

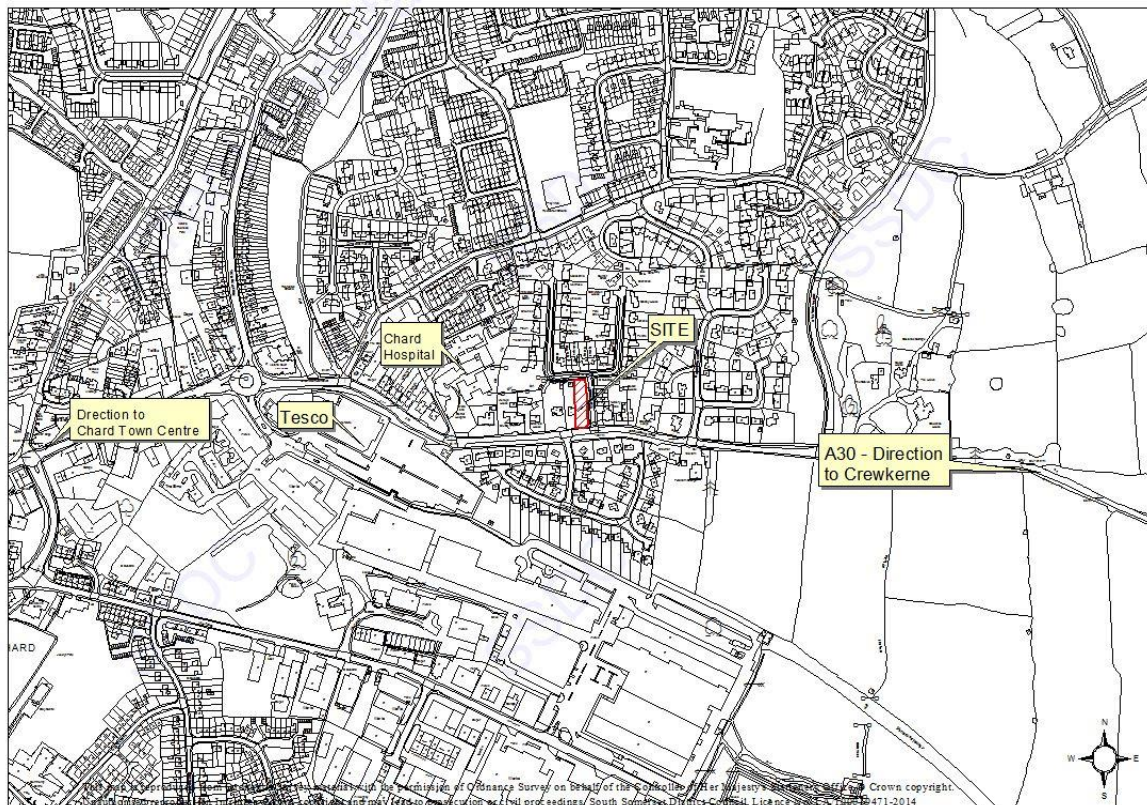
Area West Committee – 19<sup>th</sup> March 2014

**Officer Report on Planning Application: 13/05095/FUL**

<b>Proposal:</b>	Erection of detached dwellinghouse and parking. New parking provision for No. 19 (revised application) (GR 333237/108746)
<b>Site Address:</b>	19 Crewkerne Road Chard Somerset
<b>Parish:</b>	Chard
<b>AVISHAYES (CHARD) Ward (SSDC Member)</b>	Cllr N J P Mermagen
<b>Recommending Case Officer:</b>	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
<b>Target date:</b>	13th February 2014
<b>Applicant:</b>	Mr Chris Hunt
<b>Agent: (no agent if blank)</b>	Mr Owen Francis Ropemaker Court 11-12 Lower Park Row Bristol BS1 5BN
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

**REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to Area West Committee at the request of the local ward member and the ward member for Chard Avishayes, in agreement with the Area Chair in order to discuss the application further due to the high number of objections received and the public concerns with the proposal.





## SITE DESCRIPTION AND PROPOSAL

This is an application seeking full planning consent for the erection of a detached dwellinghouse, two separate off street car parking spaces and provision of off street parking for no. 19 Crewkerne Road. This is a revised application following the withdrawal of a previous application.

The site is located in the rear garden area of no. 19 Crewkerne Road on the corner of Lyddons mead where the road forks into two directions. The existing garage and summerhouse will be demolished to make way for the proposed development. There is a blockwork wall along the northern, eastern and western boundaries to the garden area. The area is characterised by mixed development. To the south of the site are semi-detached 1930's properties with large garden area, this style is continued to the west of the site and up into part of Lyddons mead. To the north of the site are numerous mature horse chestnut trees and semi-detached 1960s properties and to the east is an electricity substation and terrace of 1980's two storey brick dwellings.

The site is accessed off Lyddons Mead which is a road that comes off Crewkerne Road and then forks into two before coming to a dead end. The street is characterised by mixed age developments, the majority are two storey and semi-detached, detached with a few terraced. Further up the west hand fork of the road the properties are detached bungalows. The street is lined with trees and there have been numerous new dwellings erected within Lyddons Mead over the past few years.

## HISTORY

12/04957/FUL: erection of a detached dwellinghouse, garage and parking and new parking provision for no. 19 - withdrawn 05/02/13

18675: erection of private garage, formation of vehicular access - approved 21/01/53

## **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:

Government Guidance:

National Planning Policy Framework

Core Planning Principles

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring Good Design

Main points to highlight from the NPPF

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm." (Para. 53)

"Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise." (Para. 12)

"At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking." (Para. 14)

"Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings." (Para. 17)

South Somerset Local Plan (Adopted April 2006):

Saved Policy ST3 - Development Area

Saved Policy ST5 - General Principles of Development

Saved Policy ST6 - The Quality of Development

## **ENVIRONMENTAL IMPACT ASSESSMENT**

None required.

## **CONSULTATIONS**

### **Chard Town Council:**

Recommend approval.

### **Highways:**

Standing advice applies.

### **SSDC Tree Officer:**

"I am familiar with the site and the trees present. I have carefully considered the supporting arboricultural information, which provides clear details concerning tree related architectural design & engineering measures. In my opinion, the proposal is unlikely to

cause harm to the health of the adjoining Horse Chestnut, provided that the supporting tree protection & compliance-monitoring measures are fully implemented throughout the course of construction.

If consent is to be granted, I would be grateful if you could consider imposing the following:

Tree Condition:

Prior to implementation of this consent, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree protection measures and arboricultural compliance-monitoring (Ref: the Arboricultural Method Statement prepared by Mr S. E. Phillips, dated 6th November 2013 and the further Addendum dated 19th December 2013) relating to retained trees adjoining the site shall be implemented in their entirety for the duration of the construction of the development (including hard and soft landscaping).

Reason: To preserve the health, structure and amenity value of existing trees in accordance with the objectives within saved Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended)[1]."

## REPRESENTATIONS

Twenty-four neighbours were notified. Nine letters of objection have been received and one letter of representation, in summary the issues raised are:

- Proposed dwelling out of character with the area by way of its physical impact design being 1 ½ storeys high, appearance, location as backfill development, small garden and not in line with current 'build line'.
- Proposed dwelling will effect existing views and will cause overlooking and loss of privacy to future occupants and neighbours to the north, south and west. Will also be overbearing to properties to south and west.
- Off road parking to the front of no. 19 Crewkerne Road will result in traffic issues on entering Lyddons Mead, will be dangerous to have access near to the junction with the A30 and will affect visibility.
- Parking provision for new dwelling does not take into account visitor parking. Parking issues on going at Lyddons Mead as current occupiers of no. 19 consistently park on grass verge.
- If allowed the off road parking for no. 19 should be in place before the development starts.
- Construction of the development should be controlled as it will cause intolerable disruption due to the parking of tradesmen.
- Disturbance of car lights from parking to the front of no. 19.
- Development will damage open green area.
- Loss of tree to create access not acceptable. Concerns over health of horse chestnut trees and trees surrounding plot.
- Drainage issues of runoff from development.
- Other recent planning approvals in Nursery Villas will add to increase in traffic at Lyddons Mead.

## CONSIDERATIONS

The site is within a development area and as such is acceptable in principle subject to other material planning considerations. There are no other applicable constraints within

the area and no TPO trees. There have been numerous objections to the proposal. The issues to assess as part of this application are the development impact on the trees, visual amenity, residential amenity and highway safety.

This application has been submitted after the withdrawal of a previous application and pre-application advice by the previous case officer, SSDC Tree Officer and County Highways representative. Concerns were previously raised in regard to the overlooking from the proposed dwelling and its impact on the mature trees located to the north of the site, there were no other concerns raised.

An amended plan has been received on this application in regard to raising the roof lights up by 100 mm within the roof plane. As this was a minor alteration consultees were not re-consulted.

Some of the objections raised make reference to the Joint Structure Plan and PPSs. It should be noted that these policies have been revoked and only the NPPF and policies within the South Somerset Local Plan can be applied.

### **Visual Amenity:**

This application shows that the dwelling will be located in the rear garden of no. 19 Crewkerne Road on a corner plot. The property will be orientated to face Simons Mews and is of a design to reflect those properties. It will be 1 ½ storeys high to keep the overall impact of the roof to a minimum and has been set back from the pavement. The dwellinghouse will be finished in red brick to match the properties opposite (Simons Mews) with contrasting soldier courses under a tiled roof to match opposite with white Upvc windows.

Objections have been raised in regard to the development being out of character with the surrounding area and inappropriate back land development. Whilst usually the layout of rear gardens is sought to be maintained where an area is generally characterised by large plots it is considered that in this location the proposal is acceptable. Lyddons Mead is characterised by a diversity of property design, age and plot size.

This development has been designed following pre-application advice to reflect the properties that it is to face. There are numerous 'build lines' in Lyddons Mead with properties orientated to face various ways, some onto Crewkerne Road, some onto the entrance to Lyddons Mead and others facing Lyddons Mead on both sides of the road.

Reference to the proposal affecting the views within the area have been made, however this is not a material planning consideration as there is no right to a view.

The NPPF (Para. 58) seeks "for development to respond to local character and history and reflect the identity of local surroundings." It is considered that this development does just that in that the overall character of the area is mixed to start with and this proposal has taken on board the design of the properties it faces and as such it is considered that the overall design and location of the proposal will not adversely affect visual amenity.

### **Residential amenity:**

Objections have been made in regard to overlooking, loss of privacy (noise), overbearing and drainage.

This application has been resubmitted with amendments made to overcome the issues



of overlooking. The windows in the south elevation on the ground floor are all highline windows that will be obscure glazed and fixed closed. The windows on the first floor serve an en-suite and whilst no mention is made of it being obscure glazed on the plan this can be conditioned. It is considered that there will be no overlooking to the south subject to appropriate conditions.

On the north elevation there will be one first floor window and two ground floor windows. The plan seems to indicate that the first floor windows and ground floor WC windows will be obscure glazed this can be conditioned accordingly. It is considered that there will be no overlooking to the north subject to appropriate conditions.

The windows on the west elevation will face onto the highway and the entrance to Nursery Villas; it is considered that there will be no overlooking from this elevation.

On the west elevation there will be a patio door and ground floor window and two roof lights. Amended plans have been received to show that the roof lights will be 1.7 metres above the internal floor level to the rooms they serve, this will prevent harmful overlooking. On the previous application a raised decking area was proposed this has now been omitted. The plans show that a boundary fence will be erected on the west boundary that will be 1.8 metres high with a 300mm trellis above.

The main concerns of overlooking, over bearing and loss of privacy comes from the properties to the west. The proposed dwelling will be on a higher ground level than the adjoining garden, and whilst there may be an element of the ground floor windows being able to look directly to the west this will be onto a fence and then the garage and small patio area at the bottom of the neighbouring garden, this area of garden is already overlooked by no. 19 Crewkerne Road.

Concern is also raised that there would be noise disturbance and private conversations overheard at the bottom of the garden of no. 17 Crewkerne Road. However currently the occupiers of no.19 can utilise the bottom of their garden with normal residential use. It is considered that the issues raised will not be above and beyond what the current situation could result in and as such would not warrant a refusal as the adjoining property is already in a residential area that will have an element of overlooking and disturbance associated with it.

It is considered that the new property will not create a sense of overbearing due to its low roof ridge, being at only 1 ½ stories high and its distance from the boundary to the west which is approximately 6.5 metres.

Another issue raised is the impact that cars parking to the front of No. 19 will have on the neighbouring property by reason of the car headlights shining into their living area at night. It is considered that this could cause a nuisance at night and as such it is considered appropriate and acceptable to include a condition to agree boundary treatments on the west boundary to the front of the property to limit the disturbance that could possibly be caused to the neighbours.

Issues of drainage will be dealt with by other legislation. The application states that the development will be connected to the main sewer and runoff water dealt with by soakaways.

### **Highway Safety:**

The Highway Authority has stated that Standing Advice should be applied. On the previous application they stated the following:

"The proposed dwelling is likely to generate 6-8 additional vehicle movements on Lyddons Mead. Although this is considered to be an increase in vehicle movements it is not significant enough to warrant an objection to this element of the proposal.

The proposed dwelling will require the existing drop kerbs to be extended to provide a suitable vehicle cross-over for access. The applicant should note that this extension of the existing cross-over would leave a significant length of drop kerb. As a consequence I would recommend that part of the existing drop kerb is reinstated to a standard footway.

The proposed driveway will be finished in block paviour although no details have been provided on surface water drainage. If permission were to be granted the applicant would need to provide details on surface water drainage. The drive will provide suitable visibility in either direction.

Turning to the parking provision, Somerset County Council's Parking Strategy requires that a 3 bed unit should provide a total of three spaces. From the details shown on the submitted plan the applicant has proposed two parking spaces (one on the drive and one in the garage). This is below the standards required by the Highway Authority and would normally be a cause of concern as it could potentially lead to vehicles parking on the highway. However it should be noted that the proposed levels are 'optimum' and can be departed from if there is suitable justification to do so. The applicant has stated that the proposed dwelling would be retaining the existing level of parking that already served the existing dwelling. This is not sufficient to depart from the guidelines however the site is located in close proximity to Chard town centre and the services and facilities provided therein. As a consequence a reduction in parking can be considered to be acceptable....

...The second element relates to the creation of a new vehicle access for the existing dwelling. The access will measure 3.0m in width which is considered to be acceptable. However the wall may need to be reduced in height to improve visibility for vehicles exiting onto the highway. The applicant has proposed four parking spaces for the existing dwelling. The applicant should note that the Parking Strategy only requires the property to provide three spaces. As a consequence there is an over provision of parking. The applicant has proposed a turning area to allow vehicles to turn and leave in a forward gear. The applicant should note that this should be properly consolidated and surfaced and also provide suitable drainage to accommodate any surface water discharge.

To conclude the proposed dwelling is considered to be acceptable although the level of parking does not conform to the details set out in the Parking Strategy, however due to the proximity of services and facilities it may be considered acceptable. In terms of the proposed parking area for the existing dwelling this should provide a total of three spaces and the applicant should improve visibility for vehicles exiting on Lyddons Road. Therefore the Highway Authority would require an amended drawing detailing visibility improvements at the point of access. Subject to this being acceptable I raise no objection to this proposal."

The comments made by County Highways address the issues raised by residents. Concern is raised over the increase in traffic given other planning approvals in the area. At the time of this application there has been no application submitted or approved in regard to further development in Nursery Villas, other than the demolition of garage/workshop and erection of a bungalow.

Since the last application the Parking Strategy has been amended and the optimum requirement is for 2.5 spaces for a three bedroom property in this location, given the fact that it states 'optimum' it is considered acceptable to allow the provision of 2 spaces for

the new dwelling.

Concerns over the close relationship of the new access to 19 Crewkerne Road are not raised as a concern by highways. There is a suggestion that the wall is lowered to allow better visibility. The plan shows that visibility splays will be incorporated for the new dwelling where cars may reverse onto the road. However it is not considered appropriate or necessary to insist upon this for the parking area to the front of no. 19 as this is permitted development and provision has been made to improve the situation by allowing a turning area so cars can exit in a forward gear.

It should be noted that the proposal to create additional parking to the front of no. 19 is classed as permitted development and does not require planning permission in its own right as the access is onto an unclassified road. As such it would be unreasonable to warrant a refusal on this element alone and we can merely seek to improve the situation where possible by controlling the drainage and materials.

The issues raised in regard to controlling that no parking takes place on the grass verges is not something that can be controlled through planning. We can merely ensure that the appropriate number of spaces are provided and kept clear for the parking of vehicles only.

It is considered that the proposal will result in providing the appropriate number of parking spaces for the development and does not cause a significant increase in traffic to cause alarm to the county highway department and as such will not adversely affect highway safety.

#### **Trees:**

The SSDC Tree Officer has no objection to the proposal based on the submitted Arboricultural Method Statement received. Concerns have been raised in regard to the works affecting the horse chestnut tree to the north of the site. The submitted Method Statement clearly sets out how its roots will be protected and it is considered that the advice and measures for its protection are acceptable.

Other concerns have been raised in regard to the removal of a small sapling tree to create the new access to the front of no.19. This is not a mature tree nor is it protected and as such its removal would not require the consent of the District Council. A licence for the new cross over and dropped curb will be required from the County Council who's land it is on and if they require the tree to be reinstated that is a matter for them to address.

#### **Conclusion:**

It is considered that all the objections have been taken into consideration and the alterations made to this proposal, following the withdrawal of the last application, have overcome the issues raised. It is further considered that the development is not inappropriate in this location, which is in a residential area of mixed development within a sustainable location and the design now provides a good standard to amenity for all existing and future occupants and as such accords with current policy and the NPPF.

#### **RECOMMENDATION**

Approved with conditions

01. The proposal by reason of location, siting, scale, design, materials and parking



provision does not result in any adverse impact on residential amenity, visual amenity, highway safety or the trees and is an appropriate form of development within this residential and sustainably location in accordance with the aims and objectives of saved policies ST5 and ST6 of the South Somerset Local Plan (adopted April 2006) and the NPPF.

**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. 04 Tree root protection measures received 19 December 2013

Drawing no. 03 received 19 December 2013

Drawing no. 05 received 19 December 2013

Drawing no. 02 Revision b received 3 February 2014

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 indicated in the application form (to match the properties known as Simons Mews in regard to the brick and roof tile) and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with saved Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

04. Prior to the development hereby approved being first brought into use the windows in the north and south elevation shaded grey on the approved plan, drawing no. 02 Revision B, shall be fitted with obscure glass (and fixed closed where indicated) and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity and to accord with saved Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

05. Before the development hereby permitted shall be commenced details of the means of opening for the obscure glazed windows on the north and south elevations shall be submitted to and approved in writing by the Local Planning authority. Such details once agreed shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity and to accord with saved Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

06. The boundary treatments shown on approved drawing no. 02 revision B shall be fully implemented prior to construction works commencing on site in relation to the dwelling hereby approved.

Reason: In the interests of residential amenity and to accord with saved Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

07. The area allocated for parking to the front of no. 19 Crewkerne Road shall be fully implemented prior to construction works commencing on site in relation to the dwelling hereby approved.

Reason: In the interests of highway safety and to accord with saved Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

08. The two parking spaces to serve the dwelling hereby approved shall be fully completed prior to the occupation of the dwelling.

Reason: In the interests of highway safety and to accord with saved Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

09. Before the development hereby permitted shall be commenced details of boundary treatments along the west boundary of the approved parking area to the front of no. 19 Crewkerne Road shall be submitted to and approved in writing. Such agreed details shall be properly implemented prior to the use of the parking area.

Reason: In the interests of residential amenity and to accord with saved Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

10. Before the development hereby permitted shall be commenced details of the materials (not loose stone or gravel) to be used for the access to the parking areas (to the front of no. 19 Crewkerne Road and in connection with the approved dwelling) shown on the approved plans shall be submitted to and approved in writing by the Local planning authority. Such approved details shall be fully implemented prior to the occupation of the dwelling hereby approved.

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

11. Before the development hereby permitted shall be commenced details shall be submitted to and approved in writing by the Local Planning Authority in relation to the disposal of surface water so as to prevent its discharge onto the highway. Such approved details shall be fully implemented prior to the occupation of the dwelling hereby approved.

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

12. The accesses hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access.

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

13. The areas allocated for parking and turning on the approved plans 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.

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

14. Prior to implementation of this consent, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree protection measures and arboricultural compliance-monitoring (Ref: the Arboricultural Method Statement prepared by Mr S. E. Phillips, dated 6th November 2013 and the further Addendum dated 19th December 2013) relating to retained trees adjoining the site shall be implemented in their entirety for the duration of the construction of the development (including hard and soft landscaping).

Reason: To preserve the health, structure and amenity value of existing trees in accordance with the objectives within saved Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended)[1].

**Informatives:**

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, South Somerset Area Highway Office, Mead Avenue, Houndstone Business Park, Yeovil, Tel 0845 345 9155/ Application for such a permit should be made at least four weeks before access works are intended to commence.
-