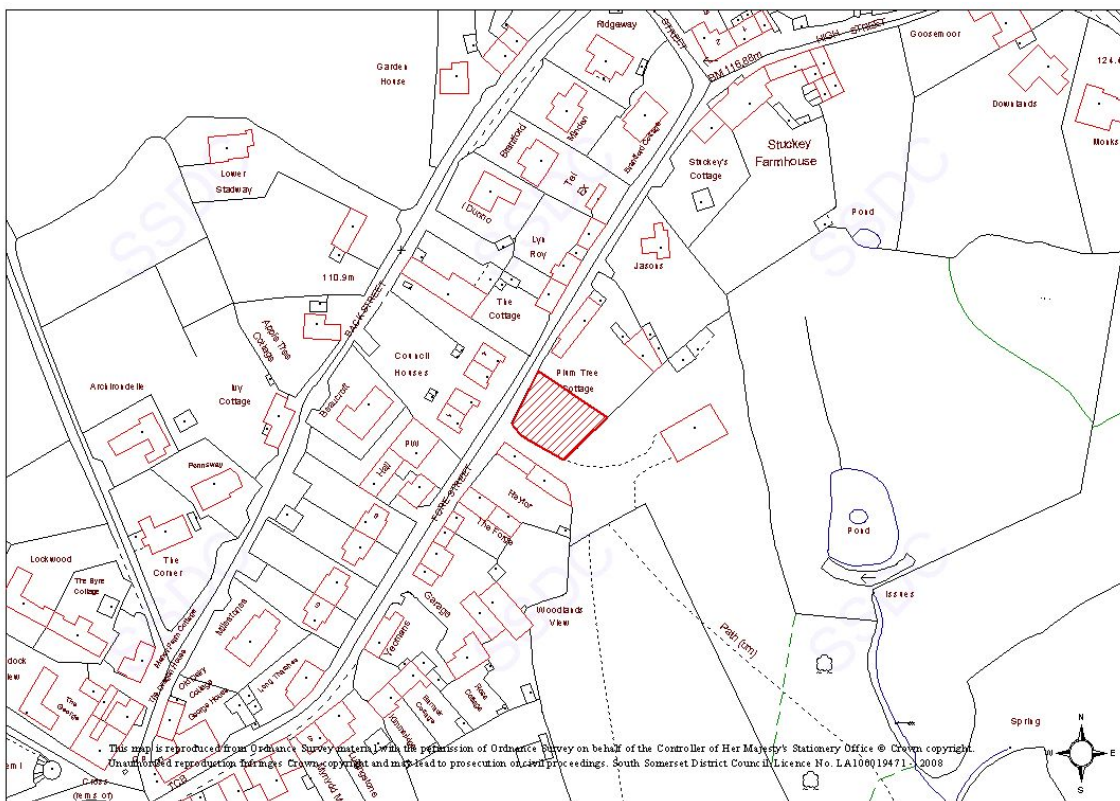


**OFFICER: Louisa Brown (01935) 462391 [Item 2]**  
**APPL.NO: 08/01781/FUL APPLICATION TYPE: Full Application**  
**PARISH: Winsham WARD: WINDWHISTLE**  
**DESCRIPTION: The erection of two semi-detached dwellings (GR 337582/106502)**  
**LOCATION: Land Adjacent Plum Tree Cottage Fore Street Winsham Chard Somerset TA20 4DY**  
**APPLICANT: Mr Peacock**  
**AGENT: Mr J Gainsford 2 Castle Bow Taunton Somerset TA1 1LR**  
**DATE ACCEPTED: 25 April 2008**

**REASON FOR REFERRAL TO COMMITTEE:**

This application has been accepted on to the Area West Committee agenda by the Area Chair at the request of the Ward Member, in order for the highway implications of the proposal to be considered further.

**SITE DESCRIPTION AND PROPOSAL:**



This is an application seeking full planning consent for the erection of two semi-detached dwellings. The site is within a Conservation Area on land south of Plum Tree Cottage and to the northeast of a dwelling and barn named Haytor. Access adjacent to the site is to the southwest from Fore Street (which runs southwest to northeast) between Haytor and the application site.

There is a stone wall that bounds the site to Fore Street. The site is dense with trees, which appear mature and enclose the space between Plum Tree Cottage and the access. The land to the east is more open with polytunnels on the land.

The character of the conservation area is made up of a small street lined with residential properties, which vary in age and style, those to the northwest are semi-detached two-storey stone built or rendered properties, to the southwest there is a detached two-storey stone built property, which has a single storey outbuilding/garage, which connects the property to the road edge, the property faces the southwest and not the road to the west.

To the southeast is a plant nursery, owned by the applicant.

#### HISTORY:

06/04436/FUL: The erection of two semi detached dwellinghouses with garage - Refused 16/01/07

05/00717/FUL: Proposed erection of 1 no. detached dwellinghouse -Approved 01/08/05

05/00460/TCA: Notification of intent to remove 1 Lawson Cypress hedge, 1 Lawson tree, 1 Beech, 2 Western Red Cedar, Poplar Robusta removed and 1 Poplar Robusta pollarded and perform surgery works to 1 Scots Pine, 2 Western Red Cedar and 1 Ash - Permitted

04/01543/OUT: erection of a dwellinghouse - Withdrawn

91/02505/FUL: the erection of a dwellinghouse - Approved 20/02/92

#### 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 9 - The built Historic Environment

Policy 49 - Transport Requirement of New Development

##### South Somerset Local Plan (Adopted April 2006):

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EH1 - Conservation Area

#### CONSULTATIONS:

##### *Winsham Parish Council:*

Recommend approval subject to conditions.

##### *Highways:*

Object.

##### *Area Engineer:*

No comment.

##### *SCC Archaeology:*

No objection.

##### *Conservation Officer:*

Verbally stated no objection.

## REPRESENTATIONS:

Ten neighbours were notified and a site notice displayed. Two letters of objection have been received, the issues raised were:

- Chimney, which is in front of bedroom window (3 Fore Street - opposite side of road to the northwest of site) as it may direct noxious fumes.
- Development is in a conservation area, what will be conserved by this development.
- Loss of privacy, house may overlook garden (The Cottage, Fore Street - opposite side of road to the north of site).
- Access for vehicles is narrow.
- Such infill development is not part of any overall development plan.

## CONSIDERATIONS:

The site is within development limits and as such is acceptable in principle. It is also located within a designated Conservation Area. The Parish Council has stated;

"Winsham Parish Council recommends approval with the following conditions:

- 1) The wall to Fore Street be put in a good state of repair and continue to form the boundary along the access road.
- 2) No shrubs to grow taller than 1 metre over the existing wall."

The plans show that the existing stone wall on the west boundary will be retained, and it is stated on the plans "clear existing planting and introduce lawn and low level planting ensuring visibility to the road is not reduced." Any approval would be subject to a condition dealing with visibility splays in the interest of Highway Safety, the previously approved application for one dwelling had a condition attached to it, which stated;

- In the interests of road safety the existing highway boundary wall shall not exceed a height of 900mm above the level of the existing carriageway. This shall be undertaken before works commence on the development and shall thereafter be maintained.

The site is dense with trees, notification to fell trees in a conservation area was submitted in 2005 and it was decided not to place any TPOs. On application 06/04436/FUL the Council's Arborist stated;

"I have looked at this site a number of times and although the group of trees are significant, the individuals are of poor quality and not suitable for protection. I have no objection to this application."

It is considered that none of the trees are worthy of retention.

The issues to address in this application are visual amenity (including impact on conservation area), residential amenity and traffic and parking.

### *Visual Amenity:*

Amended plans were received on the 5 June 2008, showing more detail for the proposed dormer window and the addition of lintels over the windows.

The proposed properties will be semi-detached. The property nearest to the main road will have its side elevation facing Fore Street. It is considered that it has a modest design and has the appearance of a farmhouse. The adjoining proposed dwelling has the appearance of either a converted outbuilding or small cottage, the roofline is set down from the first dwelling and there is a dormer window in the front elevation for the first floor accommodation.

The first property (nearest the road) will have a chimney and the second a small flue. There is an integral garage in the first property and an attached garage on the east elevation of the

second property. The dwellings will be faced in natural stone on the front (southwest) elevation and the northwest and southeast elevation. The attached garage and the rear of the properties will be rendered with rough cast finish. The roofs will be finished in reclaimed clay tiles. There will be oak lintels above the ground floor windows and doors, however none are shown over the garage doors, details of the lintels would need to be conditioned on any approval so that they can be implemented over the garage doors as well as the windows. The windows and doors will be white painted softwood.

There will be two rooflights on the front elevation of the second property and three on its rear elevation and three on the rear elevation of the first property. No detail is given to the design of the rooflights, which should be conditioned on any approval to be conservation rooflights.

The Conservation Officer has verbally stated that subject to the conditions mentioned above he has no objection to the proposal. It is considered that the proposal will preserve the character of the conservation area, as the proposal is in keeping with the characteristics of the street.

The properties are located in such a position so as to mirror those to the southwest of it. They will have no rear garden, however there is a large garden for each to the front of the property and access drive to each from the access lane to the southwest. Approval has been given in the past for the erection of one dwelling, in the same location.

The existing stone wall which is on the boundary with Fore Street will be retained. On the northeast boundary there will be a 5-foot timber lap fence.

It is considered that the proposed dwellings, by reason of their size, scale, materials and orientation within the site, are in keeping with the pattern of development and character of the area and as such preserve the conservation area and do not adversely affect the visual amenity.

*Residential Amenity:*

There will be a ground and first floor window in the northwest elevation of the first property, which will face dwellings on the opposite side of Fore Street, there is approximately 15 metres between the dwellings. Another neighbour has raised concern that there will be overlooking to their garden, this property is located across the main road to the north of the site and is not directly opposite any windows. It is considered that given the distance between properties there will be no adverse overlooking.

A neighbour has raised concerns over the proposed chimney as it may result in noxious fumes. The site is within a residential area, where there are chimneys on nearly all the residential properties. The chimney is for a residential property. It is considered that the addition of this chimney in the street will cause no adverse impact on the residential amenity or the character of the Conservation Area.

*Traffic and Parking:*

The site will be accessed off Fore Street by a lane, which also serves the Nursery to the southeast of the site. Off road parking is provided as each property has a driveway and garage. The highway Authority has stated;

"As I am sure you are aware the site has had previous planning permission for the erection of one dwelling at this location. This relates to application no. 05/00717/ful. The Highway Authority in relation to this application raised no objection to the proposal for the dwelling subject to several highway conditions relating to improving the visibility. As such it would be unreasonable to raise an objection for a proposal that is of the same density.

You will also be aware that the previous application for two dwellings (Application No. 06/04436/FUL) was recommended for refusal by the Highway Authority on the basis of the restricted width and limited visibility in both directions.

Whilst the Highway Authority accept that improvements have been made to the access in terms of its width the concerns relating to the level of visibility are still relevant.

Having reviewed the additional information submitted by the applicant relating to the vehicular movements to and from the site prior to and as a result of the development it appears to indicate the proposal will reduce traffic movements making use of the substandard access. However, this is based upon a certain set of circumstances, which could be implemented at any time regardless of any planning application situation. As a result I still consider the primary concern to be the permanent increased use of the existing substandard access that will result if this development is permitted. Therefore, I would recommend that the application be refused on highway grounds for the following reason:

1. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the increased use of the existing access together with the generation of additional conflicting traffic movements, such as would result from the proposed development, would be prejudicial to road safety."

The agent sent an additional email to the highway Authority stating;

"The changes to vehicle movements made possible by the applicant's roadway across the site will reduce the use of the Fore Street access without increasing traffic flow through the village at the other end. These arrangements are already in place and with the Nursery making less use of the access this shows that there would be negligible increased use of the existing access resulting from two dwellings over the one house as approved, conflict with existing traffic having been largely overcome by the applicants revised vehicle arrangements."

The Highway Authority has verbally stated that their comments still stand and remain unchanged.

It is considered that the proposal will adversely affect highway safety.

#### CONCLUSION:

It is considered that the proposed development will cause no adverse affect on residential or visual amenity and preserves the Conservation Area, subject to certain design features being conditioned. However it is considered that the proposed development will have an adverse affect on highway Safety and as such is unacceptable.

#### RECOMMENDATION:

##### **Application Refused**

1. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the increased use of the existing access together with the generation of additional conflicting traffic movements, such as would result from the proposed development, would be prejudicial to road safety.
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