

Area West Committee – 15<sup>th</sup> August 2012

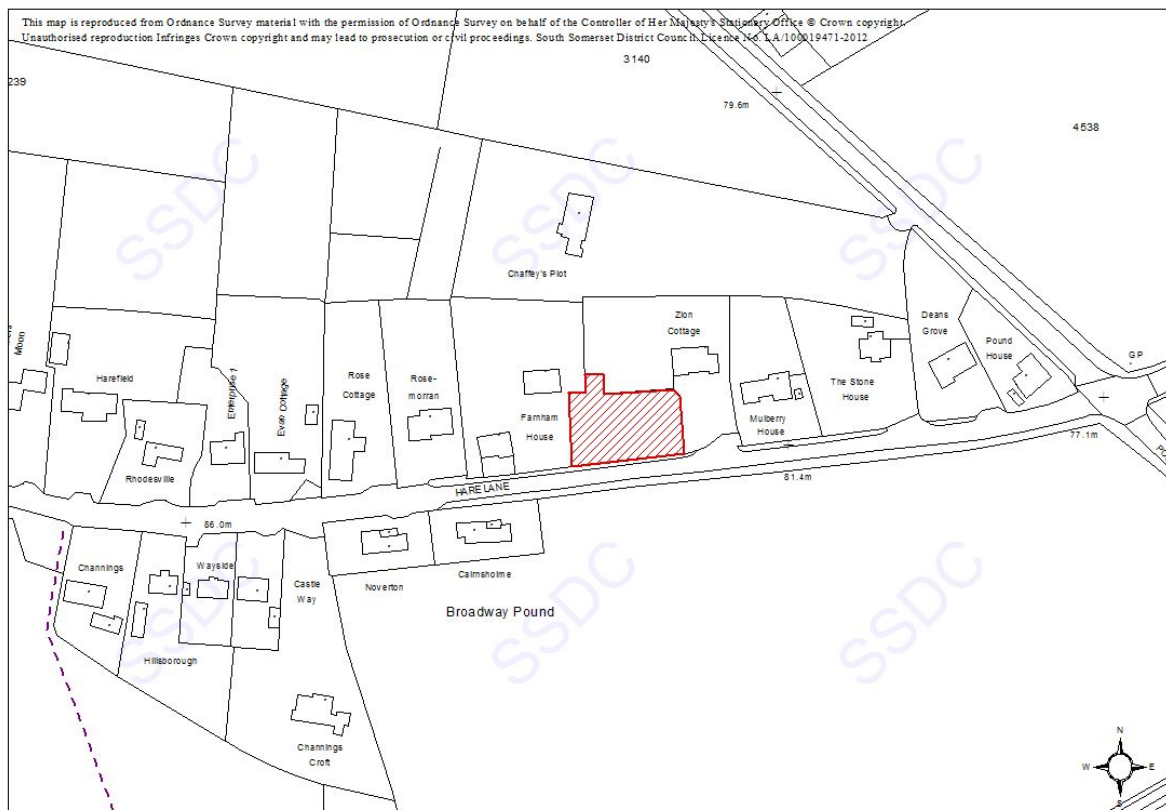
**Officer Report On Planning Application: 12/01783/FUL**

<b>Proposal :</b>	Alterations and the erection of a two storey extension to dwellinghouse, conversion of existing garage into habitable room, the erection of a detached double garage and the formation of a new vehicular access (GR 331296/115295).
<b>Site Address:</b>	The Mole Hole, Hare Lane, Broadway
<b>Parish:</b>	Broadway
<b>NEROCHE Ward (SSDC Member)</b>	Ms. L P Vijeh (Cllr)
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	16th July 2012
<b>Applicant :</b>	Mr Colin Mould
<b>Agent: (no agent if blank)</b>	Mr Simon Stroud 4 Ham Lane, Burnham On Sea , Somerset TA8 1QA
<b>Application Type :</b>	Other Householder - not a Change of Use

**REASON FOR REFERRAL TO COMMITTEE**

The Area Chair agrees with the Ward Member that in light of the neighbour objections the application should be considered by the Area West Committee.

**SITE DESCRIPTION AND PROPOSAL**



The application relates to a property on the northern side of Hare Lane near the junction with Pound Road, 700ms to the west of Broadway. The property is relatively unusual in that it faces east (into the front garden) rather than facing the road. It is adjoined by residential properties to three boundaries with the rear elevation forming the boundary with the property to the west.

The application proposes the erection of two storey extensions to the side and front elevations to provide a kitchen/dining room and pool room on the ground floor with an additional bedroom and bathrooms above. The extensions would be constructed in materials to match the existing property which has rendered elevations with a Redland tile roof. The plans have been amended to remove a proposed balcony and reduce the size of the two storey side addition.

## **HISTORY**

790168 – Alterations and extension. Approved 1979.

53876 – Formation of vehicular access. Approved 1961.

## **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.

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policies:-

STR1 – Sustainable Development

STR6 – Development outside towns, rural centres and villages

South Somerset Local Plan 2006:

Policies:-

ST3 – Development outside development areas

ST5 – General Principles of Development

ST6 - The Quality of Development

## **CONSULTATIONS**

**Broadway Parish Council** (in response to original plans):-

'The proposed building –

- too big for the land on which it stands
- it will change the ambience of the village
- problems with overlooking the neighbours' property
- two windows on the first floor overlook the patio of Farnham House – it was felt these should be removed and some sort of venting system to be installed in their place
- front elevation is not in keeping with Hare Lane.'

In response to amended plans:-

- 'It was noted that the original concerns of the balcony and overlooking windows had been addressed.
- The buildings are still very large on a small plot. (It was originally a cottage in a cottage garden).
- There is reduction of outlook by both the house and the garage, to one neighbour.
- There is an issue of invasion of privacy with the bathroom windows on the back of the house.'

#### **County Highway Authority:-**

The proposed vehicle access would be a direct replacement for the existing access, which use will be abandoned once the new access has been constructed. The proposed access will provide improved visibility, over the current access arrangements, when a vehicle is exiting onto Hare Lane. As a consequence the Highway Authority has no objections to this element of the proposal.

Hare Lane is designated as a Classified Un-numbered highway as such the applicant was informed during pre application discussions that turning would be required within the site to allow vehicles to leave in a forward gear. From the details provided on Drawing No. CM12/06 I am satisfied that the turning area proposed is sufficient to allow a vehicle to turn and leave the site in a forward gear. Although I would note that no details have been provided on the finishing of the parking and turning area. This would need to be properly consolidated and surfaced and should not be finished in loose stone or gravel.

The proposal will see the loss of the existing garage, which is to be converted to living accommodation. To compensate for this the applicant has provided a new double garage to the east of the existing dwelling. The proposed garage's internal dimensions measure 6.0m x 6.0m, which is in accordance with the design guidelines set out in the Local Parking Strategy.

Finally it is noted that no drainage details have been provided. The applicant will need to provide suitable drainage to alleviate any concerns the Highway Authority may have over surface water discharge onto the adopted highway.

Therefore taking into account the above information I raise no objection to this proposal.'

If planning permission is granted they require the conditions/informative to be attached.

#### **Area Engineer, Technical Services Department:-**

No comments.

### **REPRESENTATIONS**

Four letters of objection were received in response to the original plans, the objections are summarised as follows:-

- Object to the first floor windows at the rear of the building as they will overlook neighbouring property
- Gross overdevelopment of what was a reasonable sized cottage in a pretty garden
- Most of garden would disappear under the proposals which are not appropriate to the character of the Lane.

- It would appear to be intrusive to neighbouring properties particularly regarding the balcony.
- Extension at the side would be extremely overbearing and would dominate adjacent property; removing current open aspect.
- Extension will shadow and dominate neighbouring garden as land is higher
- Doors and windows will overlook neighbouring bedrooms and garden resulting in a loss of privacy.
- Proposed garage will result in loss of open rural aspect and cause loss of sunlight.
- Concerned about increase in traffic and clients of applicant visiting property
- Extensions would be harmful to rural character of Lane.
- Dispute the red line showing landownership

In response to these comments the applicant wrote to advise (summarised):-

- The Land Registry has confirmed the boundaries of the property and its neighbour
- Do not agree that the proposal represents overdevelopment merely providing a family home.
- The proposed extension will be no higher than the existing property and has no windows looking north or east except a bathroom window which would be obscure glass.
- Existing development is within the view of the neighbouring property.
- The cottage was in need of considerable renovation and improvement and believe that the works that have taken place have seen an improvement to the building.
- Office will be home study and no clients will visit.
- There is an existing balcony on the opposite property that already overlooks neighbouring house.
- Agree to pave the frontage of the proposed drive.

In response to the amended plans, three letters of objection have been received, their comments are summarised as follows:-

- Still concerned about the proposed bathroom windows on the rear elevation due to overlooking and noise disturbance.
- Do not considered that amendments have addressed the concerns of neighbours or the Parish Council – extension is still overlarge and will give an overbearing appearance.
- The existing balcony to the other neighbour does not cause any overlooking.
- Actual footprint has not been reduced
- There will still be overlooking from new windows.

## **CONSIDERATIONS**

The main planning considerations in this case are considered to be the impact upon the character of the dwelling and street scene; and the impact upon neighbouring amenity.

### **The impact upon the character of the dwelling and street scene**

This property is unusual in that it does not face the road but is at right angles to Hare Lane. Therefore, it is important to recognise that significant work could be carried out to the property without the need to apply for planning permission. Single storey additions could be attached to both the front and side of the property to a height of 4 metres, in

addition windows can be inserted in both the front and rear elevations at both ground floor and first floor level without the need for permission; the 2008 regulations only control the insertion of windows into side elevations. As such, these proposals have to be seen in the light of what is already permissible at the property.

In terms of the specific proposals, the extension to the front is of a relatively modern design that incorporates large areas of glazing to the elevation that faces the road. The remaining materials will be to match the existing property and the roof will be no higher than the existing with the majority of the addition being at a lower level. The property is a simple design and therefore such an addition would not be at odds with the character of the building. Furthermore, there is no cohesive design in terms of the street scene and therefore the addition will not be unduly disruptive to the overall character of the area.

With regard to the side addition, this will not be publicly visible from the street and also incorporates the use of matching materials. It has been reduced in size from that originally proposed so that the first floor accommodation is now within the roof void. This has ensured that the addition is set at a subservient level that will not overly dominant the house.

The proposed garage is sited to the east of the site and, again, will be finished in materials to match the existing house. The building is 0.6m over what would normally be allowed under permitted development and is set back from the roadway edge. The garage is of a traditional design and will allow for a driveway and turning space. As such, it is considered to be acceptable in design terms.

Overall, the amended proposals are considered to be of an acceptable design that will not adversely impact upon the character of the dwelling or the street scene in general. In terms of 'overdevelopment' it is considered that the proposals can be adequately accommodated on the site whilst still retaining an adequately sized garden.

### **Impact upon neighbouring amenity**

As stated above, this property is unusual in that it does not face the road. The extensions have been amended to try and address the neighbours concerns about overlooking and domination of the neighbouring property. The proposed balcony has been deleted from the plans and there are no new windows proposed at first floor on the side elevation (there is an existing window that will be retained). Whilst it is accepted that the proposals are for relatively large extensions these are considered to be a sufficient distance from the houses on either side and it is not therefore considered that the proposals would result in such a significant loss of amenity as to justify refusal of the application.

In terms of overlooking, there is one window proposed at first floor level on the front elevation however it must be noted that the house already benefits from two first floor windows on this elevation. In addition, the proposed window would only provide for overlooking of the front driveway and a small part of the side of the adjacent dwelling; it would not result in direct overlooking of the rear garden. In addition, there is considered to be sufficient distance between the two properties to ensure that there would not be significant overlooking of private amenity space.

The new windows proposed at the rear of the house to serve two bathrooms do not require planning permission. However, the applicant has shown them as high level windows that are to be obscurely glazed. In the circumstances, it is not considered that one could sustain an objection to these two windows.

**Summary**

These proposals are considered to be of an acceptable design and will form appropriate additions to the property. The proposals have been amended and as such it is not considered that they would result in such a significant loss of amenity as to justify refusal of this application.

**RECOMMENDATION**

Approve

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of policy ST5 of the South Somerset Local Plan 2006.

**SUBJECT TO THE FOLLOWING:**

01. 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.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No's CM12/05 received 21 May 2012; CM12/06 received 6 June 2012 and; CM12/03 Rev A and CM12/04 Rev A received 6 July 2012.

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

03. The external surfaces of the development hereby permitted shall be of materials as shown on the submitted application form and elevation plans hereby approved and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

04. Prior to the development hereby approved being first brought into use the bathroom windows in the rear (west) elevation shall be fitted with obscure glass (and fixed closed) and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

05. The proposed access 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.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

06. 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.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

08. Before the access hereby permitted is first brought into use the turning space shown on the submitted plan shall be properly consolidated and surfaced in accordance with the submitted plan. Such turning space shall be kept free of obstruction at all times.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

09. 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 39m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

**Informatives:**

01. Having regard to the powers of the Highway Authority under the Highway Act 1980 the applicant is advised that the creation of a new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, South Somerset Area Highway Office, Yeovil, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.