

The application property is The Old Vicarage in Haselbury Plucknett. The Grade II listed two storey dwellinghouse is a substantial hamstone building which can be found on Claycastle close to the junction with North Perrott Road.

The property benefits from a large garden, which extends to the rear in a southerly direction and is bounded on both road frontages with natural stone walls, mature trees and shrubs. The site is situated within the village conservation area.

The existing dwelling currently has no vehicular access or off street parking provision, hence this application which seeks planning permission to form an access off Claycastle and erect a detached double carport to the rear of the property close to the western boundary.

In detail, the application proposes to re-align part of the existing northern wall which bounds Claycastle backwards into the site whilst remaining at its current height of between 1.2 - 1.5 metres, form an opening of four metres in width for vehicular access immediately to the west of the dwellinghouse, provide gates to the opening, form a driveway of grass cell type vehicle tracks, after an initial consolidated surface, up and into the garden to the proposed detached open fronted carport of pitched roof form with a timber clad finish under clay tiles. Replanting to the area behind the wall to be re-aligned is also proposed.

The larger trees on the northern boundary to the street include Wych Elms, which are diseased or have died. A fine Cedar of Lebanon tree to the rear of the dwellinghouse in the garden which is mostly laid to lawn and sloping up from the north is shown to be retained and protected by a 15 metre radius.

A similar proposal was refused planning permission and listed building consent in 2008. This included a large triple garage and garden store situated close to the northern boundary with Claycastle and reducing the height of the boundary wall to provide for visibility from the new access. This proposal was considered to be detrimental to the character and appearance of the conservation area and the setting of the listed building by reason of the excessive size, design, form, positioning and orientation of the proposed garage building and associated parking area and the proposed alterations to the front boundary wall. The applications also lacked information in respect of the trees on site.

The revised application follows pre-application discussions between the Agent, Case Officer, Conservation Officer, Tree Officer and Highway Authority. The proposals have been amended once more since the original submission following the formal consultation responses from the Highway Authority and Conservation Officer. The original proposal comprised the gates higher than the wall, set back from the highway and parallel with the front of the dwellinghouse with the ridgeline of the carport orientated east-west. The amended scheme now for consideration includes the gates moved forward at the same height as the wall, closer to the highway and in line with the wall to the front of the dwelling and the ridgeline of the carport orientated north-south.

A separate application for listed building consent has been submitted for the proposals.

HISTORY

Varying history, of which most relevant:

08/00195/FUL: Formation of vehicular access and the erection of a triple garage.
Refused 31.3.2008

08/00198/LBC: Formation of vehicular access and the erection of a triple garage.
Refused 31.3.2008

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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority takes the view that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

Policy STR1 - Sustainable Development
Policy 9 - The Built Historic Environment
Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (April 2006):

Policy EH1 - Conservations Areas
Policy EH3 - Listed Buildings
Policy EH5 - Setting of Listed Buildings
Policy ST5 - General Principles of Development
Policy ST6 - The Quality of Development

National Planning Policy Framework (March 2012):

Chapter 7 - Requiring good design
Chapter 12 - Conserving and enhancing the historic environment

South Somerset Sustainable Community Strategy

Goal 8 - Quality Development
Goal 11 - Environment

CONSULTATIONS

Haselbury Plucknett Parish Council

No objections to original or amended plans.

SCC County Highway Authority

Original Plans: I refer to the above mentioned planning application received on 6th February 2012 and following a site visit on the same day I have the following observations on the highway and transportation aspects of this proposal.

There is no objection in principle to this proposal but I have the following detailed comments to make.

The proposal relates to the formation of a new access to the existing dwelling, it is noted that this proposal has been subject to a similar planning application in 2008. Having reviewed the Highway Authority's observations relating to the previous application 08/00195/FUL, it is my understanding that although the Highway Authority had no issue with the formation of the new access, there were some concerns over the detail. However it is apparent that these concerns were overcome with the submission of amended drawings to take into account the Highway Authority's recommendations.

This proposal has removed the alterations which were recommended by the Highway Authority. This did initially cause some concerns for the Highway Authority, however after lengthy pre application discussions with the Local Planning Authority I am broadly satisfied with the proposed layout, which would require the existing boundary wall being maintained at its existing height, but it would be moved back to meet the required visibility splay. This would be similar to the Highway Authority's visibility recommendation under the 2008 application.

As the boundary wall will be set back this would require a section of the applicants land to be given up for adoption. From the details provided in the design and access statement it appears that the applicant is happy to give up this land to the Highway Authority. Although the Highway Authority is happy to accept this section of land as adopted highway it would need to be constructed to an adoptable standard and these works should be funded by the applicant.

The proposal will provide entrance gates, which will be set 4.5m back from the carriageway edge and hung to open inwards. These details are considered to be acceptable.

In terms of the internal arrangements I am satisfied that the proposed car port will provide parking for two vehicles and the turning area appears to be acceptable to allow vehicles to turn and leave in a forward gear.

Therefore taking into account the above information I raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached:

- The proposed access over at least the first 4.5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
- Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge.
- 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.
- The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

- There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 29m to the left of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Amended Plans: I refer to above mentioned planning application and the Highway Authority's initial comments dated 22nd February 2012. Amended plans have been submitted to the Local Planning Authority and have been passed to the Highway Authority for comment.

Drawing Number 6192-02B has amended the proposal by moving the access forward to the back edge of the carriageway. It is noted that the existing electronic gates will be retained as part of this proposal.

I am concerned that the amendments would lead to vehicles having to wait on the adopted highway whilst the automated gates open and by doing so it would cause an obstruction to other highway users on Claycastle. Therefore taking into account these amendments I wish to raise objections to this proposal for the following reason:

The proposed development would likely encourage vehicles to wait/park on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy ST5 of the South Somerset Local Plan.

Area Engineer, Technical Services Department

No comment.

SSDC Conservation Officer

Original Plans: This is a listed building in a prominent position in the conservation area.

The house has, at some time in the past, been divided into two, with the larger part of the house losing any off road parking.

The site is difficult to service with off road car parking, being close to a junction, and there is the resulting utilitarian 900mm visibility splay to accommodate.

In this case if the wall were lowered, all vegetation would have to be kept below 900mm in the visibility splay, and the impact on the setting of the building and the conservation area would be the imposition of an engineered solution.

A design solution would be to relocate the wall to avoid the need to lower it. In some respects this is a more radical approach with more intervention, but would result in a better solution in the long term, being designed rather than altered to fit.

On this basis if we are to agree an access here, then this proposal I see as the best way forward, providing the new works are done to a high standard. I would ask for a sample panel of the wall, to agree the pointing and coursing and to agree the capping.

I am disappointed that they have not been able to take into account my comments on the position of the gates or height of it. I consider that they are too high and are set back too far to comply with standard highway requirements, resulting in a compromised design.

The garage is fine in terms of its position, but the roof should be rotated 90 degrees to sit the eaves over the opening. Materials and details here should be conditioned as normal.

Amended Plans: This application relates to a listed building at a prominent site within the conservation area. The house is located just off the south east corner of a cross roads, with its garden extending up to the cross roads. To the front is a stone boundary wall with planting to the rear. This wall is over 1m in height and pushes out into the road way between the house and the cross roads.

The house has been subdivided into two at some time in the past (there is no planning record) and this higher status part of the house lost any parking. The owner is keen to provide off road parking for what I understand is a 6 bedroom house, which is adjacent to a busy A road.

There is a balance to be struck here. Ideally I would like to see no change, and if there were already sufficient parking I would resist change here.

The issue with providing new accesses are designing in the requirements of the highway authority. These can lead to uniform solutions in diverse contexts resulting in a degradation of local distinctiveness. Hence the first proposal at pre application discussions which was to lower the front wall to the west to 900mm from its current 1.4m or so. The land retained by the wall would also need to be lowered and no planting, other than grass or other very low plants could be grown in the visibility splay. This was considered inappropriate. The lateral move forward, proposed by us, is to realign the wall to the rear of the visibility splay, allowing the wall to remain at its current height. This is a major concession, but if an access is to be allowed and meet the requirements of the Highways Authority, for visibility, then this is the best way forward.

The second requirement of the Highways Authority that the gates should be set back 5m from the Highway is one concession too far for me. This would result in a sterile area of tarmac or other hard surface just in front of the building. In effect think parking space. Given that this is a minor side road and the new access would result in less on road parking, I am unhappy at moving any further towards the requirements of the Highways Authority. For me the gates should be much closer to the road, and of a height which completes the enclosure of the front garden along with the wall.

On that basis I am happy with the amended plans as submitted.

As ever the detail is key, and we would need to condition the details of the rebuilt wall, including a sample panel; details of the gate, and the hard surfacing of the drive and edging details. Other conditions would be as normal.

SSDC Tree Officer

As a result of pre-application discussion, I believe this proposal ought to have negligible arboricultural impact upon the higher category trees worthy of retention. I also welcome the proposed scheme of tree and shrub planting.

If a consent is granted, please would you consider imposing a tree protection condition.

REPRESENTATIONS

Two neighbours notified and site notice posted. Two letters of support received stating the proposal is sensible and will aid traffic flows through this tight width section of Claycastle.

CONSIDERATIONS

The main considerations in this case relate to the impact on the character and appearance of the conservation area, residential and visual amenity, highway safety and the character and setting of the listed building.

The key consideration relating to this proposal is striking a balance between the aims of the Highway Authority whilst respecting the character and setting of the listed building.

Principle of Development

It is understood that at some point in the past the house has been subdivided, leaving this site with no parking. The principle of providing vehicular access with associated off road parking within the site of this substantial dwellinghouse is considered acceptable.

Residential Amenity

Given the siting of the proposed access and carport, it is not considered the proposals give rise to any adverse impact on the residential amenity of neighbouring occupiers.

Two letters of support have been received from the adjoining and adjacent occupier's to the application site.

Trees and Landscaping

The Council's Tree Officer considers the proposal ought to have negligible arboricultural impact upon the higher category trees worthy of retention and further welcomes the proposed scheme of tree and shrub planting to the north of the site adjacent to the new access. It is in this area that the dead and diseased Wych Elms will be removed and a new planting area formed with specific species to complement the area.

Visual Amenity and Conservation Area

From a visual impact viewpoint, the wall to be realigned will be reconstructed to exactly match the existing wall in height, materials and appearance whilst the area of trees and shrubs affected will be replanted (a detailed landscaping scheme has been provided). The new entrance gates will complete and retain a form of enclosure to this prominent roadside boundary reflecting the height of the wall. With careful conditioning to control details such as pointing and coursing, it is considered the proposals will preserve the character and appearance of the conservation area and not cause demonstrable harm to the visual amenity of the area.

In respect of the proposed carport, by reason of its siting, scale, materials, simple design and revised roof form, it is considered acceptable and in keeping with the character of the area.

The proposed driveway to the carport through the existing rear garden will be of grass cell type vehicle tracks which are considered low impact in visual terms. The first 4.5 metres from the carriageway edge is to be a consolidated surface, details of which shall

be agreed prior to commencement to ensure it respects the character of the conservation area and setting of the listed building.

Highway safety and impact on character and setting of listed building

As is often the case with proposals such as this, there is rarely a scheme which can fully meet the requirements of the Highway Authority whilst also respecting the character and setting of a listed building.

Following the refusal of the previous scheme and during the pre-application discussions, the Local Planning Authority acknowledged the need for off road parking and put forward suggestions which resulted in the proposal to realign the wall so as to retain its current height thus to avoid a standard highway favoured design requiring the boundary wall to be reduced in height to 900mm within the visibility splays. This was a major concession from the Local Planning Authority's point of view where in turn it was asked of the Highway Authority if they too would compromise in allowing the gates to be set further forward than the standard 4.5 - 5 metres back, given Claycastle is a minor side road and the proposal will benefit highway safety by removing the applicant's need to park on the road.

The Highway Authority have objected and recommend refusal of the amended scheme which includes electronically operated entrance gates in line with the walling to the front of the site on the basis that the amendments would lead to vehicles having to wait on the adopted highway whilst the automated gates open and by doing so will cause an obstruction to other road users on Claycastle.

As the Conservation Officer states; "the requirement of the Highway Authority that the gates should be set back 5 metres from the highway is one concession too far. This would result in a sterile area of tarmac or other hard surface just in front of the building. In effect think parking space. I am unhappy at moving any further towards the requirements of the Highway Authority. For me the gates should be much closer to the road, and of a height which completes the enclosure of the front garden along with the wall."

The application site is prominently located within the conservation area and is part of the setting of a Grade II listed building where it is considered inappropriate for the imposition of an engineered and uniform solution to suit highways which would result in a degradation of local distinctiveness. For this reason, in this case, it is considered the listed building issues outweigh the highway considerations and as such the application is recommended for approval contrary to the recommendation of refusal by the Highway Authority.

CONCLUSION

Whilst the proposal fails to satisfy the Highway Authority in terms of the siting of the entrance gates, the considerations relating to the character and setting of the listed building are deemed to outweigh the standard highway requirements which, if proposed, would result in a compromised design to the detriment of the listed building, its setting and the character and appearance of the conservation area.

The amended proposal is therefore considered to be in accordance with Policies EH1, EH3, EH5, ST5 and ST6 of the South Somerset Local Plan (2006), Policies STR1 and 9 of the Somerset and Exmoor National Park Joint Structure Plan (2000) and the aims and objectives of Chapters 7 and 12 of the National Planning Policy Framework (2012).

RECOMMENDATION

Approve with conditions.

JUSTIFICATION

Notwithstanding the comments of the Highway Authority, the proposals, by reason of their siting, form, scale design and materials are considered to respect the character and setting of the listed building, preserve the character of the conservation area and cause no adverse impact to residential or visual amenity in accordance with Policies STR 1 and 9 of the Somerset and Exmoor National Park Joint Structure Plan (2000), Policies EH1, EH3, EH5, ST5 and ST6 of the South Somerset Local Plan (2006) and the provisions of Chapters 7 and 12 of the National Planning Policy Framework (2012).

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 development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing no. 6192 - 01A received 6th March 2012
- Drawing no. 6192 - 02B received 6th March 2012
- Landscaping Plan received 24th January 2012

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No work shall be carried out on site unless full details of the boundary wall to be realigned and the new wall to run parallel with the western gable of the house, including the materials (and any new stone if required), coursing, bonding and coping; mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing and supported with a sample panel to be provided at a time to be agreed in writing. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of the character and setting of the listed building and to safeguard the character and appearance of the conservation area and in accordance with saved policies EH1, EH3 and EH5 of the South Somerset Local Plan (2006).

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

Reason: In the interests of the character and setting of the listed building and to safeguard the character and appearance of the conservation area and in accordance with saved policies EH1, EH3 and EH5 of the South Somerset Local Plan (2006).

5. No work shall be carried out on site unless details of the design, materials and external finish for the new entrance gates have been submitted to and approved in writing by the Local Planning Authority. This will include detailed scaled drawings including sections. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority. The gates shall be hung to open inwards.

Reason: In the interests of the character and setting of the listed building and to safeguard the character and appearance of the conservation area and in accordance with saved policies EH1, EH3 and EH5 of the South Somerset Local Plan (2006).

6. No work shall be carried out on site unless details of the access surfacing and edging over at least the first 4.5 metres of its length, as measured from the edge of the adjoining carriageway, have been submitted to and 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 the character and setting of the listed building and to safeguard the character and appearance of the conservation area and in accordance with saved policies EH1, EH3 and EH5 of the South Somerset Local Plan (2006).

7. No work shall be carried out on site unless details of the provision to be made within the site for the disposal of surface water so as to prevent its discharge onto the highway have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with saved Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (2000).

8. The landscaping plan received on 24th January 2012 is approved by the Local Planning Authority and shall be carried out in the first planting and seeding season following the formation of the new access. 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 any variation

Reason: In the interests of visual amenity and to safeguard the character and appearance of the conservation area in accordance with saved Policies EH1 and ST6 of the South Somerset Local Plan (2006).

9. For the duration of the implementation of this consent, the following activities are not permitted to take place within any area of available soft-surface within a 15 metre radius of the retained Cedar tree to the rear of The Old Vicarage or within an 11 metre radius of the retained group of trees adjoining the north-west boundary with North Perrott Road (as shown upon Site Layout Plan; Drwg No: 6192 - 01A received 6th March 2012):

Ground excavation works, alterations in grade-levels, operation of heavy machinery, storage of soil or materials, lighting of fires and the mixing or discharging of cement, concrete or fuels.

Reason: To preserve existing trees in accordance with the aims and objectives of saved policy ST6 of the South Somerset Local Plan (2006).

10. Grass cell type paving shall be used to form the new driveway after an initial area of hardstanding (to be agreed) which shall not thereafter be altered without the prior express permission of the Local Planning Authority.

Reason: In the interests of the character and setting of the listed building in accordance with saved policies EH3 and EH5 of the South Somerset Local Plan (2006).

11. The area allocated for parking and turning on the submitted plan and the access thereto shall be kept clear of obstruction and shall not be used other than for the purposes of access, parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with saved Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (2000).