

## Appendix 2

### Extract from minutes of Regulation Committee – 21<sup>st</sup> October 2008

#### Erection of 1 No. dwellinghouse and garage on land adjacent to Apple Acre, Folly Road, Kingsbury Episcopi, Martock, Somerset

The Planning Officer presented the report and with the aid of slides and photographs he indicated:

- the land within the applicants' ownership;
- the application site;
- the proposed dwelling and garage;
- the proposed materials;
- the nearby listed building.

Referring to the recommended six reasons for refusal, as set out on pages 10 and 11 of the report, he explained that:

- the proposed development site was outside the development limits for the village but within the conservation area;
- the northern boundary of the development site consisted of a hedgerow, a Grade II listed wall and forecourt railings;
- the Highway Authority, whilst accepting that a visibility splay could be provided to the west of the application site, had expressed concern that the required level of visibility splay could not be achieved to the east as the necessary land was not within the applicant's ownership.

The Conservation Officer referred to the Planning Acts and the statutory requirements placed on the Council, and the policies in the South Somerset Local Plan and the Somerset and Exmoor National Park Joint Structure Plan Review, which state that the local planning authority should have special regard to the preservation and enhancement of a conservation area and that any development should conform to the historic character and appearance of the area. He informed Members that the boundary of the development limits had been drawn to exclude the application site, whilst the conservation area had been specifically drawn to include the listed buildings but exclude the new dwellings to the west of the application site.

With the aid of slides he indicated:

- the listed buildings within the vicinity of the application site and drew particular attention to the listed wall and railings on the boundary of the application site;
- the differing levels of the application site;
- the rural aspect to the rear of the application site;
- the barn conversion to the east of the application site.

With regard to the design, he drew Members' attention to the gable to the front of the dwelling – which he commented did not complement the local vernacular. He was of the view that the design of the dwelling and garage degraded the setting of the nearby listed building and that the proposal did not preserve or enhance the setting of the conservation area.

Councillor Derek Yeomans, the Ward Member, spoke in support of the application. In particular he commented that, in his opinion:

- the application was for a single dwelling constructed of natural stone and slate of an unusual but attractive design which would create an interesting transition between the old buildings to the north and the modern dwellings to the east of the application site that were built in 1990;

- the conservation area had already been degraded by the construction of the relatively new dwellings to the west of the application site;
- the application site had not been specifically excluded from development but had just evolved that way over the years;
- the updated PPG7, now known as PPS7, does not specifically prohibit development of the site;
- because the road to the east of the application site curves to the left this provides substantial visibility for any driver exiting the application site. In the past large lorries and farm vehicles entered and exited the site for agricultural purposes and the access could still be used for agricultural purposes;
- due to the lack of services in the village and public transport, residents had to use their cars.

Mr Fox, the applicants' agent, commented that:

- the site was close to the centre of the village between existing residential properties and, in his view, was an infill site in the accepted sense of the word;
- the proposed development would be the last development site on the south side of the road and, therefore, would not set a precedent;
- the proposed development would act as a buffer between traditional and modern dwellings;
- the design of the proposed dwelling echoes other dwellings in the vicinity and has a more traditional appearance than the dwellings to the west of the application site;
- there was no intention to alter the boundary wall and railings;
- the Highway Authority wish to see no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge. However, in a 30mph limit the required distance back from the carriageway edge is normally 2.0 metres. The hedge would only need to be trimmed back and not removed to obtain the required visibility;
- the planning officer's photographs were slightly biased as they did not show the modern dwellings to the west.

In concluding his comments Mr Fox invited the Committee to visit the application site before making a decision.

In response to Members' questions the Planning Officer or Conservation Officer:

- confirmed that the trackway through the site was not a right of way;
- confirmed that the hedge to the front of the site was likely to have protection, but this may be subject to certain exemptions;
- clarified that the hedge in the middle of the site would be removed but, as confirmed by the applicant's agent, the boundary hedge to the front of the site would only need to be trimmed back to 900mm;
- commented that the design and access statement indicated that there would be repairs and alterations to the wall and railings;
- confirmed that the proposed roof height was 8.5 metres, although the Planning Officer stressed that, if the application were approved floor levels would have to be agreed. As a streetscene elevation had not been submitted the planning officer was unable to give Members an indication of the height of adjoining properties in relation to the proposed dwelling.

During the ensuing debate Members sought clarification on a number of highway issues, and in particular asked why the Highway Authority were seeking visibility splays set 2.4 metres back from the carriageway edge when in a 30mph speed limit it was normally 2 metres and, as the entrance had been used for farm traffic for a number of years, whether there was any history of road accidents at the site. As an officer from the

Highway Authority was not in attendance at the meeting the Planning Officer was unable to respond to Members' questions relating to the specific highway aspects of the application.

The Legal Officer advised Members that if the highway issues were material to their consideration of the application, and if they found the highway advice confusing, there was no alternative but to defer consideration of the application until clarity of advice had been obtained.

The Head of Development and Building Control suggested that it might be appropriate to defer consideration of the application in order to carry out a site visit with an officer from the Highway Authority present.

Councillor Tony Fife proposed that consideration of the application be deferred in order for Members to visit the application site. Councillor Pat Martin seconded the proposal. On being put to the vote the proposal was carried by 10 votes in favour with one abstention.

**RESOLVED:** That consideration of application 08/01669/FUL be deferred in order for Members to visit the application site.

(Vote: 10 in favour, 1 abstention)