



JOINT AREA COMMITTEES IN SOUTH SOMERSET
Officer Report On Planning Application:
09/00899/FUL

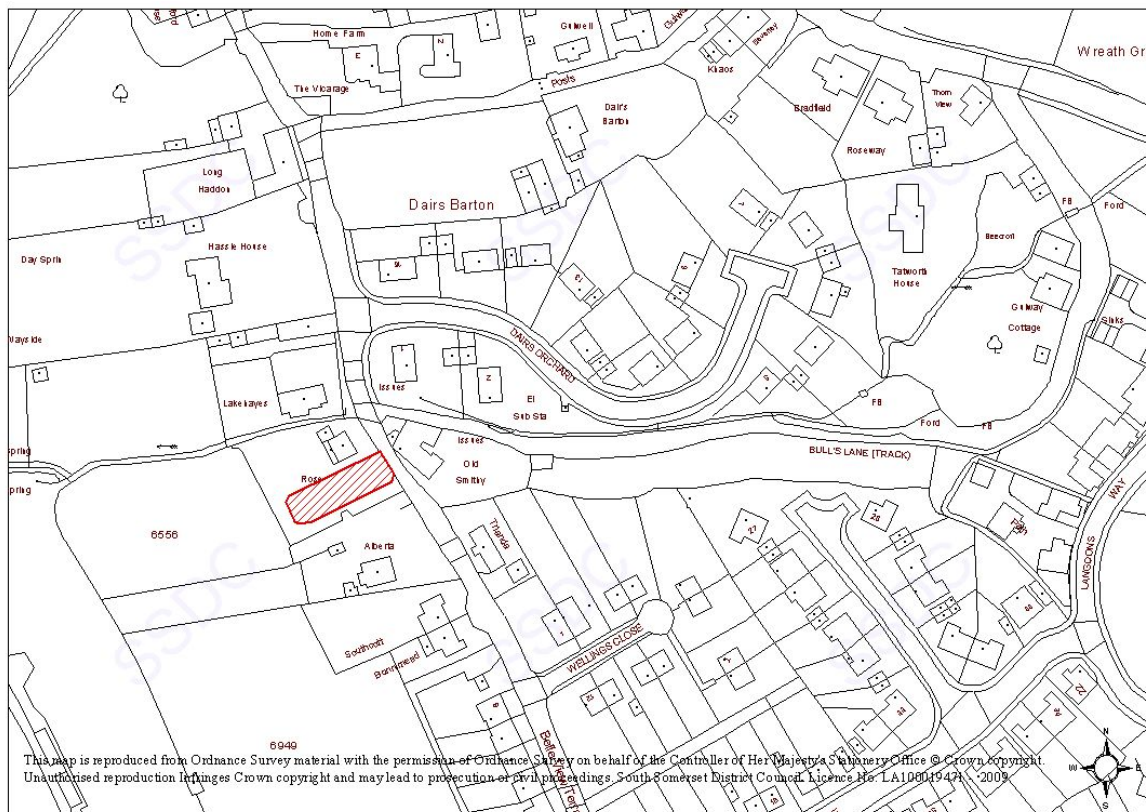


Proposal :	Erection of a detached dwelling and double garage (GR 332688/105550)
Site Address:	Land Adjacent Rose Cottage School Lane South Chard
Parish:	Tatworth And Forton
Ward : (SSDC Member)	TATWORTH AND FORTON: Mr A Turpin (Cllr)
Division (SCC Member)	CHARD SOUTH: Mrs. J. Shortland (Cllr)
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	4th May 2009
Applicant :	Mr N Manning
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON(S) FOR REFERRAL TO COMMITTEE

The application is to be considered by Joint Area Committee - West as a statutory consultee has raised an objection. As such, this application may not be dealt with under delegated powers.

SITE DESCRIPTION AND PROPOSAL



The application relates to a plot of land adjacent to Rose Cottage, which is located to the west side of School Lane, which is a classified 'C' road. The plot is currently part of the garden curtilage of Rose Cottage. The site is within Tatworth and South Chard defined development area and the conservation area.

The proposal is made to erect a detached dwelling and double garage. The application is to renew previous planning permission 02/01645/FUL, which is due to expire in June 2009. The scheme is identical to the previous consent, no changes are proposed.

HISTORY

02/01645/FUL: Erection of a detached dwelling and double garage - Permitted with conditions.

02/00946/FUL: Erection of a detached dwelling and double garage - Refused.

99/00112/OUT: Formation of an access and the erection of a detached dwellinghouse and garage (renewal 96/00975/OUT) - Permitted with conditions.

96/00975/OUT: Formation of an access and the erection of a detached dwellinghouse and garage - Permitted with conditions.

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:

VIS 2 - Principles for Future Development

EN 3 - The Historic Environment

EN 4 - Quality in the Built Environment

Somerset and Exmoor National Park Joint Structure Plan:

STR1 - Sustainable Development

Policy 9 - Built Historic Environment

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan 2006:

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

Policy-related Material Considerations:

Draft Regional Spatial Strategy for the South West (Proposed Changes July 2008):

SD1 - The Ecological Footprint

SD3 - The Environment and Natural Resources

SD4 - Sustainable Communities

Development Policy C - Development in Small Towns and Villages

Development Policy E - High Quality Design

Development Policy H - Re-using Land

ENV5 - Historic Environment

PPS's/PPG's

Planning Policy Guidance Note 15: Planning and the Historic Environment

South Somerset Sustainable Community Strategy

Goal 8 - High quality homes, buildings and public spaces where people can live and work in an environmentally friendly and healthy way

CONSULTATIONS

Town/Parish Council:

The parish council supports this application.

SSDC Technical Services:

Surface water disposal via soakaways.

County Highway Authority:

Whilst this current application is for a renewal of a previously permitted scheme it is noted that the Highway Authority recommended that particular application for refusal on the grounds of the existing access being substandard. Having revisited the site I have the following comments.

In detail, the vehicular access that currently serves the properties known as Rose Cottage and Alberta is still substandard. The access is restricted in width to such an extent that there is an inability for two vehicles to pass. As a consequence, in the event of two vehicles meeting manoeuvring may take place on the highway, which is likely to not only interrupt the free flow of traffic but also add to the hazards for all road users at this point.

The Highway Authority also has concerns regarding the level of visibility achieved by vehicles emerging from the site on to School Lane due to the presence of boundary walls of Rose Cottage and Alberta that front the highway both sides of the access. Whilst it is acknowledged that the wall to the south is in the ownership of the applicant and can therefore be altered, this is not the case for the wall to the north. As a result of this only limited improvements can be made.

Given the above limitations the Highway Authority would not wish to see a proposal that is likely to result in an increase in the use made of it. The proposal to introduce an additional dwelling in this location is likely to result in this increase. 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.

SSDC Conservation Officer:

If the proposal is the same as before, I would recommend approval.

REPRESENTATIONS

The application has been advertised by press and site notice for the requisite period. Two letters of objection have been raised from neighbours, raising the following points:

- The proposal is of an inappropriate size and position.
- Increased traffic and parking of shared drive, with access onto School Lane.
- Risk of dominating and overlooking rear gardens of Alberta and Southcott.
- The site is within the local conservation area.
- The proposal will detract from the value of neighbouring houses.
- The infilling of gardens is not desirable.

CONSIDERATIONS

The application is made to renew an existing planning permission, which is due to expire in June 2009. The approved scheme was considered by members at Area West Committee of

3rd October 2003 and was considered to be acceptable in principle subject to further negotiation in regard to the design, siting and levels of the proposed dwelling. These matters were satisfactorily dealt with and permission was granted.

The site is located within the defined development area of Tatworth and South Chard and as such, the proposal is considered to be acceptable in principle, provided that it is in accordance with other development plan policies and procedures.

Objections have been raised by the County Highway Authority and two neighbours. The Highway Authority concerns relate to the substandard access, which is restricted in width and also limited visibility to the south. As this land is not within the applicant's ownership, it is not possible to provide improvements to visibility. The neighbour objections mainly relate to the potential impact on residential amenity by way of overlooking of private amenity space and having a dominating/overbearing impact.

In relation to the Highway Authority concerns, it is acknowledged that it is unusual for officers to be making a recommendation that is contrary to the advice provided. However, it is considered that due to the existing planning permission, it would be unreasonable to object to the proposal. Prior to approving the previous scheme, members visited the site and when considered at Area West Committee, the District Council concluded that the access provision was acceptable subject to lowering of the boundary wall to the north. These alterations were conditioned as part of the consent. The minutes from the Committee note that "although the access may be difficult, it was not considered that the problems were significant enough for it to be relocated, especially as the speed humps were so close to it".

In regard to the lowering of the wall, it is noted that the site is within the conservation area and that alterations to boundary walls can potentially have a detrimental impact on the character and appearance of the locality. In this case, the principle of this was deemed acceptable.

When considered previously, the issue of impact on residential amenity was also not considered to be significant enough to warrant refusal. Local Plan policy ST6 states that the proposal should not unacceptably harm residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties.

When viewing the site, it is noted that the topography of the site is such that the finished floor levels of the ground floor of the proposed dwelling will be considerably lower than the properties to the south. Also, taking into account the distance from the boundary, it is not considered that the proposal will result in any overshadowing or overbearing impact on the private amenity space of Alberta. It is noted that there are openings in the main bedroom window that face in the direction of the neighbouring gardens but overall, it is not considered that there will be any unacceptable harm to the residential amenity of the neighbouring occupiers.

Overall there are some concerns with the proposal, particularly the matter of the access arrangements but it is deemed unreasonable to recommend refusal due to the existing planning permission. It is deemed appropriate for the application to go before members for consideration of the issues.

RECOMMENDATION

Grant permission with conditions

The proposal by reason of its design, siting and materials would conserve the character of the conservation area and causes no unacceptable harm to residential amenity or highway safety, in accordance with the aims and objectives of PPG15, policies VIS 2, EN 3 and EN 4 of the Regional Spatial Strategy, policies 9, 49 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

SUBJECT TO THE FOLLOWING:

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. The new dwelling is to be built fully in accordance with the approved levels, i.e. the finished floor level is to be identical to that of Rose Cottage.

Reason: In the interests of residential amenity, visual amenity and to safeguard the character and appearance of the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

3. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

4. Before the development hereby approved is commenced, a sample panel of the local natural stonework, indicating colour, texture, coursing and bonding, shall be provided on site for inspection and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

5. Before the development hereby permitted is commenced details of the material and external finish to be used for all windows, doors, boarding and openings shall be approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

6. All of the windows hereby approved shall be traditional sliding sashes (with equal sized panes of glass).

Reason: In the interests of visual amenity and to safeguard the character and appearance of the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

7. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

8. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

9. The details of any retaining wall on the south side of the dwelling hereby approved are to be submitted to and approved in writing prior to the work commencing on site.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

10. The development hereby approved shall not be commenced until details of the improvements to the visibility to the north of the existing access have been submitted to the Local Planning Authority in the form of a scale drawing agreed in writing. The splay shall provide for there being no obstruction to visibility over 900 mm above the ground level within an area from a point 2 m back from the carriageway edge and in the centre of the access extending to the north to the centre of the road hump. The plans shall also include a drawing of the amount of wall to be reduced, with a roadside elevation showing the final profile of the wall and the capping. The splay shall be provided before the dwelling hereby approved is first occupied, and thereafter permanently retained and maintained.

Reason: In the interests of highway safety, visual amenity and to safeguard the character and appearance of the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9, 49 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

11. The access driveway shall be surfaced in a properly consolidated material, not loose stone or gravel, to be submitted to and agreed in writing by the Local Planning Authority. The material so agreed is to be permanently retained and maintained.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan.

12. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to

and approved in writing by the Local Planning Authority prior to the development hereby permitted first being brought into use.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the southern elevation of the dwelling hereby approved.

Reason: In the interests of residential amenity, visual amenity and to safeguard the character and appearance of the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the building without the prior express grant of planning permission.

Reason: In the interests of residential amenity, visual amenity and to safeguard the character and appearance of the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.
