

Area North Committee – 26 February 2014

Officer Report On Planning Application: 12/03953/FUL

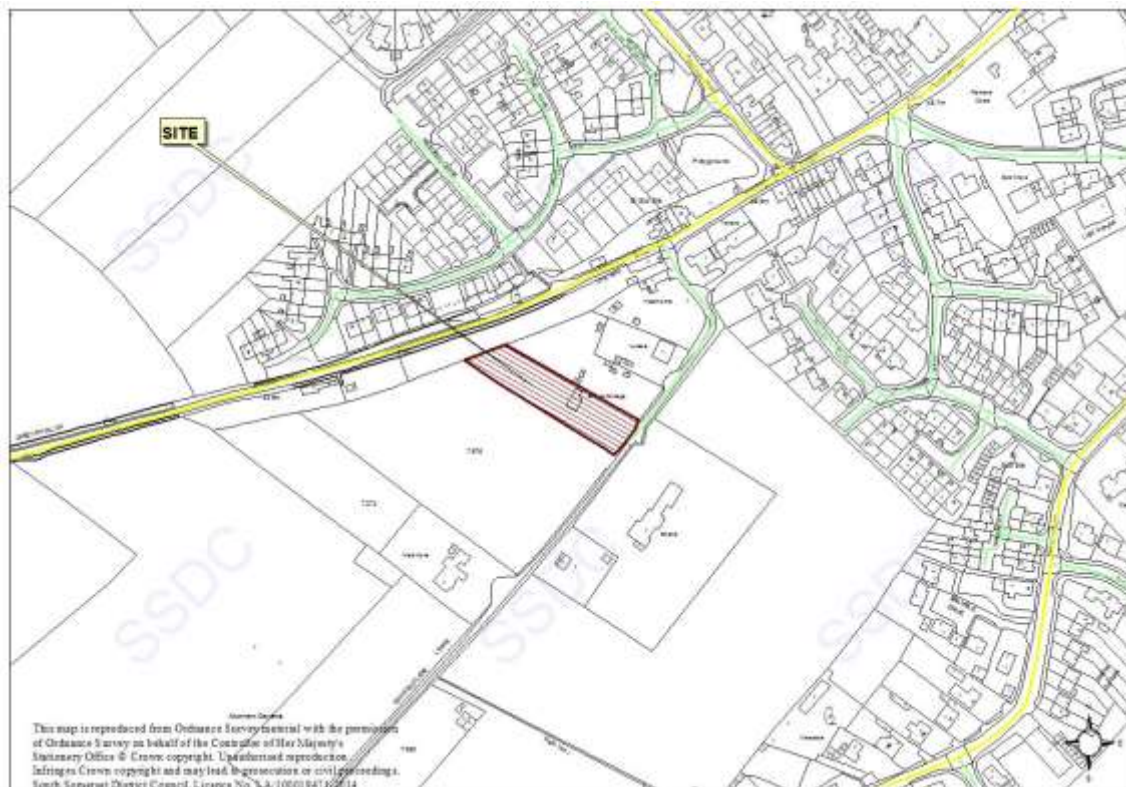
Proposal :	Extension and alteration works to existing dwellinghouse and the erection of a detached double garage (GR 342836/116793)
Site Address:	Sheria Cottage, Whitfield Lane, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Paul Thompson Cllr Barry Walker
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	6th December 2012
Applicant :	Mr D C Banks
Agent: (no agent if blank)	Paul Rowe, Caparo, 11 Mervyn Ball Close, Chard, Somerset TA20 1EJ
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Members with the agreement of the Development Manager to enable the issues raised to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site comprises a detached red brick dwelling that sits within a large plot. This application does not include the whole of the existing curtilage as part is subject to a separate application for the erection of two dwellings (12/03954/FUL). The site is situated to the west of South Petherton at the village edge. The site is accessed via Whitfield Lane which is an unclassified road as well as a public footpath.

The application proposes the erection of a two storey side extension together with a double garage to be located at the front of the property to be served off the existing access that will also serve the dwellings proposed under ref 12/03954/FUL. The improvements to the access for the dwelling would be considered 'permitted development' that does not require planning permission as the access is onto an unclassified road. The extension and garage are to be constructed of materials to match to the existing property; red brick with concrete tiles.

It should be noted that amended plans have been submitted as part of the application for the two dwellings (12/03954/FUL) to show alterations to the road improvements but these are not applicable to this application.

The site is located within the defined development area of the village.

HISTORY

12/03954/FUL The erection of two detached dwellinghouses, two detached garages and road improvement works. Pending Consideration.

There is no other planning history for the site.

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.

Saved policies of the South Somerset Local Plan:
Policy ST5 - General Principles of Development
Policy ST6 - The Quality of Development

National Guidance
National Planning Policy Framework - March 2012
Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy:
Goal 8 - Quality Development

Somerset County Parking Strategy 2012

CONSULTATIONS

South Petherton Parish Council - In response to the original plans, the Parish Council commented that both applications should be considered together as cross references to each application are made in both applications. The Parish were unclear as to the extent of works (chiefly access) that would be carried out if only one of the two applications was approved.

South Petherton PC concluded that these applications, as proposed, do not represent sustainable development and should be refused. They were concerned that the double garage forward of the main dwelling introduces a built mass out of keeping with this location and, application 12/03954/FUL together with the road and access improvements (which to some extent apply to both applications) do not provide safe and adequate access to the site nor are they consistent with the local character and history of the surrounding area. They consider that these applications represent unsustainable and inappropriate garden development and are therefore contrary to the NPPF and saved policies ST5 and ST6 of the South Somerset Local Plan (2006) and strongly recommends refusal.

In response to the amended plans in relation to the highways improvements, the Parish repeated their earlier comments as these alterations make no significant difference and as such maintained their strong recommendation to refuse the applications.

County Highway Authority - Do not object to the application as in terms of vehicle movements the proposal would not result in an increase in movements as the dwelling is already in situ. They also note that the parking provision (4 spaces) complies with the Parking Strategy. They do, however, comment that the proposed garage is slightly under the recommended dimensions.

Rights of Way Officer - Notes the earlier refusal of permission for an additional access onto Whitfield Lane where he advised of his concerns regarding the visibility at the junction with Palmer Street. Also notes that the route is now dual classified. He confirms that the Parish Council consulted him regarding the improvements required to Whitfield Lane as part of the provision of parking for the allotments.

Tree Officer - Does not consider that any trees on the site are worthy of constraining development.

Ecologist - Notes that several metres of hedge will be lost but given that this is at the end of the hedge any associated wildlife impacts would be negligible. Also notes that

such a small amount of loss would be minor in terms of the hedge's historic value or in connection with the Hedgerow Regulations. As such, the Ecologist does not consider that the loss of the hedgerow represents a constraint nor a reason to object to the proposed widening but suggests a condition be imposed to require replanting of the hedge.

In terms of the possibility of bats being present on the site, the Ecologist advises that the new proposed dwellings (and subsequent loss of a number of small outbuildings) is unlikely to give rise to any significant wildlife impacts. He considers that the existing structures appear unsuitable and very unlikely to be used for roosting bats. He notes that whilst bats may forage over the garden such feeding habitat isn't protected by law and the site would represent only a very small proportion of any bat's overall feeding territory.

In response to comments from neighbours, the Ecologist notes that a longer length of hedge may be affected but this does not justify a refusal on ecological grounds. He notes however that clarification needs to be sought about the extent of the highway verge. He also comments that having seen photos of the outbuildings he still regards the outbuildings as being unlikely to be bat roosts and there is no justification for any further survey or investigation in this respect.

CPRE - Notes that Whitfield Lane is an important public footpath used by many residents, horse riders and allotment holders for quick access to open country/allotments. Advise that anything that would tend to increase motor traffic along the lane should be avoided. They consider that the suggested widening would do nothing to solve the restrictions of the two pinch points (at the bend and at the junction with Palmer Street).

Area Engineers - No comment.

REPRESENTATIONS

In response to the original plans seven letters of objection were received from the occupiers (and representatives) of properties in South Petherton (a number of letters dealt with both applications 12/03953/FUL and 12/03954/FUL):

Objections were raised on the following grounds:

- The proposals (for extensions and two additional dwellings) could result in an additional 12 cars using the lane along with service vehicles and visitors.
- The Lane has always been difficult to negotiate.
- The amount of traffic has been increased by the 24 new allotments which were added in 2010.
- The lane is used by residents, local hiking group, dog walkers and horse riders.
- Even with highway improvements bend would still be single track.
- There is an existing sign stating the lane is 'unsuitable for HGV's' and so would be unsuitable for construction traffic.
- There is potential for damage to properties and cars along the lane; cars have already been damaged when parked on the lane.
- Do not see the need for additional development that will cause serious disruption to the quality of life enjoyed by residents.
- The combination of the two proposals is totally out of keeping with the existing pattern of development and the street scene.
- Detached garage in front of the house would provide an incongruous feature.
- Suggest if permission is approved a condition be imposed to require retention of the existing tree and hedge.

- The Highways Authority and SSDC have said that the junction of Whitfield Lane and Palmer Street is seen to be seriously substandard and that existing vehicular conditions should not be allowed to deteriorate.
- Removal of bollard would result in damage to boundary walls of adjacent property.
- Density of area should not be destroyed.
- Highways changes and new access damage the character of the area.
- Any new building sets an undesirable precedent.
- Access to Whitfield Lane by large lorries is almost impossible; road condition would not support heavy lorries.
- The lack of passing points means that vehicles may have to reverse considerable distances and out onto busy roads with poor visibility.
- Changes to highways will infringe on private land.
- There is a hidden drive near the site.
- Would not object to dwelling being extend within 'permitted development' allowances
- Proposals for extension to dwelling should from an entirely separate application.

A petition was also submitted with 136 signatures stating that the undersigned objected to both applications on the grounds of; increased traffic which would prove hazardous to users of the lane and would exceed capacity for traffic on a narrow adopted lane leading into a bridleway; increased noise levels; and potential hazard in a narrow part of street where vehicles are parked.

In response to the first set of revised proposals for the highways improvements and subsequent Highways Audit from the County Council an additional four letters of objection were received. The objectors (and representatives) repeat their earlier concerns and the following additional objections:

- Note that the revised highway design was not part of the application for extension to the dwelling.
- Note that limited development could take place under permitted development rights
- The works to the existing property are so substantial that is reasonably foreseeable that the future owners would have more cars than the existing dwelling, resulting in an increase in traffic along the Lane; any highways improvement works should apply to application 12/03953/FUL.
- Widening of bend could exacerbate flooding problems during heavy rainfall.
- The plans and Highways Audit only addressed the issue of the bend they do not deal with the major issues of; the junction of Palmer Street and Whitfield Lane which is extremely narrow with poor visibility; and conflict between pedestrians, horse riders and vehicular traffic. An Inspector's decision from 1981 and subsequent correspondence from the Planning Office in 1996 state that the junction is substandard.

In response to the second set of amended plans (submitted in response to Highways queries) a further seven letters of objection were received again reiterating previous concerns and the following additional comments:

- The land is not within the public highway and permission will not be given for proposed alterations.
- There is more agricultural traffic during the summer further contributing to the danger at the Whitfield Lane junction.
- A flat kerb on the outer bend can only be seen to cause a hazard for pedestrians.

- The exact location of the telegraph pole is not shown correctly and it could become an obstacle.
- Increased areas of tarmac will increase surface water, proposed kerbs will prevent natural soakage and flooding could result. Gullies are insufficient.
- Any figures obtained from a traffic count taken at the start of 2013 should be treated with a significant degree of caution because the traffic attributable to the allotments and bridleway will be significantly less at this time of year.
- Careys Hollow/Palmer Street is a narrow rural lane which makes up part of Sustrans National Cycle Route 33/339 which encourages and receives considerable bicycle traffic. Additional traffic will put all road users at risk.
- An appeal decision from 1967 for a dwelling adjoining Whitfield Lane is quoted stating one of the reasons for refusal 'the site is served only by a narrow lane which is inadequate to serve further residential development and the proposal would not be in the interests of safety and convenience of road users.'

In response to the last set of amended plans showing the relocation of the highways improvements to the outer part of the bend an additional six letters were received again reiterating previous concerns and the following additional comments:

- On the County Council's calculations, the two new dwellings would result in a 12.5% increase in traffic using Whitfield Lane and the junction onto Palmer Street. Dispute the County Council's view of 10 October that this is not significant.
- Whilst there have been no recorded accidents at the junction with Palmer Street in the last five years there may well have been unreported accidents.
- The fact that allotments have been allowed and there may well have been a natural increase in traffic should not be used to justify making an existing bad situation worse.
- There have been five incidents of vehicle and property damage on or near the junction with Palmer Street.
- There have been recent incidences of HGV's becoming stuck in the entrance to the Lane due to the presence of stone walls on either side of the lane.
- The revised plans are wholly inaccurate and show the hedge incorrectly sited. The highways works would require the removal of in excess of 20m of hedgerow and embankment in direct contravention of Hedgerow Regulations.
- County Highways requirements for estate roads and street lights would be inappropriate and unsympathetic to the character of the local environment.
- The road has noticeably narrowed over last few years; this was not addressed when resurfacing was recently undertaken as Highways department advised there was no budget.
- Drain is dangerous broken and has not been repaired.
- Concerned about damage to conservation area.
- SSDC has a duty to uphold the Hedgerow Regulations. There will not be sufficient space to provide a replacement hedge.
- Bats have been seen in the area and without a proper survey it is not possible sustain the Ecologist's conclusions.
- The proposed widening includes land outside of the highways verge that does not have the consent of private landowners.
- It will not be possible to replant the hedge within the highways verge. Refer to a 2007 application a new access to be served off Whitfield Lane where the County Highway Authority recommended refusal as it considered the junction with Palmer Street to be substandard.
- A number of objectors question the Ecologist's comments with regard to the removal of the hedgerow and possible impact upon bats.
- Question the County Council's interpretation of the NPPF's transport policy; Paragraph 32 refers to the capacity of the transport network and requires that 'a safe and suitable access to the site can be developed for all people.' There is no

difference between the NPPF and Policy 49 of the Structure Plan and therefore no justification or the County Council's change of position.

- The submitted plans do not show any visibility splays at the entrance to the site.

In response to the last set of amended plans (showing more details of the proposed highways improvements), two additional letters have been received:-

- The amended plans now give a true picture of the extent of the loss of important protected hedgerow and there is still no evidence that the land to the north-east is available for highway use.
- The bank is extremely steep; the provision of a kerb would do nothing to stop the bank and adjoining garden from collapsing into the lane. Query if the relevant landowner at No. 36 Summershard has been notified (Officer Note: A letter of notification has been sent to this address).
- The new plans confirm that there is no land to replace the hedge so it will not be possible to impose a condition requiring the hedge to be replanted as requested by the Ecologist.
- Widening of lane will be for private interest of the applicants only; it is not an improvement but at variance with local character and will result in loss of amenity.
- The effect of development upon a Public Right of Way (PROW) is a material consideration and SSDC should ensure that the potential consequences are taken into account. Question of the relevant notice has been displayed.
- Understand that the requirement to keep a PROW open for public use precludes the developer from using it as a vehicular access unless there are existing additional private rights.
- Under the Statute Law for boundaries none of the bank is available for highway use; the highway verge only constitutes an area adjoining the lane the width of a kerbstone.

CONSIDERATIONS

Principle

The extension of existing properties is usually acceptable in principle subject to the proposed development being in accordance with Development Plan policies. In this case, the main considerations will be the impact on; the character of the property and visual amenity of the area and; residential amenity of neighbouring residents.

Visual Amenity

Saved policy ST6 of the South Somerset Local Plan requires the proposal, in terms of density, form, scale, mass, height and proportions, should respect and relate to the character of its surroundings. Similarly, saved policy ST5 states that it should respect the form, character and setting of the locality. The recently adopted National Planning Policy Framework (NPPF) also highlights the importance of high quality design.

In this case the property is located with a residential part of South Petherton. The properties within the vicinity are of a mixed character with the end of the land characterised by large detached dwellings in generous plots.

The application property is detached and the proposed extension is to the side of the house adjacent to a field boundary. The extension is to be constructed in matching materials to the extending house; bricks and concrete tiles. In addition, the extension is to be set back from both the front and rear elevations to ensure that it forms a subservient addition to the main dwelling. The design of the proposal is considered to be of a form, mass and proportions that respects and relates to the character and size of the

property. As the proposal is at the side of the property that borders agricultural land and is of subservient design it is felt that it does not impact the visual amenities of the local area to a significant extent.

In terms of the proposed garage to the front of the dwelling, as with the extension, this is to be constructed in matching materials to the dwelling and of an atypical garage form that is considered to be acceptable. Due to the mixed character of the lane the siting of the garage to the front of the dwelling is felt to be acceptable in this particular instance. The proposed garage will still be further from the lane than the adjacent property 'Lucere' and, as such, it is not considered that the proposal will be overly prominent within the street scene.

Impact on Residential Amenity

Saved policy ST6 states that the proposal should not unacceptably harm residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties. Likewise, the Core Planning Principles of the NPPF (paragraph 17) states that "planning should always seek to secure high quality design and a good standard of amenity to all existing and future occupants of land and buildings".

Due to the proposed location of the extension at the side of the property with no overlooking windows it is not considered that the extension will impact significantly upon neighbouring residential amenity. The garage is single storey and is also considered to be acceptable in terms of its impact upon neighbouring properties.

Highway Safety

The application for two dwellings on land adjacent to this site has resulted in detailed discussions with the County Highway Authority regarding proposed improvement works at the bend to the north-east of the site. However, this application for a residential extension that will allow for an additional bedroom (making the property a 4-bedroomed dwelling) and a detached garage is not subject to those requirements as the property will remain a single dwellinghouse. As such, this application has to be considered in the same way as any other application for similar development and it is not considered that the proposal could be refused on the basis of its impact upon highway safety. It is not considered that the addition to the property would result in a significant increase in traffic movements over and above that that could be generated from the existing property. Therefore, the proposal is considered acceptable in terms of its impact upon the local highway network.

With regard to the County Highway Authority comments regarding the size of the garage, the internal space within the garage would clearly have sufficient space for two cars and along with the two additional parking spaces the proposal is considered to be acceptable in this regard.

Summary

The proposed extension and garage are considered to be of an acceptable design that relate appropriately to both the existing dwelling and the character of the area. It is not considered that the proposed increase in the size of the dwelling will result in unacceptable impacts upon the local highway network.

RECOMMENDATION**Approve**

01. The proposal, by reason of its form, design, materials would safeguard the character and appearance of the area and cause no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of saved policies ST5 and ST6 of the South Somerset Local Plan (2006) and the core planning principles of the National Planning Policy Framework.

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: Drawing No.'s SCEDHP2, SCEDHP3 and SCSP1 received 10 October 2013.

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

03. 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 interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan 2006.
