to wait on the adjoining public highway, both of which are considered to be detrimental to highway safety.

In the event that the application is refused the Highway Authority would support enforcement action for the total removal of the gates in this location."

## REPRESENTATIONS

One letter of objection received from a representative of the neighbouring occupier. The objection is on the grounds that the proposed gate is set further forwards than the objector's gate and as such will have an adverse impact on their visibility when emerging from their driveway.

## CONSIDERATIONS

### History

The current application represents a resubmission of a recently refused scheme, with a

change in design. The proposed gates will be located in the same position and using the same mechanism as the refused scheme, but will consist of 5 bar wooden gates approximately 1.2 metres above ground level at their highest point rather than solid gates 1.8 metres above ground level. The previous scheme was refused for two reasons:

01) The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) since the erection of the gates will obstruct visibility for vehicles emerging to see approaching vehicular and pedestrian traffic, in addition to vehicles having to wait on the adjoining public highway, both of which are considered to be detrimental to highway safety.

02) The proposed gate by reason of its height and solid construction is not considered to satisfactorily respect the character of the area contrary to policies ST5 and ST6 of the South Somerset Local Plan.

### **Residential Amenity**

The proposed gate is unlikely to have any significant impact on the residential amenity of adjoining occupiers.

### **Visual Amenity**

The immediate area surrounding the property is characterised by low walls and 'field-gate' type gates, given an open feel to the area. The proposed five bar gate is therefore considered to satisfactorily respect the character of the area and to address the second reason for refusal on the previous scheme.

Therefore the proposed gate is considered to satisfactorily reflect the character of the surrounding area in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

### **Highways**

As with the previous scheme the county highway authority was consulted as to the potential impact of the proposal on highway safety. They have maintained their two concerns with the proposal and recommend refusal. Firstly, they are concerned that the proposed gate will cause an obstruction to visibility for those using the existing access to the detriment of the highway safety of all users of the highway in this location. Their second concern is that the proposed gate is not sufficiently set back from the highway edge to allow a car to pull off the road while waiting for the gate to open. As such, an obstruction will be caused to other highway users.

However the currently proposed gate has been significantly reduced in height, and is no longer of solid construction. It is therefore considered that the impact on visibility will be significantly reduced. Furthermore the currently proposed gate is 1.2 metres high, only 20cm higher than a gate that could be erected in the same position under the permitted development rights of the property. It is not considered that the extra 20cm in height will cause enough of an adverse impact on visibility to warrant refusal of the scheme. The fact that a similar gate could be constructed in the same position under the permitted development rights of the property is also pertinent to the second concern raised by the highway authority, as the impact on cars potentially obstructing the highway would be exactly the same.

The occupier of a neighbouring property has raised a specific concern regarding the positioning of the proposed gate forwards of the line of the objector's gate therefore

obstructing their visibility. However, whilst there will be some obstruction, it should be noted that the applicant is entitled to extend the existing boundary wall between the two properties to the boundary of his property with the highway without a planning application. As such, it is not considered that the impact on the visibility of the neighbouring property is enough to warrant refusal of the scheme.

The first reason for refusal on the previous scheme is therefore considered to be addressed.

### **Conclusion**

It is considered that the previous reasons for refusal have been addressed and the proposed gate would not have an adverse impact on the character of the area or a significant adverse impact on highway safety. As such, the application is considered to be acceptable and should be recommended for approval.

### **RECOMMENDATION**

Approve for the following reasons:

The proposed gate, by reason of size, design and materials is considered to respect the character of the area and cause no demonstrable harm to residential amenity, or highway safety in accordance with policies ST 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: ASH/12/01, ASH/12/02, ASH/12/03 and ASH/12/04 received 18 September 2012.

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

03. The materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policy ST6 of the South Somerset Local Plan (Adopted April 2006) and Policy STR1 of the Somerset and Exmoor National park Joint Structure Plan.