



Appeal Decision

Site visit made on 8 March 2010

by **Roger Pritchard MA PhD MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
22 March 2010

Appeal Ref: **APP/R3325/A/09/2117141**

Land to the rear of 17 - 27 Cedar Close, Chard, Somerset, TA20 1DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Summerfield SD3 Ltd against the decision of South Somerset District Council.
- The application Ref 09/01372/FUL, dated 23 March 2009, was refused by notice dated 12 November 2009.
- The development proposed is 14 dwellings with garaging and associated site works.

Decision

1. I allow the appeal, and grant planning permission for 14 dwellings with garaging and associated site works on land to the rear of 17 - 27 Cedar Close, Chard, Somerset, TA20 1DB in accordance with the terms of the application, Ref 09/01372/FUL, dated 23 March 2009, and the plans attached as Schedule A to this decision, and subject to the conditions attached as Schedule B to this decision.

Costs Application

2. A costs application was made by Summerfield SD3 Ltd against South Somerset District Council. This application is the subject of a separate decision.

Procedural Matter

3. The appellants submitted a signed Unilateral Undertaking, dated 14 December 2009, committing them to making a contribution to the provision of equipped play space and facilities for young people. I consider that Undertaking to have been properly made and to relate to the obligations set by Policies CR2, CR3 and ST10 of the adopted South Somerset Local Plan. I therefore consider the Undertaking to be necessary for the development to proceed.

Main Issue

4. I consider the main issue to be the effect of the proposed development on the living conditions of the occupants of adjacent properties in Cedar Close.

Reasons

5. The proposed development would erect 14 dwellings on a vacant site in the north western part of Chard. The appeal site is within the settlement boundary of the town and I agree that the principle of residential development had been previously established by the Council when it granted permission on the site for
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12 semi-detached bungalows in 2008. The scheme before me proposes two more dwellings and would comprise only 2 bungalows and 12 two storey houses.

6. I recognise that whilst the existing permission replicated the predominant residential form of Cedar Close, the proposal before me, with its preponderance of two-storey dwellings, would be different in nature. Nevertheless, the site is within the urban area, is currently unused and has no obvious public amenity benefit. The dwellings would be of conventional design and materials and although, at around 35 dwellings per hectare, the density of the proposed development would be greater than in Cedar Close or Larch Avenue, it would meet Government priorities to make more efficient use of vacant land.
7. Furthermore, I consider that, given their location at the southern end of the Cedar Close/Larch Avenue estate, which they would separate from the cemetery to the south, that these two storey dwellings would not represent an unacceptable intrusion into the character or appearance of the area.
8. I recognise, however, that the proposed development has provoked considerable opposition from local residents. The prime focus of this opposition, and the basis for the Council's refusal of the application, is the perceived impact of the development on the adjacent properties in Cedar Close.
9. The linear shape of the site determines that the majority of the proposed dwellings face the rear gardens of 17 to 27 Cedar Close, across the roadway that would provide vehicular access. I recognise that at the western end of the site, there would be a block of six properties, plots 9 to 14, orientated from north to south, whose rear elevations would face the rear of existing properties in Crimchard. The relationship of these new and existing properties would be entirely conventional and at a distance that I would consider usual and acceptable in an urban context. I consider that the relationship of the gable end of plot 14 to the facing elevations of 25 and 27 Cedar Close would be acceptable. The only facing window would be to a first floor bathroom and I would expect that window to be obscurely glazed. I therefore conclude that plots 9 – 14 would not result in any significant material harm to the living conditions of the occupants of any neighbouring property.
10. Nor do I consider that the two bungalows, plots 7 and 8, would have an unacceptable relationship to any neighbouring dwelling. The orientation of the bungalows would be from north to south. There would be bedroom windows facing the rear elevations of 23 and 25 Cedar Close but a separation distance of well over 20 metres and the relative height of the properties would ensure that there was no significant loss of light or privacy to the dwellings in Cedar Close.
11. By the same token, I consider that the relationship between the two storey houses on plots 1 and 2 to the facing rear elevation of 17 Cedar Close would be usual in an urban area and acceptable. There would be one facing bedroom window in the front, first floor elevations of each property, but the separation distances would still be well in excess of 20 metres. (The other facing, first floor windows on plots 1 and 2 would be bathrooms and, again, should be

obscurely glazed.) Again, I conclude that there would be no significant loss of light or privacy to the dwellings in Cedar Close.

12. The proposed dwellings with the closest relationship to the rear of the existing properties in Cedar Close would be plots 3 to 6. These face the rear of 17, 19 and 21 Cedar Close and it would be those properties on which I consider they would have the greatest effect. (I accept that No 23 would also be partially affected but not to a degree, in my view, any greater than any of the other relationships that I have accepted above.) The appellants have submitted a table of distances between these plots and the adjacent bungalows in Cedar Close that has not been challenged. The distances vary between 21 and 25 metres: the closest relationship being between plot 2 and the rear of No 17.
13. I have no doubt that such separation distances are sufficient to ensure that there is no unacceptable loss of light to, or overbearing on, the neighbouring bungalows in Cedar Close from the proposed development. The issue that remains is any loss of privacy. In this context, I have already commented that the appeal site is unused for any public purpose and I accept that the rears of 17 to 27 Cedar Close currently enjoy an exceptional degree of privacy for an urban area.
14. This element of the proposed development would result in some loss of privacy to these immediately neighbouring bungalows. The issue is whether that loss would be acceptable or not. The only reasonable basis on which that judgement can be made seems to me to be whether the relationships created would be unusual for an urban area such as that in which the appeal site lies. I conclude that they would not and that the relationships created between the proposed development and the properties in Cedar Close would therefore be acceptable.
15. Some overlooking of back gardens is the norm in urban areas and I have no reason to conclude that the effects from the proposed development would be other than are generally experienced elsewhere and as can be seen in the wider neighbourhood. Moreover, the proposed access road provides a strong separation between the new and existing properties. Appropriate boundary treatments as proposed along the northern boundary of the site and screen planting could further mitigate any impact.
16. I consider that the advantages offered by the proposed development, the provision of additional housing on a vacant site in the urban area, significantly outweigh its effects on the living conditions of the occupants of neighbouring properties. The proposal would not therefore conflict with the sixth criterion of Policy ST6 of the adopted Local Plan that seeks to protect the residential amenity of neighbouring occupiers.

Other matters

17. Some local residents have expressed concerns about the traffic impact of the proposed development. However, I note that the Highway Authority has raised no objection and that the parking provision is in line with the Council's policies. I therefore conclude that there is no reason to believe that the traffic generated by the proposed development would result in an unacceptable effect on highway safety in the area.

18. I also note that some local residents are concerned about the noise and disturbance that would be created during any process of construction. This is not a matter that can weigh against the development, but I consider that appropriate conditions could significantly mitigate against any such effects.
19. Finally, I am aware that some local residents are concerned about the possibility that the proposed development would lead to pressures to open up other land to the east, with a consequent increase in traffic through the area. This is not a matter before me and given the Council's acceptance of the principle of residential development on the appeal site, it is not a factor to which I can give any weight in my decision.

Conditions

20. I have considered the conditions that the Council asked me to impose were I to allow the appeal in the light of the appellants' comments and the advice in Circular 11/95.
21. In addition to standard conditions specifying a time limit within which the development should be carried out and that it should take place in accordance with the approved plans, I consider that conditions are needed to ensure that the associated and appropriate highway and footway works are carried out before the dwellings are occupied. I shall impose conditions to this effect.
22. I also consider that a sustainable drainage scheme should be provided for the development and I shall impose a condition requiring details of such a scheme to be approved by the Council before development begins. I shall also impose a condition to safeguard the existing culvert that crosses the site.
23. This is a residential area and conditions to protect the amenity of neighbours during construction of the development are necessary. I shall therefore impose conditions limiting the hours during which construction, and the delivery of construction materials to the site, may be undertaken, and a condition to require wheel washing of construction vehicles during development. I also recognise concerns of neighbours that access to the site would be sought from the track that runs from Dyehouse Lane along the rear of 33 to 27 Cedar Close. Although this is not a public right of way and the appellants do not own this track and have no control over it, they have accepted that any access from it to the appeal site should be permanently stopped up. I agree and shall impose a condition to ensure this.
24. The impact of the development on the character and appearance of the vicinity will be much affected by the boundary treatments to be used and I shall therefore impose a condition requiring the prior approval of these. I shall also impose a condition to ensure that there is sufficient mitigation of the effects of the development on a protected species, slow worms, which may be present on the site.
25. Finally, I propose to add a condition not formally put forward by the Council but acknowledged by a number of parties as assisting to maintain as great a degree of privacy as possible. This would be to ensure that north facing bathroom and landing first floor windows are obscurely glazed. I do not, however, consider such a restriction to be appropriate to bedrooms.

26. However, the Council has proposed one condition that I consider unjustified and which I shall not impose. It has asked me to impose a wide-ranging condition that seeks to control by condition details of service provision to individual dwellings. The condition is, to my mind, unwarranted both because some of the control it seeks is delivered by other means or because it removes permitted development rights, for which inadequate justification is given. I shall not therefore impose this condition.

Conclusion

27. For the reasons given above I conclude that the appeal should be allowed.

Roger Pritchard

INSPECTOR

SCHEDULE A

LIST OF PLANS ATTACHED TO THIS DECISION

- Drawing 08.45.04A – Location and block plan*
- Drawing 08.45.05E – Site layout**
- Drawing 08.45.06C – House type A**
- Drawing 08.45.07C – House type B*
- Drawing 08.45.08B – House type C*
- Drawing 08.45.09A – Bungalow type D*
- Drawing 08.45.10A – Street elevations*
- Drawing 08.45.11 – Proposed street scenes***

* Plans submitted with the original application

** Amended plans submitted on 27 May 2009

*** Amended plan submitted on 1 July 2009

SCHEDULE B

CONDITIONS ATTACHED TO THIS DECISION

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 08.45.04A, 08.45.05E, 08.45.06C, 08.45.07C, 08.45.08B, 08.45.09A, 08.45.10A and 08.45.11.
- 3) No development shall take place, including any site clearance or excavation, until measures have been taken permanently to block any access to the site, whether by vehicle or on foot, from the track that runs from Dyehouse Lane along the rear of 33 to 27 Cedar Close.
- 4) Before any dwelling hereby permitted is occupied, it shall be served by a consolidated and surfaced footway and carriageway to at least base course level between the dwelling and the existing highway.
- 5) The areas shown on Drawing 08.45.05E for the parking and turning of vehicles shall be retained thereafter and not used for any other purpose.
- 6) No structure or erection exceeding 0.6 metres in height shall be placed above the level of the adjoining carriageway forward of a line drawn 2 metres back from, and parallel to, the nearside carriageway edge over the entire site frontage. These areas shall be provided before any dwelling hereby permitted is occupied and shall be retained thereafter.
- 7) No development shall take place until details of the implementation, maintenance and management of a foul and surface water sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be installed in accordance with the

- approved details and shall be fully operational before any dwelling hereby permitted is occupied. The installed scheme shall be retained thereafter and managed and maintained in accordance with the approved details.
- 8) No development shall take place until details of arrangements to protect the culverted watercourse that crosses the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 9) No demolition or construction works, including construction deliveries to the site, shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1400 hours on Saturdays nor at any time on Sundays, Public or Bank Holidays.
 - 10) No development shall take place until details of a wheel washing facility on the site have been submitted to and approved in writing by the local planning authority. Any foul effluent or other waste resulting from the washing of construction vehicles shall be contained within an appropriate interceptor prior to discharge from the site. The wheel wash facility shall be retained throughout the period of the construction of the development hereby permitted.
 - 11) No development shall take place until there a plan indicating the positions, design, materials and type of boundary treatments to be erected or planted on the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 12) No development shall take place, including any site clearance, until a mitigation plan for the protection of slow worms has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved mitigation plan.
 - 13) Before the first occupation of the dwellings hereby permitted on plots 1, 2, 3, 4, 5, 6, and 14, as indicated on Drawing No 08.45.05E, all north-facing windows at first floor level that light bathrooms, WCs or landings shall be fitted with obscured glass and shall be permanently retained in that condition.



Costs Decision

Site visit made on 8 March 2010

by **Roger Pritchard MA PhD MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
22 March 2010

Costs application in relation to Appeal Ref: APP/R3325/A/09/2117141 Land to the rear of 17 - 27 Cedar Close, Chard, Somerset, TA20 1DB

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Summerfield SD3 Ltd for a full award of costs against South Somerset District Council.
- The appeal was against the refusal of the Council to grant planning permission for the residential development of 14 dwellings together with garaging and associated site works.

Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.

The Submissions for the Applicants

1. The appellants considered that the Council had acted unreasonably in refusing an application that clearly met all the criteria set by its own Development Plan and thereby unreasonably delayed acceptable development. Members were entitled to reject their officers' recommendations but were required to give sound planning reasons for doing so. The Council had not given such reasons. On the contrary, its reasons for refusal were generalised, failed to specify which neighbouring properties would be unacceptably affected and did not address the critical issue of the separation distances between the proposed development and the adjacent houses in Cedar Close. These actions were contrary to paragraphs B15, B16, B18, B20 and B22 of Circular 03/09.
2. Moreover, the Council had not submitted any statement of case following the lodging of the appeal. Instead, it had apparently relied on the officers' report to Committee which came to opposite conclusions and recommended approval. This was entirely unreasonable as it resulted in no evidence being submitted by the Council against the appeal. There was also no evidence that the Committee had visited the site and its decision appeared to have been made solely on the basis of local opposition from third parties.
3. Circular 03/09 emphasised in its paragraph B16 that Council must substantiate with evidence why a development should not be permitted. Where they fail to do so, they run the risk of a costs award against them. This was clearly the position here and a full award of costs was fully justified.

The Response by the Council

4. The Council disputed that the proposed development conformed to the development plan. In its view, the proposal was clearly contrary to the sixth
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criterion of Local Plan Policy ST6 in producing unacceptable material harm to the amenity of the residents of the neighbouring properties in Cedar Close.

5. The Committee had made its judgement in relation to the applicants' submitted plans and its own assessment of the effects of overlooking on the rear of some of the properties in Cedar Close. The Committee was entirely within its rights to come to a different view to its officers' recommendation and no award of costs was justified.

Conclusions

6. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
7. Whilst I would not dispute the Planning Committee's right to disagree with the recommendations of its officers, when it does so it is under a particular responsibility to make clear to the applicants why it has come to its decision and what it is about the development that it considers unacceptable. In this case, I consider Council failed to do this expeditiously, properly and sufficiently.
8. The reason for refusal may not be particularly specific, in that it does not identify which properties will experience unacceptable harm. However, that would not be unacceptable, in my view, if the Council had then used its Statement of Case to develop that reason and provide the evidence to support its decision. However, no Statement of Case was submitted by the Council.
9. Councils are not obliged to submit additional material in response to appeals where they consider officers' reports adequately summarise their position. However, where Committees choose to overturn their officers' recommendations, Councils are under an obligation to explain why they have done so if an appeal is made. Moreover, in this case, where the Council had recently given permission for residential development on the same site, I consider that it was under a particular onus to explain fully and at the earliest opportunity what it was about the application that was unacceptable.
10. However, the only explanation of the Council's position arose from its response to the costs application. This seems to me to be unsatisfactory both for the applicants, who had already prepared their grounds of appeal, and for myself and it constitutes behaviour that I conclude was unreasonable in the context of this appeal.
11. In the circumstances, I consider that the applicants would have been unable when drawing up their grounds of appeal and supporting material to have focused on those matters of greatest concern to the Council. The inevitable outcome was a much more wide-ranging response that wasted time and money rebutting issues that were of little concern.
12. In these circumstances, I conclude that a full award of costs against the Council is justified.

Formal Decision and Costs Order

13. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that South Somerset District Council shall pay to Summerfield SD3 Ltd, the costs of the appeal proceedings, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.

Roger Pritchard

INSPECTOR



Appeal Decision

Site visit made on 23 February 2010

by **David Morgan BA MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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**Decision date:
1 April 2010**

Appeal Ref: APP/R3325/A/09/2118762

Adjoining New House, Holbear, Chard, Somerset TA20 2HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Winsham Development Company Ltd against the decision of South Somerset District Council.
- The application Ref 09/02054/FUL, dated 22 May 2009, was refused by notice dated 17 July 2009.
- The development proposed is erection of four houses.

Decision

1. I allow the appeal and grant planning permission for the erection of four houses adjoining New House, Holbear, Chard, Somerset TA20 2HS in accordance with the terms of the application Ref: 09/02054/FUL dated the 22 May 2009 subject to the conditions set out on the schedule at the end of this decision letter.

Main issues

2. I consider these to be a) whether the increased use of the junction of Holbear and the B3162, by virtue of its current dimensions and limited visibility to the south east, would be prejudicial to highway safety, b) whether, by reason of the restricted width of the junction, Holbear is unsuitable to serve as a means of access to the proposed development and c) whether the increased use of Holbear by vehicles would be prejudicial to the safety of pedestrians using the road.

Reasons

3. I agree with the Council and Highway Authority that visibility at the junction of Holbear and the B3162 when looking to the south east is at present limited to approximately 18m. This is considerably below the 43m 'Y' distance calibrated against a 2.4m 'X' distance measured from the back edge of the highway, as set out in table 7.1 of Manual for Streets for such roads with a 30mph speed restriction. This deficiency is compounded by the fact that traffic approaching from the south east would be on the nearside, and so seen late by drivers seeking egress from Holbear. It seems to me that any increase in the number of vehicular movements generated by further development at this junction where forward visibility is so significantly below that recommended in government advice would incrementally and materially increase the risk to users of the junction and the B3162. Unmitigated, this increase in hazard would be sufficient in my view to justify the dismissal of the proposals.

4. However, the appellant has submitted a drawing demonstrating that with a range of alterations to the configuration of the junction, the 43m visibility splay to the south east could be achieved. Such an outcome would effectively overcome the concerns expressed above, and achieve an improvement for current users of the junction. I am in accord with both the main parties that such alterations could reasonably be achieved through an appropriately worded condition.
5. The Council define the junction as 'substandard' in relation to its width (5.1m approximately) but do not specify against which criteria or standard this should be judged. I agree that the width of Holbear at the junction is narrower than most modern access roads, and those vehicles entering the road from the south east need to exercise caution in the event that a vehicle seeking egress from the road may be met at the junction. However, two cars are able to undertake this manoeuvre without transgressing the dividing markings with due care. Whilst a greater degree of conflict and so hazard may result with larger vehicles involved, there is no evidence that this is more than an occasional occurrence. Indeed, the Council has not presented any evidence to challenge the appellant's analysis of the relatively low volumes of traffic along Holbear, nor presented data on the volume of traffic along the B3162. In my view, in relation to this specific case, the modest increase in the number of vehicular movements at this junction, supported by the appellant's analysis, would not result in a significant increase in the risk to users either of Holbear or the B3162. I also conclude that with the enhanced visibility at the junction achieved through the condition, both users of Holbear and the B3162 would have a greater degree of inter-visibility and so calibrate their manoeuvre accordingly, further mitigating risk to highway users.
6. I accept that Holbear is narrow along its length and that it narrows considerably beyond the approximate 15m of its 5.1m bell-mouth at the junction. Moreover, such passing places that exist are more randomly disposed areas of informal hardstanding, verge and junction radii than formally laid out passing bays. I also accept that even the small increase in the number of vehicle movements generated by the proposed development would incrementally increase the incidence of vehicles seeking to pass each other along the road. However, the Council do not present evidence to contradict the appellant's argument that the general flow of traffic along Holbear is tidal, and chiefly confined to specific periods of the day. On this basis the potential for increased conflict would be limited.
7. Holbear has no separate provision of pedestrians and as such their safety must always be a concern in relation to increased traffic as a consequence of development. However, traffic speeds are low along the road, and regulated to a degree by speed humps and indicative speed signage of 10 miles per hour on the highway surface. Moreover, the level of increased traffic associated with the development would be limited, and the incidence of pedestrian activity along the road, correspondingly small. The informal passing areas identified above, and sections of verge, also afford some opportunities for walkers to get off the highway in the event of the approach of a slow moving vehicle. All of these factors draw me to conclude that there would be no significant or material increase of risk to pedestrian users of the lane as a result of the development.

8. For all the reasons set out above therefore, I consider the proposals to be in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Other matters

9. I have considered the detailed comments of other parties and particularly their concerns over pedestrians and other uses of the road. I appreciate that their concerns are heartfelt and based on their perception of the impact of further traffic on the road, though this is not supported with evidence of actual incidents or circumstances that would substantiate them to a degree to which I could afford them substantial weight. I have considered all the evidence presented in relation to the appeal and assessed the issues at some length during my site visits. Where I have identified a potential increase in the risk to highway users I have concluded this could be overcome through a condition. On the basis of the other evidence before me, I have not been able to establish that the increase in traffic generated by the proposed development would result in a material increase in the degree of risk to all highway users in any other respect.
10. For these reasons, and having considered all the matters raised in relation to this case, I conclude that the appeal should be allowed.

Conditions

11. Allowing the appeal I attach conditions requiring that the development be carried out in accordance with the details set out on the submitted plans for the avoidance of doubt and in the interests of sound planning; I attach conditions requiring the submission of samples of materials, details of eaves and fascia boards and materials to be used for the fabrication of windows and details of a comprehensive landscaping scheme, all to ensure a satisfactory appearance to the development; I attach conditions requiring the removal of permitted development rights with respect of further window and door openings, the limiting of hours of construction, the submission details of refuse storage, all in the interests of living conditions of adjacent occupiers; a condition requiring the provision of tree protection measures in accordance with submitted arboricultural plans to safeguard the wellbeing of protected trees on the site; I also attach a condition requiring the parking provided for the development be kept clear of obstruction and used only in connection with the development, in the interests of highway safety. I have also attached a condition restricting the use of the garaging for domestic purposes, in the interests of restricting other incompatible uses.
12. I have also attached a condition requiring that alterations to the junction of Holbear and the B3162 outwith land under the control of the appellant, and as set out in drawing 2000-09-17/WR03, are carried out in strict accordance with the dimensions set out therein, to ensure that a visibility splay to the south east and north west is achieved in accordance with the requirements of table 7.1 of Manual for Streets, in the express interests of highway safety.

David Morgan

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers 2629:1:1, 2629:2, 2629:3.
- 3) No development 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.
- 4) No works shall commence on site unless details of all eaves/fascia board details, guttering, down pipes and other rainwater goods have been submitted to and approved in writing by the local planning authority. These fixtures shall be applied in accordance with the approved details and retained as such thereafter.
- 5) No works shall commence on site unless details of the materials and external finishes to be used for all windows, doors, boarding and openings have been submitted to and approved in writing by the local planning authority. These fixtures shall be applied in accordance with the approved details and retained as such thereafter.
- 6) 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 or doors, other than those expressly authorised by this permission shall be constructed in any of the dwellings hereby approved.
- 7) 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), the use of the garages hereby approved shall be limited to the private and domestic needs of the occupiers and shall not be used for any business or other purpose.
- 8) No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays and Bank or National Holidays.
- 9) Details for the provision of storage and collection points for wheeled refuse bins provided for the site shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and retained as such thereafter.
- 10) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development as well as details of any changes proposed to existing ground levels. Planting and seeding, turfing or earth moulding set out in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to a variation.

- 11) Prior to the any works commencing on site, including ground excavations, site vegetation clearance, demolition of existing structures, heavy machinery entering the site, storage of materials or burning of refuse, tree protection fencing as specified within the Arboricultural Report by Heartwood Arboricultural Consultants, and as set out in drawing no 7_09-A received on the 16 December 2009 as part of the appeal documentation, shall be installed around all specified trees and the Root Protection Areas within shall be maintained as a Construction Exclusion Zone for the full duration of construction activity on the site, in accordance with British Standard 5837:2005 – *Trees in Relation to Construction*.
- 12) The area allocated for the parking of motor vehicles 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 the development hereby permitted.
- 13) No development shall commence on the site until the alterations to the junction of Holbear and Forton Road (B3162), including the visibility splays to south east and north west, have been carried out in strict accordance with the dimensions and configuration as set out in drawing no 2000-09-17/WR03 received on the 16 February 2010 to the full satisfaction of the local planning authority. Details of materials, means of drainage, the relocation of the lighting column and method of construction of the all works associated with the alterations to the junction shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with these details.