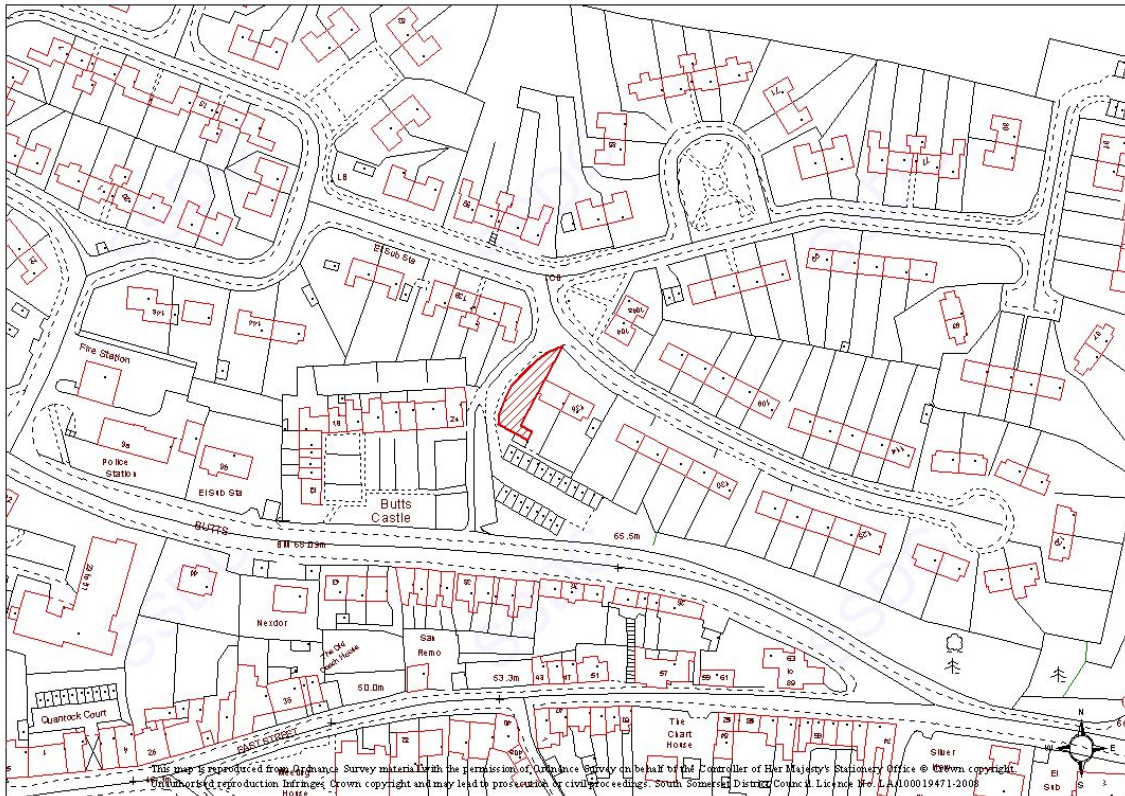


**OFFICER: Lee Walton (01935) 462324 [Item 3]**  
**APPL.NO: 08/02797/FUL APPLICATION TYPE: Full Application**  
**PARISH: Ilminster WARD: ILMINSTER TOWN**  
**DESCRIPTION: The erection of 2 flats with parking spaces (GR: 336360/114673)**  
**LOCATION: Land Adjacent 136 Blackdown View Ilminster Somerset**  
**APPLICANT: Mr Lee Bryan**  
**AGENT: David Parkin 4 Wilton Road Yeovil Somerset BA21 5XP**  
**DATE ACCEPTED: 24 June 2008**

**REASON FOR REFERRAL:**

To allow Committee to give further consideration to the issues raised.

**SITE DESCRIPTION AND PROPOSAL:**



The application site forms part of the development area, adjacent to the conservation area boundary. There is an extant outline planning permission for the erection of one dwelling.

The proposal seeks two flats accommodated within a two storey detached building. The front elevation is in line with the adjacent semis.

**HISTORY:**

- 07/02767/OUT - Erection of 1(no.) dwelling. Approved.
- 03/02220/OUT - Erection of 1(no.) dwelling. Allowed on appeal.

**POLICY CONTEXT:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under 54A 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.

#### Relevant Development Plan Documents:

##### Regional Spatial Strategy:

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

EN4 - Quality of the Built Environment

##### Somerset and Exmoor National Park Joint Structure Plan 2000:

STR1 - Sustainable Development

STR2 - Towns

##### South Somerset Local Plan 2006:

ST5 - Principle of Development

ST6 - Quality of Development

#### CONSULTATIONS AND REPRESENTATIONS:

##### *Town Council:*

No objections subject to porous parking surfaces, ridge height in accord with neighbouring properties, and materials to match.

##### *County Highway Authority:*

No objection. Conditions: Gradient, disposal of surface water, consolidated surface to allocated parking area, visibility - no obstruction.

##### *SSDC Technical Services:*

No comments.

##### *Neighbours:*

There were 4 neighbour notification letters issued. Two responses received were concerned that the development is not in keeping, does not match the adjacent roofline, parking is a problem.

#### PLANNING CONSIDERATIONS:

The main considerations relate to character and appearance of the area and neighbour amenity issues. Central to consideration is the Inspector's appeal decision dated 29th March 2004 and the subsequent permission in 2007 for one dwelling.

The current proposal is substantially the same as the extant permission. The difference is the provision of two flats, the presence of kitchen and sitting room accommodation at first floor level, and the detailed design finish not previously made available.

In terms of scale and design the proposal is in scale a residential house. The ridge height is about 0.4 metres higher than the adjoining property. At first floor level there is a gap of 2 metres. The difference in height is minimal and in relation to the slight gap between the proposed building and the adjacent dwelling height is not considered as problematic. The proposed pitch is 35 degrees. Lowering the pitch so that it comes in-line (arguably the slight change in ridge height is also in-line) with the existing ridge height possibly heightens concern about poor appearance. It is considered that slight changes in roof levels will often add interest to the street scene.

The 2004 appeal that dealt with an outline application and the subsequent 2007 planning permission did not consider any detailed drawings. The appeal inspector in referring to character and appearance describes the estate as 'intensively developed frontages'. He goes on to consider that a building 'would not appear unduly cramped or out of keeping in this

setting... Notwithstanding the uniformity of design within Blackdown View I have no reason to conclude that a dwelling of appropriate siting and design would compromise the quality of the environment.'

Neighbour responses refer to the proposal being not 'in keeping'. An important consideration is visual appearance. In terms of scale the design is for a house while parking standards are met. While there is limited amenity space there is no minimum requirement and each application is considered on its own merits. Outwardly the main difference is the treatment of elevations. Openings are squeezed in compared with the neighbouring property that enjoys much more solid wall space. Otherwise the use of the building that provides for two flats is not considered so problematic to warrant a refusal.

Provision for storage is identified in the submitted drawings. Elevation design ensures that openings are not positioned to have any significant impact on adjoining occupants. The proposal is for flats with no permitted development rights extending to their occupants. It is proposed to attach a condition requiring surface water details for parking surfaces and materials to match requiring samples to be submitted.

**RECOMMENDATION:**

That conditional approval be granted.

**JUSTIFICATION:**

The proposal, by reason of its size, scale and materials, causes no demonstrable harm to residential amenity or to the character and setting of the property and its locality in accordance with the aims and objectives of policies ST6 of the South Somerset Local Plan (2006).

**Application Permitted with Conditions**

1. 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.

2. No work shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

3. The dwelling shall not be occupied until the parking spaces have been provided within the site, the area allocated for parking on the submitted plan shall be properly consolidated and surfaced (not loose stone or gravel) and shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

**Reason:** In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

4. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 16m to the north of the access and from a point 2m back and parallel to the south. Such visibility splays shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.

**Reason:** In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

5. No work shall take place until details showing the disposal of surface water as to prevent its discharge onto the highway have been submitted to and agreed in writing by the Local Planning Authority. Such details as agreed in writing shall be undertaken as part of the development hereby permitted.

**Reason:** In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

6. The gradient of the proposed access shall not be steeper than 1 in 10.

**Reason:** In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

7. The development hereby permitted shall be constructed in accordance with the details identified in the approved drawing no. 1 Rev. A, date stamped 24th June 2008.

**Reason:** To avoid any ambiguity and in the interests of visual amenity further to policy ST6 of the South Somerset Local Plan 2006.

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