

OFFICER: Louisa Brown (01935) 462391 [Item 1]
APPL.NO: 07/03837/FUL APPLICATION TYPE: Full Application
PARISH: Tatworth And Forton WARD: TATWORTH AND FORTON
DESCRIPTION: Alterations to dwelling to include the re-siting of 3 no. roof lights, 1 no. dormer window and change of approved garage to kitchen. (Retrospective application) GR (332930/105561)
LOCATION: Plot 6 Langdons Way Tatworth Chard Somerset TA20 2TH
APPLICANT: Corinthian Homes Southwestern Ltd
AGENT: Paul Rowe The Nook Lyddons Mead Chard Somerset TA20 1HD
DATE ACCEPTED: 20 August 2007

REASON FOR REFERRAL TO COMMITTEE:

This application has come before the Area West Committee at the request of the Chief Executive due to the objections to the current application, the history of the matter and the public interest in the final outcome. Cllr Andrew Turpin, ward member, has also requested that it comes to Committee to enable members to consider the impact of the proposals in respect of parking space, orientation of the dwelling and overlooking.

SITE DESCRIPTION AND PROPOSAL:



This is an application seeking retrospective planning permission for the re-siting of 3 no. roof lights and 1 no. dormer window, new window to the north elevation, changes of approved garage to kitchen and amended parking provision at Plot 6, Langdons Way. The property is a detached two-storey dwelling located on the western side of Langdons Way.

The dwelling is part of a new residential development, which is still in progress and situated on the western and eastern side of Langdons Way. There are residential properties to the north, east, south and west. To the south-west the properties are at a higher ground level and are mainly bungalows, with rear gardens that look out over the new development.

RELEVANT HISTORY:

04/00082/FUL: Erection of 13 dwellings - 29/07/04

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:

Regional Spatial Strategy:

Policy VIS 1 - Expressing the Vision

Policy VIS 2 - Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006):

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

CONSULTATIONS:

Tatworth and Forton Parish Council

Objects.

Highways

No objection, subject to two parking spaces being provided.

Area Engineer

No comment.

REPRESENTATIONS:

Ten neighbours were notified. Four letters of objection were received, the points raised are;

- The windows overlook gardens and windows and therefore deny privacy.
- Lack of parking provision, by garage being changed to kitchen.

References have been made to Plot 8 of the development. Plot 8 is not part of this application and as such the issues raised in regard to it cannot be taken into account.

CONSIDERATIONS:

Approval was given in 2004 for the development of 13 dwellings. Plot 6 was approved with three roof lights and one dormer window in the north elevation, and a single storey garage attached to the south elevation.

This is a retrospective application, as Plot 6 was not carried out in accordance with the approved plans. The three roof lights and dormer window are located in the south elevation, there is a new ground floor window in the north elevation, the garage has been changed to a kitchen and the parking spaces amended.

The Parish Council have objected and made the following comments:

- "a) This application was originally approved with two parking spaces (one in the garage, one on the drive) this has now been reduced to one parking space as the garage has been converted into a kitchen. The Council considers that one parking space is totally insufficient for a five-bedroom house, which could house at least a two to three car family. This would result in vehicles parking on the road, which would be dangerous to other road users especially as Langdons Way has a sweeping bend. Cars parked on the road would be more susceptible to car crime (theft of and from vehicles), which is contrary to the Crime and Disorder Act 1998, Section 17.
- b) The re-siting of the dormer window and roof lights to the other side of the roof will result in the overlooking and will deny privacy to residents of Wellings Close.

The Parish Council would like to note that a downstairs window in Plot 6 opens in the path of users walking along the adjacent Public Right of Way. This is considered dangerous."

Highways have no objection subject to there being two off road parking spaces provided:

"I refer to the above-mentioned planning application received on 28th August 2007 on which I have the following observations on the highway aspects of this proposal: -

As I am sure you are aware condition 04 on decision notice for the application 04/00082/FUL, for the erection of thirteen dwellings states that 'none of the dwellings hereby permitted shall be first occupied until two parking spaces for each dwelling have been provided in a position to be approved in writing by the Local Planning Authority. The said spaces and access thereto shall thereafter be kept clear of obstruction and not used other than for the parking of vehicles or for the purpose of access.

From the submitted plan it is clear that the conversion of the permitted garage to that of a kitchen will result in the loss of a parking space and is likely to result in parking on the highway at this point. Therefore, unless an additional parking space is provided within the curtilage of the site then the Highway Authority would recommend that the application be refused on highway grounds."

In regard to parking the Site Location Plan shows that, apart from the space in front of the kitchen there is an additional space provided to the south of the property between Plot 7 and Plot 8, this is also stated in the Access Statement. The parking spaces will be provided in accordance with the County Highway standards, 4.8 metres by 2.4 metres. The Parish Council has raised concerns in a letter dated 5 November 2007 over the ownership of the land where the additional space is to be located, I can confirm that Certificate A has been signed in regard to the site area marked in red. As two off street parking spaces are provided it is considered unreasonable to warrant a refusal on highway grounds. It is considered that there will be no lack of parking or any parking on Langdons Way as a result of the garage being converted to a kitchen.

The proposed roof lights and dormer window on the south elevation are approximately 20 metres from the rear garden of No. 33 Wellings close, between 30-35 metres from the rear gardens of No 31 and 30 Wellings Close. There are approximately 47 metres from the windows of Plot 6 to the rear windows of No. 31 Wellings Close and 40 metres to the rear windows of 30 Wellings Close. The general consensus when assessing overlooking in regard to distances between windows in principal rooms is that there should be a distance of 20 metres; this can be reduced further in dense urban areas. As such it is considered, by reason of the distances between neighbouring properties, that the three roof lights and dormer window will not cause adverse overlooking or loss of privacy to the residential properties to the south and south-west. It would be unjustifiable to condition the windows to be obscure glazed given the consideration that no adverse overlooking will occur.

The window in the north elevation currently opens onto a public right of way. The agent has confirmed in his letter dated 5 November 2007 that this window will be fixed shut. The

window faces a public footpath and high wooden fence on the neighbouring properties south boundary. It is considered that it will have no adverse affect on the residential amenity.

It is considered that the re-siting of the three roof lights and dormer windows, the new window in the north elevation, and the garage being changed to a kitchen, by reason of the distance between windows to principal rooms and an additional car parking space being provided for the displaced one provided by the garage, is acceptable and in accordance with Policies ST5, and ST6 of the South Somerset Local Plan (adopted April 2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

RECOMMENDATION:

Application Permitted with Conditions

The re-siting of the three roof lights and dormer windows and the garage being changed to a kitchen, by reason of the distance between windows to principal rooms and the provision of two parking spaces, is acceptable and in accordance with Policies ST5, and ST6 of the South Somerset Local Plan (adopted April 2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

1. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from June 2006.

Reason: To comply with Section 73A of the Act.

2. This approval relates only to the alterations of the fenestration of Plot 6 as shown on the approved plan and this part of the development shall remain in all other respects subject to the main permission 04/00082/FUL.

Reason: To ensure a properly planned development subject to the conditions imposed on planning permission 04/00082/FUL.

3. The car parking space shown on the submitted plan shall not be used until it has been marked out in accordance with a scheme to be approved in writing by the Local Planning Authority, within two months of the date of this Decision Notice.

Reason: In the interest of Highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 and Policy ST5 of the South Somerset Local Plan (adopted April 2006).

4. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with Plot 6 Langdons Way.

Reason: In the interest of Highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 and Policy ST5 of the South Somerset Local Plan (adopted April 2006).

5. Within two months of the date of this Decision notice the ground floor window in the North elevation shall be fixed closed, and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity, to avoid harm to members of the public using the public footpath, and to accord with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).