

Area North Committee – 29 January 2014

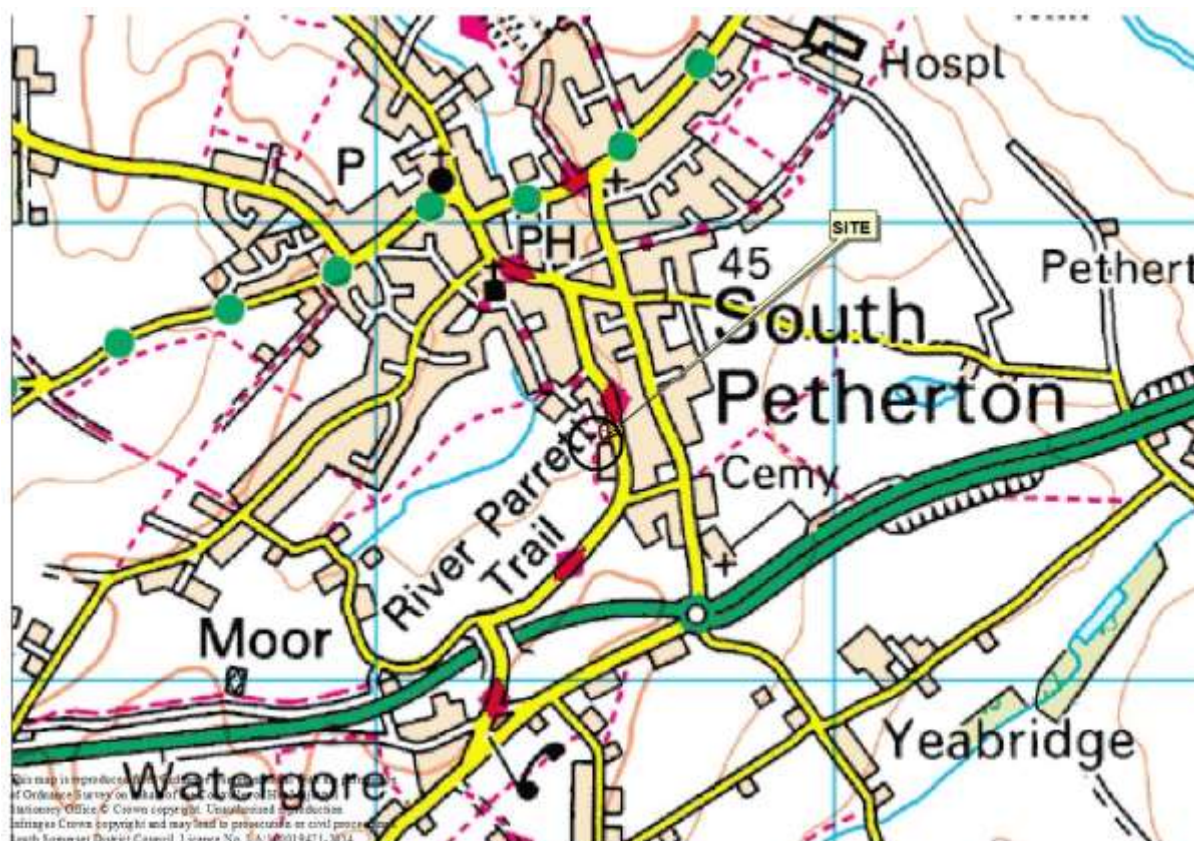
## Officer Report On Planning Application: 13/03881/FUL

<b>Proposal :</b>	Erection of detached dwelling and garage, alterations to existing access (GR 343510/116543)
<b>Site Address:</b>	Land Between 30 And 34 South Street, South Petherton.
<b>Parish:</b>	South Petherton
<b>SOUTH PETHERTON Ward (SSDC Members)</b>	Cllr Paul Thompson Cllr Barry Walker
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	22nd November 2013
<b>Applicant :</b>	Mr & Mrs M & W Turner
<b>Agent: (no agent if blank)</b>	Alan Young, The Lodge, Penn Hill, Yeovil BA20 1SF
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee at the request of the Ward Members, with the agreement of the Area Chair to allow the impact on the character and setting of the conservation area and adjoining listed building to be fully debated.

### SITE DESCRIPTION AND PROPOSAL





The site is located on the west side of South Street and is within both the South Petherton defined development area and conservation area. The site itself is a square grassed plot with a 1.5m natural stone wall forming the roadside boundary, residential development to the north, south and east and open countryside to the west. A public footpath runs alongside the west side boundary. The site is a remnant of a former orchard that was developed in the 1960s. As such, it is the only undeveloped land between the first village dwelling to the south and the village centre. It is currently maintained as a semi-private open space with several attractive mature trees.

There is a grade II listed house, South Farmhouse (27 South Street), immediately opposite the application site. The gable end of this listed property fronts directly onto South Street and sits centrally with the application site.

The general pattern of development comprises a linear form of development running southwards out of the more densely developed centre of the village. There is a mix of dwellings from older natural stone houses (generally on the east side of South Street) and more modern reconstituted stone dwellings (generally on the west side). Houses on the east side of the road are a mix of terraces, detached and semi-detached properties and are mostly set close to the road. Those on the west side are predominantly detached properties, set back from the road.

The proposal is made to erect a 4 bedroom, detached 'chalet bungalow' (i.e. with rooms in the roof space) and garage. The road side wall would be lowered to 900mm and the vehicular access would be enlarged. The proposal has been amended to address the concerns of the tree officer in relation to the relationship of the access and a Mulberry tree which is to be retained next to the access. To the rear the existing hawthorn hedge to the western boundary would be retained along with a walnut and a redwood. All other trees would be removed.

## HISTORY

62270: (Outline) Development of land for residential purposes and the formation of vehicular access - Conditionally approved 1st May 1962.

Various detailed consents for the development of land to the north for the provision of housing, in relation to outline consent 62270.

## 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 South Somerset Local Plan where these accord with the National Planning Policy Framework.

### **South Somerset Local Plan 2006:**

ST1 – Rural Centres

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EH5 - Development Proposals Affecting the Setting of Listed Buildings

EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Interest

### **National Planning Policy Framework (March 2012):**

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

### **Other Considerations**

Somerset County Council Parking Strategy (March 2012)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

South Somerset Sustainable Community Strategy (2008-2026):

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

## CONSULTATIONS

**Parish Council:** Recommend approval.

**County Highway Authority:** no objection subject to compliance with the county's parking standards (3 spaces would be required for a 4 bedroom house) and conditions to ensure the access is properly constructed, with suitable visibility splays (43m in each direction with nothing above 900mm within the splays)

**County Archaeology:** No objection on archaeological grounds.

**SSDC Landscape Architect:** raises a concern about the possible loss of a traditional feature that helps to define a distinct sense of place. In this instance it is noted that: \_

*“ this site context is within the village' Conservation Area, with a listed building - South Farmhouse - opposite the site. I consider there to be a potential adverse impact of development form and site access arrangements upon local character here, as expressed by the orchard-like arrangement of individual tree planting above grassland; the listed building's setting - primarily its relatively open westward prospect; and the street's walled enclosure. I view this small planted area as a distinctive element of the village, originating as orchard, and it appears to be the last remaining small open plot in this section of the street, not only contributing as such to local character, but enabling views out to the open farmland beyond the village edge from South Street. The immediate context is also relatively unspoilt, to add to the charm of this stretch of the conservation area, and to provide a sympathetic setting for the open plot, just as the plot provides a sympathetic setting for the listed building opposite. Consequently I view the proposal as potentially being at variance with local character, LP policy ST5 para 4, and suggest there are grounds to resist it.”*

**SSDC Tree Officer:** no objection to the loss of trees subject to appropriate protection measures being agreed in relation to the retained trees. Initially raised concerns about the impact of the proposed access on the retained mulberry tree. A revised arboricultural method statement and tree protection plan have been provided which are broadly acceptable subject to a number of suggested minor changes.

**SSDC Conservation Officer:** notes that this area is a residual area of open land that gives the listed building some room to breathe and that the height of the boundary wall, with views through to the countryside beyond, defines the character of the conservation area at this point. There are views of the listed building from the public footpath, although setting and appreciation of a heritage asset are not strictly defined by public views. It is advised that:-

*“The walls in this part of the conservation run generally at 1.5m height on this side of the road, and the alterations to the front wall by the removal of some 600mm, and the formalisation and increase in size of the access are also detrimental to the character of the conservation area.*

*“In my view to develop this land would be harmful to the street scene, conservation area and setting of the listed building by the reduction of the height of the wall, new access and loss of the open space and views across the site of the listed building.”*

## REPRESENTATIONS

4 local residents have commented, 3 in support and 1 objecting. The supporters consider that only one dwelling is proposed with an acceptable design that is sympathetic to the local character only one dwelling is proposed. Concern is raised about what will happen to the land if left undeveloped. While it has been well maintained in the recent times, there is uncertainty as to whether this will continue.

The objector refers to the contribution the undeveloped site makes to the pleasantness of the street and the presence of rare specimen trees that need protecting. It is considered that building on this plot would be developing for development sake.

## CONSIDERATIONS

### Principle of Development

The proposal is made for the erection of a detached dwelling and garage, with associated works to improve access and lower the roadside boundary wall. The site is within the defined development area and as such a proposal is considered acceptable in principle subject to being in accordance with other Development Plan policies and proposals. The site is however also within the conservation area and immediately opposite a grade II listed house. As such, particular care must be taken to protect the character and local distinctiveness of the area. The main considerations are the impact on the character and appearance of the locality, including the setting of the conservation area and adjacent listed building, residential amenity of the occupiers of adjoining properties, the impact on highway safety and trees within the development site.

### Design and Historic Context

At first glance, the site appears to be an ideal development plot. It is similarly proportioned to neighbouring plots and offers the opportunity to provide a dwelling that would fit in well with those in the area. The plot is the only open space and undeveloped site of this size in the street, which in itself is the reason concerns have been raised by officers. The applicant carried out pre-application discussions with the Local Planning Authority prior to submitting the application and as a result of these, concerns were raised about the loss of an important open space in the conservation area, impact on the setting of the opposite listed building and also impact on the appearance of the street scene with the alterations to the roadside boundary wall.

Saved policy EH1 of the South Somerset Local Plan states that all development in a conservation area or outside the area, which would affect the settings or views in or out of the area, will be required to preserve or enhance the character or appearance of the area. Saved policy EH5 states that planning permission will not be permitted for development that would have an adverse effect on the setting of a listed building or its contribution to the local scene. Guidance within the National Planning Policy Framework (NPPF) also requires 'great weight' to be given to heritage assets conservation, with any harm or loss requiring clear and convincing justification from the applicant. Furthermore, saved Local Plan policy ST6 requires the proposal, in terms of density, form, scale, mass, height and proportions, should respect and relate to the character of its surroundings. Additionally, it should not result in the unavoidable loss of open spaces (including gaps and frontages) with visual or environmental value.

In general design terms, the dwelling is well considered and fits comfortably within the plot. It is a 1½ -storey property, to be constructed of natural stone, which is considered appropriate for the area and would maintain a high quality finish. The issues raised do not relate to the principle of development in general policy terms or to the appearance of the dwelling itself but to the impact on the character of the area and local heritage assets as a result of developing this site.

The site is within the South Petherton conservation area and when considering new development in conservation areas, it is just as important to consider the spaces between buildings as well as the buildings themselves. Saved Local Plan policies relating to both general design and conservation matters repeat the importance that open spaces can have in contributing to the character and distinctiveness of an area. In this case, there are no other similar open spaces of such quality. It is considered to provide an important break in the built form along South Street offering relief within the

general street scene. Its development is considered to have a significantly detrimental impact on the character and appearance of the conservation area.

Not only is the retention of this open space considered important in the preservation of the character and appearance of the conservation area, it is also considered to contribute to the setting and appearance of the listed building, South Farmhouse, which sits directly opposite, in a central location in conjunction with the application site. The positioning of this listed building directly onto the public highway also brings it in close proximity to the site. This relationship means that the listed building is framed by the open space opposite and offers a sympathetic setting and room for it to breathe, which would be lost by the development of this land. As a result, this is considered to significantly impact on its setting and reduce its contribution to the local scene. It is also noted that the openness of the site also allows views of the listed building and the conservation area, from the public footpath in open countryside to the west, which would also be lost.

When looking along the street, the character of the area is also defined by the presence of the natural stone roadside walls. There is a general uniformity of height with some high boundary walls on the east side of the road and lower walls fronting directly onto the carriageway to the west. The roadside boundary wall of the site is 1.5m in height and the heights of walls either side are approximately 1.25m, with other walls being similarly sized. The site frontage is punctuated by a very simple agricultural style five bar gate. In order to make the development acceptable in highway safety terms, the wall to the front of the site will need to be lowered to 900mm in height and the access widened to a minimum of 3m with rounded visibility splays formed. These works are considered to be unacceptable as they will inappropriately alter the appearance of this prominent roadside frontage to the detriment of the local street scene and the setting of the conservation area.

The Council's Conservation Officer and Landscape Architect have both commented on the proposal and raised objections on the basis of the loss of this visually important open space and the impact that this and the alterations to the roadside boundary will have on the character and setting of the area in general and more specifically on the conservation area and adjacent listed building.

### **Highway Safety**

The County Highway Authority has commented, advising that the application would usually fall under their Standing Advice. In this case however, further comment has been made in respect to the requirements for development of this type. In considering highway safety, the most important elements of this scheme are to ensure that the access is appropriately sized, there are sufficient levels of visibility and that there is enough on-site parking to prevent parking on the public highway. The proposal as submitted incorporates these requirements by providing parking and turning space within the site, lower the boundary wall to 900mm and altering the access. Therefore, as submitted there are no highway safety concerns.

### **Trees**

There are some fine trees within the site, which contribute to the character of the conservation area and are intended to be retained. Of particular significance is 'T2', a high value, early-mature Mulberry. This tree is located adjacent to the vehicular access, which is a concern to the Council's Tree Officer in respect to the installation of the drive, alterations to the vehicular access, changes to soil levels, volume of hard standing and required levels of pruning and maintenance. The Tree Officer initially objected to the

scheme on this basis, however amended plans have been received moving the access slightly further from the tree. These amendments are considered by an amended Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). Whilst the Tree Officer has some reservations about these documents these are minor and suitable revisions could be agreed by condition. On this basis it is considered that the proposal will not adversely impact on the trees on site.

### **Residential Amenity**

The proposed dwelling would be sited in line with existing residential properties, in a similar manner to already present in the street. The size of the plot and the proposed dwellings position within it means that there will be no overbearing impact or overshadowing to adjoining properties. There will be no overlooking to the properties to the north and south and views to the east will be no different to those already gained from existing public vantage points. The principle views to the west are onto open countryside. Overall, the proposed development will not lead to any unacceptable harm to the residential amenity of neighbouring occupiers.

### **Conclusion**

It is considered that the erection of a dwelling on this former orchard and creation of an enlarged access with associated visibility requirements would result in the loss of the last open space in this part of the conservation area to the detriment of the character and appearance of the conservation area and the setting of the adjacent listed building.

### **RECOMMENDATION**

Refuse planning permission

#### **Reason for refusal:**

01. The erection of a dwelling, formation of an enlarged access and associated visibility improvements, including the lowering of the road side wall, would result in the loss of an important open space of visual value within the street scene, which contributes to the setting and appearance of the conservation area and the of the adjacent listed building, as well as enabling views of the conservation area and the listed building from public vantage points in adjoining open countryside. As such the proposal would fail to preserve or enhance the character and appearance of the conservation area and would significantly harm the setting of the listed building to the detriment of the local street scene. The proposal is therefore contrary to saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 and the core planning principles of the National Planning Policy Framework.