

OFFICER: Chris Pulsford (01935) 462072 [Item 8]
APPL.NO: 07/01194/FUL APPLICATION TYPE: Full Application
PARISH: Horton WARD: NEROCHE
DESCRIPTION: The erection of two new dwellings and a garage to serve existing dwelling (GR 332392/114946)
LOCATION: Trees Church Lane Horton Ilminster Somerset TA19 9RN
APPLICANT: Church Haven Investments Ltd
AGENT: X Space 99 Woodlands Avenue Poole Dorset BH15 4EG
DATE ACCEPTED: 8 March 2007

REASON FOR REFERRAL TO COMMITTEE:

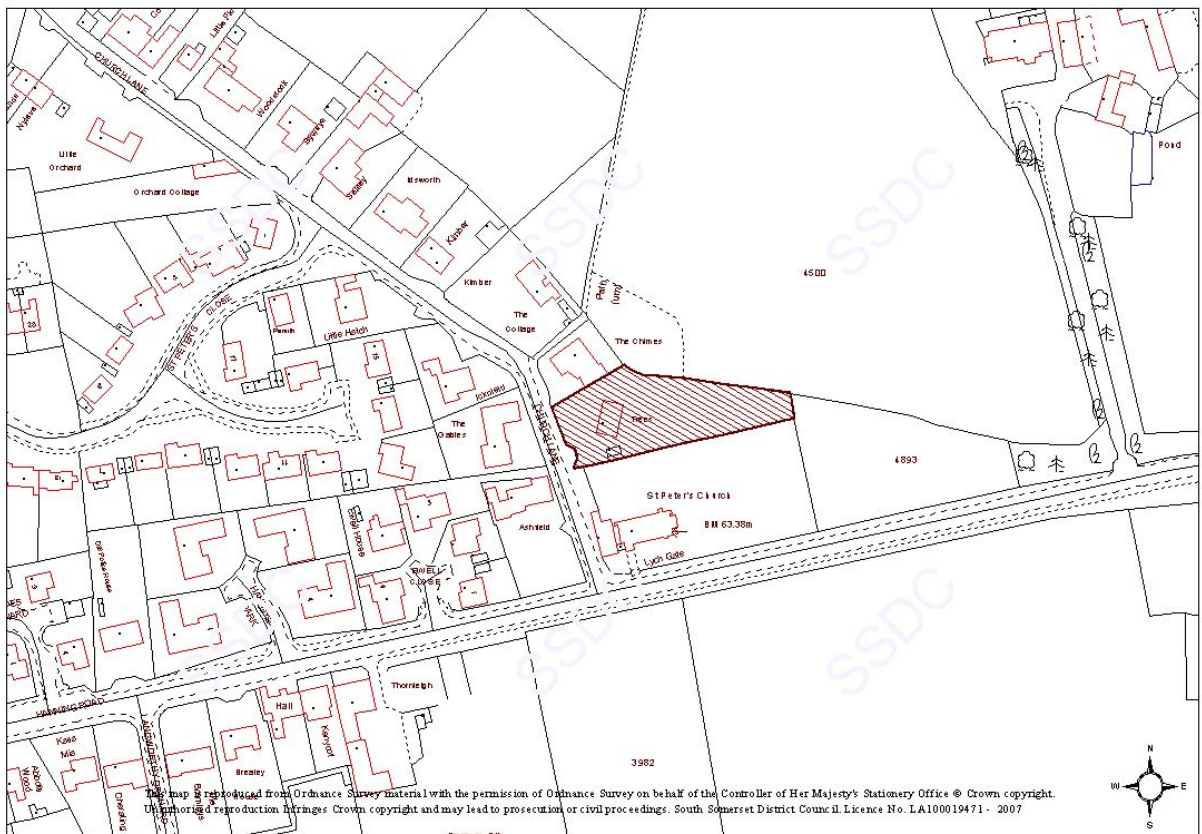
At the request of the Ward Member to assess the impact of the development on the adjacent property.

SITE DESCRIPTION & PROPOSAL:

The site is the new garden of Trees, a chalet bungalow and access to it would be by way of a new private drive around the side of it. It is proposed to erect 2 identical chalet bungalows. The site is adjoined by the church and churchyard to the South and to the North by an existing dwelling, its garden and a field.

The application is supported by an arboricultural survey and a landscaping proposal.

The site is within the village development area for Horton as defined in the Local Plan.



HISTORY:

None.

POLICIES:

South Somerset Local Plan
Policy ST2, Villages
Policy ST5, General Principles of Development
Policy ST6, Quality of Development

CONSULTATIONS:

Parish Council:

Supports the application.

County Highways:

The site is located within the development boundaries for Horton and as such there is no objection to the proposal in principle.

In detail, the visibility from the site access onto Church Lane is restricted due to the presence of vegetation that fronts the highway. However, from the submitted plan it appears that this is within land in the applicant's control and can therefore be improved. There are concerns regarding the level of visibility that can be achieved from the two junctions that serve Church Lane.

Church Lane has two junctions, one that emerges onto Hanning Road, which is classified, and Goose Lane. Having been to both junctions, it is clear that both are substandard by reason of their restricted visibility. The junction of Church Lane with the Classified Hanning Road is restricted in either direction due to adjacent property boundaries fronting the highway. The junction of Church Lane with Goose Lane is restricted to the South due to the presence of vegetation in connection with the adjacent property fronting the highway. As a result, vehicles emerging from these junctions is problematic and a highway safety concern. However, it is noted that numerous properties gain access via these two junctions and as such it is felt that the introduction of two additional properties is unlikely to create a significant increase in traffic using these junctions and as such it may be unreasonable to raise an objection.

Principal Landscape Officer:

The site lays immediately to the North of St Peters Church, Horton, and is the Southernmost of approximately one dozen individual house plots that align the East side of Church Lane and form the village edge. Open countryside lays to the East of this ribbon of roadside housing - to which the garden of Trees and the graveyard contribute in enabling a gentle transition into the wider countryside - whilst to the West of Church Lane lies Horton's main residential area.

The site is indicated within the development area for Horton. Whether the Eastward garden of Trees (and the adjoining churchyard) should have been included within this area is a moot point. If before a planning inquiry, I believe that a landscape case could be argued for non-inclusion, due to the likely impact upon the church and associated graveyard, and an Eastward extent that goes beyond the settlement pattern associated with the remainder of Church Street. We have previously successfully resisted backland development on the village fringe at Nash Lane, East Coker on a site within development limits (appeal ref. APP/R3324/A/03/1128317) and I believe this is another fringe site where there is sufficient justification to resist development proposals.

I have three main concerns:

1. The proposal would extend development from East beyond the current village limits (as expressed by housing and St Peters church) contrary to the settlement pattern associated with Church Lane;

2. Such an Eastward extension of built form would erode the current open space of garden and churchyard which, along with the adjacent small field pattern, buffers the village edge from the wider countryside; and
3. Such an Eastward extension of built form would impact negatively upon the church and its graveyard by directly overlooking it. Whilst St Peters Church is not a listed building, it is a building of local significance and as the first building encountered on entrance to the village from the East, can thus be considered a landmark building to which the open grounds to the East are an integral element. Additionally, a graveyard traditionally is usually an area that affords an element of both peace and privacy, which would be eroded by the form of development proposed.

In view of the above, I believe the proposal is contrary to policy ST5 paragraph 4 (or accepting that the area is within the development area, the criteria of ST6) and raise a landscape objection.

There does need to be a condition about care when repointing the walls and replacing the roof, in case bats are found, and the applicants could be encouraged to provide nesting opportunities for swallows which have been much affected by decline in nest sites in recent years and are a priority species for conservation in Somerset.

REPRESENTATIONS:

The occupiers of the adjoining dwelling and its annexe support the application but add that they have a financial interest in the project.

CONSIDERATIONS:

Whilst the site is within the defined Development Area of a village appropriate in principle for new development, this does not mean that every site within such an area is an acceptable development site. Each site has to be considered against its merits and constraints.

In this particular case, the site projects out into open land beyond the general building line forward of the adjoining dwellings to the North and the church to the South. Two dwellings here would intrude into that open land.

The applicant has responded to the Principal Landscape Officer's comments as follows:

"Whilst understanding his concerns, we feel that there are a number of significant differences between our proposal and that of the previous case quoted in East Coker. These include:

- (a) The appeal site formed a sloping field rising from the rear of the existing bungalow, whilst ours is a gentle downward slope away from the neighbouring properties. Thus we believe it would not be a conspicuous feature on the landscape.
- (b) The appeal site was clearly in a rural setting while ours is, and always has been, the cultivated garden of an existing property with numerous sheds and greenhouses.
- (c) The appeal site clearly looked like a "finger" development bordered by open land on three sides, which ours, we believe, as well as being inside the development line of the village, also is a more gentle continuation of the build form, being bordered on three sides by existing properties.

Also we feel that a strong case can be made that our proposal will not only respect the form and character of the locality, but will greatly improve it from where it currently stands.

With the development, as well as respecting the local character through our choice of building materials for the properties, to further alleviate the Principal Landscape Officer's concerns, we more specifically plan to:

- (a) Provide additional planting on the Southern boundary, with the advice from our landscape specialist, Katherine Crouch. This will include evergreens to provide further year-round screening plus flowering trees and shrubs to create a pleasing aspect to enhance the peace and privacy of visitors to the churchyard. Please note that we have met with Reverend Andrew Tatham of St Peter's to discuss our development ideas, including the proposed landscaping of the Southern boundary and he has advised that he saw no problems with it at all. Additionally we were encouraged by the support of the local Parish Council, with a vote of 7 to 2 in our favour and the absence of any objections from our neighbours.
- (b) Put in place the Ash Tree Preservation Plan as outlined in our arboriculturalist's report. This will help the longevity of the ash trees on the Southern boundary, without which some character of the locality could be lost. With healthier trees a further strengthening, together with the additional planting outlined above, will screen the rear of The Chimes in Church Lane as seen at present from Hanning Road and therefore further improve the visual setting of the Church.
- (c) Provide further planting to the hedgerows on the development boundaries for the enhanced benefit of the wildlife, birds and insects in the locality.

In summary we hope that we have provided a strong case to alleviate the concerns of the Principal Landscape Officer in showing that the form and character of the locality will be improved by allowing our development as proposed."

Whilst this response is noted, the comments and conclusions of the Principal Landscape Officer are agreed.

In addition to the above, the formation of an access drive alongside the existing dwelling, some 3-4m from a door and ground and first floor windows, and alongside its rear garden will result in the passage of pedestrians and vehicles to and from the proposed new dwellings. This is likely to result in noise and disturbance to the occupants of the existing dwelling.

RECOMMENDATION:

Application Refused

1. The proposed dwellings by reason of their siting and location would constitute unacceptable backland development out of character and keeping with both the established pattern of development in the locality, the landscape character of the area and the setting of the village. As such, the development is contrary to Policy ST6 of the South Somerset Local Plan 2006.
2. The proposed access drive alongside and to the rear of the existing dwelling would cause unacceptable harm to the amenities of the residential occupiers of that dwelling. As such the development is contrary to Policy ST6 of the South Somerset Local Plan 2006.