

Area North Committee – 28 May 2014

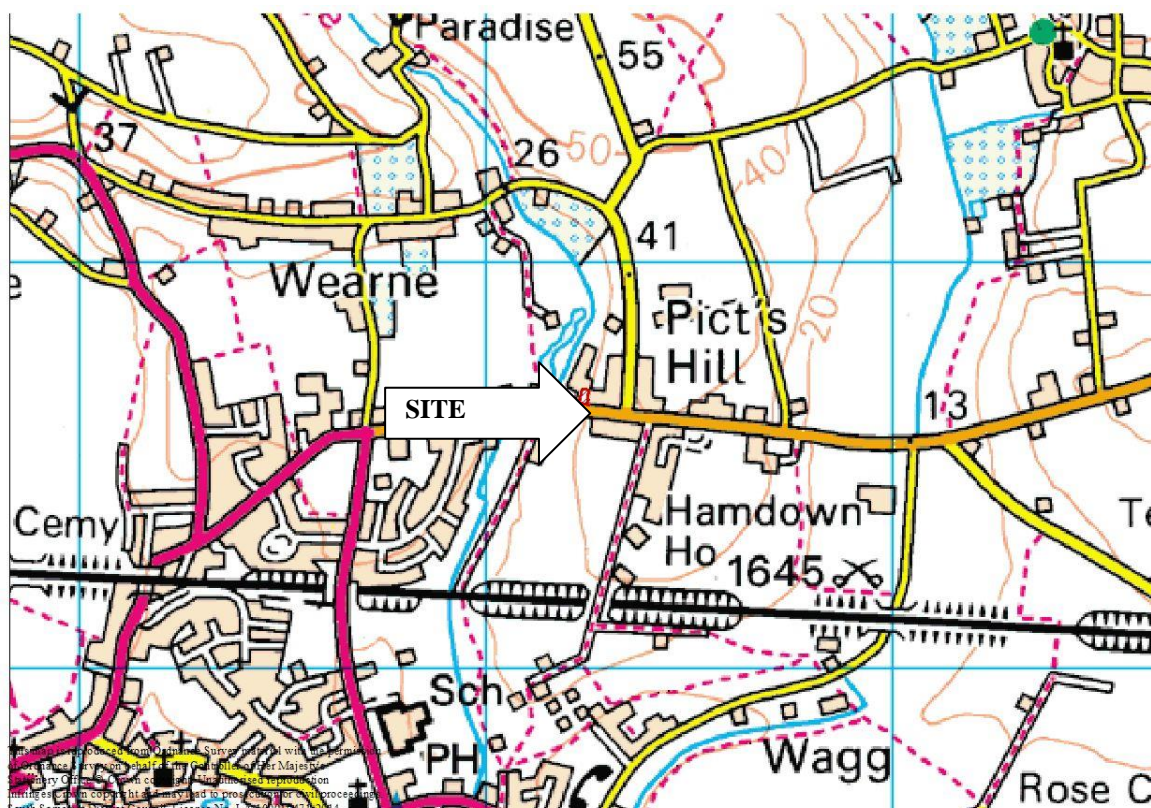
## Officer Report On Planning Application: 14/01363/FUL

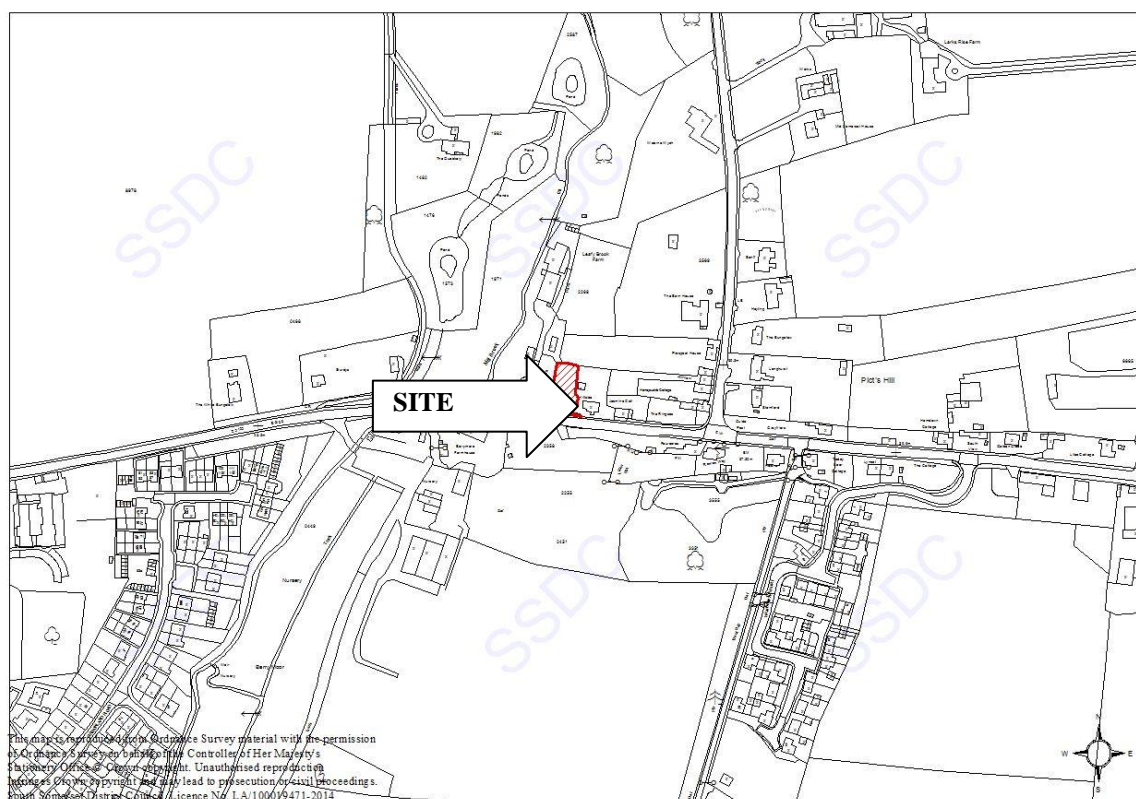
<b>Proposal :</b>	Erection of dwelling and garage, closure of existing access and formation of new vehicular access (GR 343259/127622)
<b>Site Address:</b>	Hillside Cottage, Picts Hill, Langport.
<b>Parish:</b>	High Ham
<b>TURN HILL Ward (SSDC Member)</b>	Cllr Shane Pledger
<b>Recommending Case Officer:</b>	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
<b>Target date :</b>	20th May 2014
<b>Applicant :</b>	Mr & Mrs Pearce
<b>Agent: (no agent if blank)</b>	Clive Miller And Associates Ltd, Mr Michael Williams, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of the Ward Member in the interests of a full discussion of the comments of the Parish Council and neighbours.

### SITE DESCRIPTION AND PROPOSAL





The site is located outside of the defined development area to the east of Huish Episcopi/Langport. It is on the north side of Somerton Road (B3153), 120m to the west of the intersection with Picts Hill. The site is a portion of the garden area of Hillside, a traditional stone cottage fronting onto Somerton Road. On the west side of the site is another stone cottage, also closely related to the road, with a large rear garden. Towards the north is the large rear garden of a dwellinghouse facing onto Picts Hill.

Permission is sought for the erection of a two-storey dwellinghouse, with attached garage and a new means of access onto the B3153.

## HISTORY

890456 - Outline: House and Double Garage - refused

05/00321/OUT - Erection of a detached dwelling - refused, 2005; the application was appealed and the appeal dismissed on 21 October 2005.

## 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 decisions 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 South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (April 2006):

ST3 - Development Areas  
 ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 EC3 - Landscape Character

National Planning Policy Framework (March 2012):

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities

Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

South Somerset Sustainable Community Strategy

Somerset County Council Parking Strategy, March 2012 and September 2013.  
 Somerset County Council Highways Standing Advice, June 2013.

## CONSULTATIONS

**High Ham Parish Council:** *High Ham Parish Council has fully consulted with all interested parties during a site visit held on 17 April 2004. As a consequence of this visit, the Parish Council has carefully considered this proposal and can confirm that it offers no objection in principle to what has been submitted.*

*The Parish Council notes, however, the comments made by both Mr P Heim, the owner of the neighbouring property, Leafy brook Cottage, and its current tenants, Mr K Parker/Pearson. It is hoped that the Planning Authority fully considers the comments made, notwithstanding of course that both parties offer no objections in principle to the site being developed.*

**Huish Episcopi Parish Council:** No comment received.

**Highways Authority:** No objection.

**SSDC Landscape Officer:** *I note that the plot is bounded by domestic plots to east and west, and whilst undeveloped and overgrown, has a residential character courtesy of its immediate context. Whilst I see that an earlier appeal decision relating to this site found a value in its open undeveloped character, to the extent that consent for development was refused, I am not convinced that its quality is so great to enable that objection to be sustained. As such, I am unable to offer a landscape reason for refusal.*

**SSDC Planning Policy:** *Just to clarify Langport/Huish Episcopi have had extensive development with 236 dwellings completed against the proposed emerging Local Plan 2006 - 2028 housing target of 374, with additional commitments of 286 dwellings (total 522).*

*The Council acknowledges that as of today, District wide, we do not have a 5 year land supply, therefore policy ST3 (Development Areas) of the adopted Local Plan is considered out of date. However in line with national and local policy (and supported by case law), the lack of a 5 year land supply does not override every other policy consideration. As an Inspector has previously identified a harm to the setting regardless*

*of policy ST3, this would appear to be a material consideration.*

*Regardless I would suggest that with regard to the 5 year land supply, 1 additional dwelling will not make a significant contribution which would out way any other policy considerations.*

## REPRESENTATIONS

One letter of objection has been received, from the immediate neighbour to the west, making the following main points:

- the proposal would harm the amenity of the adjacent occupants
- the dwelling is beyond the building line
- it would tower over the adjacent dwelling
- there would be overlooking
- the size of the dwelling raises concerns, especially the possibility of its future extension or the creation of a granny flat
- excessive parking is provided, and the parking arrangements could be more appropriate
- proposed landscaping raises concerns

## CONSIDERATIONS

### Principle of Development: Sustainability

The site is outside of the defined development area, but on a good access route within close proximity to facilities and services in Langport, a designated rural centre in the Local Plan. Given the current shortfall in the provision of a five-year housing land supply, any proposal that would contribute to that supply needs to be carefully considered as to its inherent sustainability. In a previous appeal decision, it was noted that the site is not inherently unsustainable from a transport and travel point of view. It is considered to remain true at the present time that the site is reasonably well located in terms of public transport and facilities within 1 mile of the site. In principle, given the shortfall in the housing land supply, and the Inspector's decision on sustainability, it is considered that the development of a house on this site is accepted, subject to no other harm being identified.

### Visual and Landscape Impact

Whilst no landscape harm has been identified by the Council's Landscape Officer, it is noted that the appeal Inspector when considering the application in 2005 noted that:

" The introduction of the proposed house would represent an unwelcome urban form which would diminish the character and appearance of the area and which would not integrate well into this particular setting. Rather, the proposal would result in an unacceptable infill development which would not relate satisfactorily to its surroundings. Consequently, the proposal would not maintain or enhance the environment and would cause unacceptable harm to the character and appearance of the area."

These comments were addressed to an outline application - i.e. relating to any house on this site, and are considered as relevant now as they were at the time of the decision. Development along this stretch of the B3153 is dispersed, and although it relates in a linear fashion to this important route, it is at a low density and has established a clear character and pattern of development which an additional dwellinghouse would harm.

In detail, the proposal is for a substantial two-storey dwellinghouse, behind the building line of existing cottages, which would be visually prominent. The need to create a new access will emphasise the intrusiveness of the development, requiring the creation of splays and the removal of hedging, and would contribute to the harm to the character of the setting identified by the Inspector (above).

It is not considered that this detailed submission overcomes the concerns expressed at the time of the previous application. The proposal would harm the character and appearance of the setting, contrary to the aims of the NPPF and saved policies within the Local Plan.

### **Five-Year Land Supply**

The Council does not at this stage have a demonstrably deliverable five-year land supply. The applicant has made the case that the provision of this additional single dwelling would outweigh the harm to the character of the setting identified by the appeal inspector. However, this application is for a single dwellinghouse, in a marginally sustainable location. A single dwelling will make minimal inroads on the five-year land supply, and is not considered the basis, except in very exceptional circumstances where minimal harm has been identified, to improve this overall supply. It is further noted that approvals of new dwellinghouses in and around Langport recently amount to a total of some 522 houses (see comments by Policy officer above) - a significant contribution to the land supply, and tending towards an excess of housing for the scale of this rural centre. Given that significant harm has been identified, and the Development Plan and the NPPF strongly support the protection and enhancement of local character, it is not considered that the provision of a single dwellinghouse on this site would outweigh the identified harm.

### **Impact on Residential Amenity**

The dwellinghouse is positioned beyond the existing building line, and has been placed close to the western boundary. There is a significant drop in level between the site and the outdoor amenity space of the dwellinghouse to the west side (Leafy Brook Cottage). The applicant's survey drawings do not clearly indicate the ground level differences, but it is clear from the submitted proposal drawings and a site visit that the gable end of the proposed house would create a looming and overbearing presence of at least 10m in height (to include the level difference) within 5m of the outdoor living space of the adjacent dwellinghouse. The impact is exacerbated by the low density character of the area, and the sense of rural openness currently enjoyed by users of the rear garden of Leafy Brook Cottage.

The occupant of this dwelling has objected on the basis of amenity harm, including overlooking. It is not considered that there would be harmful window-to-window overlooking, giving the oblique angles and position of windows in the respective dwellings. But it is agreed that there would be some overlooking of garden space. However, the main amenity concern is the effect of overbearing, and it is considered that this is sufficiently harmful to warrant refusal of the application.

### **Neighbour Concerns**

It is agreed, as set out above, that there would be some amenity harm from the proposal, although overlooking of the dwellinghouse is not considered to be a major issue. However, it is not considered that issues relating to the design and possible future use of parts of the building would specifically warrant refusal.

### **Parish Council Comments**

Whilst the Parish's support for some form of development is noted, this is contrary to the decision of the appeal Inspector set out above. As requested by the PC, the comments of neighbouring residents have been considered in detail.

### **EIA Regulations**

Not relevant.

### **Conclusion**

The development of a dwellinghouse on this site would be harmful to the character and appearance of the area, as determined previously on appeal. It is not considered that the detailed design overcomes this concern. On the contrary, the detailed design underlines this issue and raises further concerns of amenity harm. As the contribution to the Council's five-year land supply would be insignificant and located close to a rural centre where large numbers of houses have recently been approved, it is not considered that it would outweigh the significant harms that would result from the proposal. The application is recommended for refusal.

### **S.106 AGREEMENT**

Not relevant.

### **RECOMMENDATION**

Refuse.

### **FOR THE FOLLOWING REASONS:**

01. The proposal represents the undesirable consolidation of development beyond the recognised limits of a designated settlement to the detriment of the visual amenity and rural appearance of the locality. It would have a significant adverse impact on the character and appearance of the area, which harm would not be outweighed by the contribution of a single dwellinghouse and to the five-year housing land supply, and would be contrary to the aims and objectives of the NPPF and saved Policies ST5 and ST6 of the South Somerset Local Plan, 2006.
02. The proposal, by reason of its scale, design and siting, would result in an overbearing presence and some overlooking in close proximity to the private outdoor living space of the occupants of the neighbouring dwellinghouse, thereby harming the residential amenity of those occupants, contrary to the aims and objectives of the NPPF and save Policy ST6 of the South Somerset Local Plan, 2006.

### **Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
  - offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the

processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions, and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

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