

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

**OFFICER: John Millar (01935) 462465**

**APPL.NO: 08/01669/FUL APPLICATION TYPE: Full Application**

**PARISH: Kingsbury Episcopi WARD: BURROW HILL**

**DESCRIPTION: Erection of 1 no. dwellinghouse and garage. GR (343221/120827)**

**LOCATION: Land Adjacent Apple Acre Folly Road Kingsbury Episcopi Martock Somerset TA12 6BH**

**APPLICANT: Mr & Mrs D. Stone**

**AGENT: James Ewart Fox 55 The Park Yeovil Somerset BA20 1DF**

**DATE ACCEPTED: 2 May 2008**

**Reason For Referral To Regulation Committee**

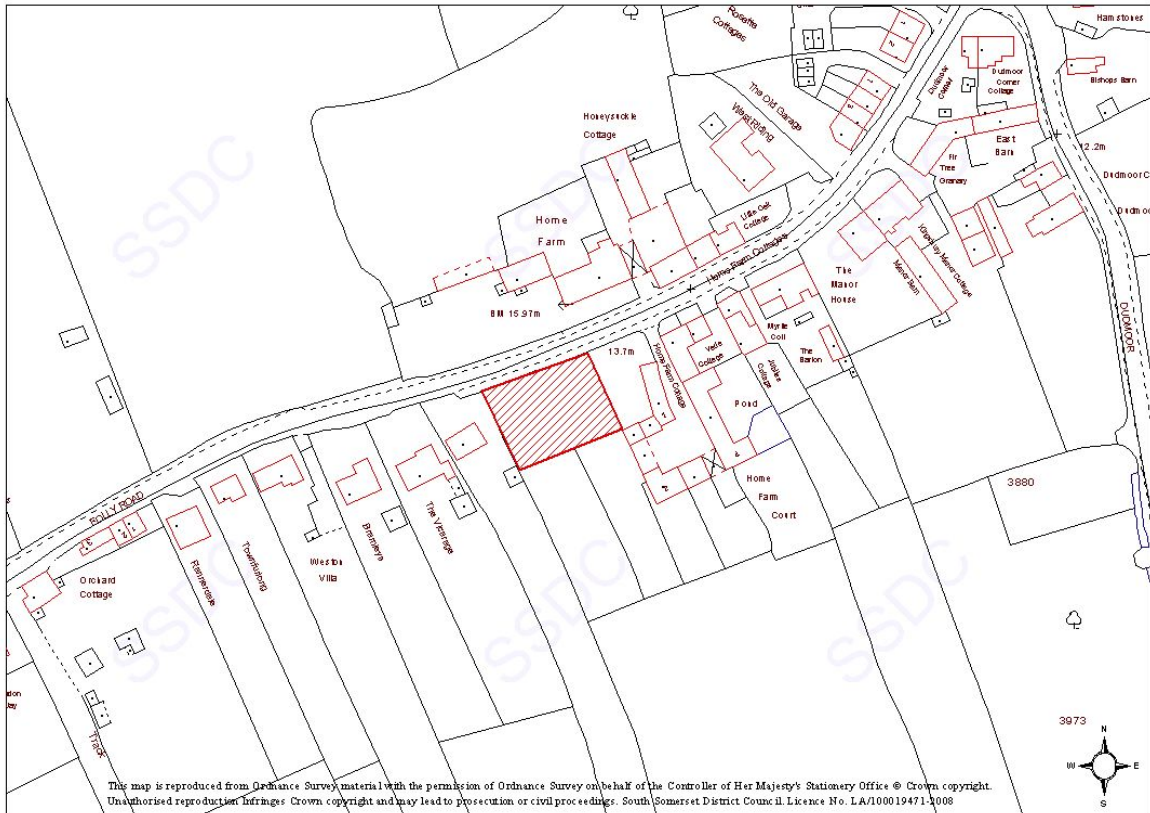
At the Area North Committee of 27<sup>th</sup> August 2008 it was resolved by Members that the application be referred to the Regulation Committee with a recommendation for permission to be granted. Given that the proposal is contrary to policy, the original report was 'double starred' and as such was required to be referred to Regulation Committee if Area North Members were minded to approve the application.

This report includes the original report to the Area North Committee followed by the minutes and the resolution of the Members of the Committee, which is attached as Appendix 1.

At the Regulation Committee on 21<sup>st</sup> October the members considered the report and resolved that consideration of application 08/01669/FUL be deferred in order for Members to visit the application site. The site visit will take place at 9.30am on the morning of 18<sup>th</sup> November followed by the Regulation Committee at 11 am at the Council offices, Brympton Way, Yeovil.

An extract from the minutes of the Regulation Committee of 21<sup>st</sup> October is attached as Appendix 2.

## Site Description and Proposal



This application relates to two long, relatively narrow fields located on the south side of Folly Road, between Kingsbury Episcopi and Stembridge. The site consists of these two fields and is just outside the Kingsbury Episcopi defined development area. It also lies on the edge of the Kingsbury Episcopi Conservation Area, which actually includes the application site.

This part of Kingsbury Episcopi, as the road leaves to the west, is characterised by linear development. The site is the only remaining undeveloped plot, before the end of the housing to the west. The north side of Folly Road is less developed at this point.

The north boundary of the site is abounded by hedgerow and a grade II listed wall and forecourt railings. This listed structure forms an enclosed garden directly opposite Home Farmhouse. Home Farmhouse is also grade II listed and has matching wall and railings to the roadside frontage.

The proposal is made to erect a large detached house and detached garage on the site. The dwelling is proposed to be constructed from natural local stone and slate roofing. The application includes the repair and reinstatement of the listed wall to the front of the site, although further details of work proposed are not included.

## History

No relevant history

## **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

#### Regional Spatial Strategy:

VIS 2 - Principles for Future Development

EN 3 - The Historic Environment

EN 4: Quality in the Built Environment

#### Somerset and Exmoor National Park Joint Structure Plan:

STR1 - Sustainable Development

STR6 - Development outside Towns, Rural Centres and Villages

Policy 5 - Landscape Character

Policy 9 - Built Historic Environment

Policy 49 - Transport Requirements of New Development

#### South Somerset Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EH1 - Conservation Areas

EH3 - Listed Buildings

EH5 - Development Proposals Affecting the Setting of Listed Buildings

Planning Policy Statement 7: Sustainable Development in Rural Areas

Planning Policy Guidance Note 13: Transport

## **Consultations**

Town/Parish Council: The Parish Council have no objection to the site being developed but would have preferred perhaps a pair of semi-detached houses rather a large four bed roomed property. The village is crying out for smaller properties and recently permission has been granted on three sites for twelve four+ bed roomed properties which will bring nothing to the community. With smaller properties the young families in the starter homes could move up a rung on the housing ladder thus freeing up the starter homes for the young of the village.

#### SSDC Technical Services

No comments.

#### Natural England

No objection.

#### County Archaeology

No objections on archaeological grounds.

#### County Highway Authority

The village of Kingsbury Episcopi does not accommodate adequate services and facilities, such as, education, employment, health, retail and leisure, and the public

transport services within the village are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provision of policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000).

Notwithstanding the aforementioned comments, it is noted that the site is located within the development limits of Kingsbury Episcopi and as a consequence, there may be a presumption in favour of small-scale development in this location. Therefore, it must be a matter for the Local Planning Authority to decide whether the principle of development on this site outweighs the transport policies that seek to reduce reliance on the private car.

In detail, the access to the site emerges on to the highway at a point where the speed of passing traffic is restricted to 30mph. As a consequence under normal circumstances the Highway Authority would wish to see 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 90.0m both sides of the access. Whilst the Highway Authority are satisfied that this level can be achieved to the west by removing the existing vegetation that fronts the highway, the required level cannot be achieved to the east within land within the control or ownership of the applicant.

Whilst it is acknowledged that the proposal is seeking to make use of an existing agricultural access the proposal to use the access to serve a dwelling is likely to result in an increase in the use made of it. Given the limitations of the access in terms of the level of visibility achieved I would recommend that the application be refused on highway grounds for the following reasons:

1. The land required to gain satisfactory access to a public highway is not included within the application site, nor is the land within the control of the applicant such as to ensure that a satisfactory access can be achieved.
2. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the access to the dwelling does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

SSDC Conservation Officer

(20th May 2008) Thank you for consulting me on the above application. For your information, I have not visited the site.

You will be aware that the proposal affects the setting of the conservation area and the listed building across the road. What I am particularly concerned about is that the proposal appears to involve the removal of part of a listed boundary, which in this case are forecourt railings with a low wall. I am not convinced that the applicant is entirely aware that these boundary railings are listed and would ask you to check on your site visit that they are indeed, still there.

Currently I would recommend refusal of the application due to it involving demolition of part of this listed wall, which is not justified. With regard to the conservation area, I object to the proposal on the basis that it does not appear to respect the historic boundaries. You can see it steps across two fields.

As I said previously, I have not visited the site and therefore have not done a detailed evaluation, but you will be aware that the character of the conservation area is as much

about the spaces between buildings as the buildings themselves, and it may be the case that this proposal removes a valuable space within the conservation area.

With regard to the design, you will recall that we have had a number of discussions about vernacular design and that front gables are not within the vernacular. I would therefore have reservations over the design on this basis also.

If you would like further comment with regard to the setting of the listed building across the road or on the design, then I would be happy to do so, but I will need to visit the site.

(28th May 2008 - post site visit and amended plans) No further comments. Does not address concerns, still detrimental to setting of the listed building (forecourt railings).

## **Representations**

The application has been advertised by press and site notice for the requisite period. One letter of objection was received from a neighbour. The following comments were made:

- Our observations relate to the size of the proposed dwelling, which appears to be an imposing development.
- The roof line appears to be very high, higher than the neighbouring dwelling (Appleacre), even allowing for ground levels.
- The proposal would dwarf the converted barns to the east.
- When viewing the line of houses on the south side of Folly Road, it should be scaled back to better the aesthetic view of the existing houses.

## **Considerations**

### Development Areas

The site is located outside of the Kingsbury Episcopi development area as defined in the South Somerset Local Plan and is therefore considered as countryside, even though it is within the wider developed area. Policy ST3 of the SSLP is relevant along with STR6 of the Structure Plan. National guidance in relation to protection of the countryside contained in PPS7 is also relevant.

Policy ST3 strictly controls growth outside of development areas and restricts it to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. PPS7 adds that local planning authorities should strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.

The information contained within the supporting design and access statement states that the proposed development is suitable "infill" within the developed envelope of the village. It also highlights that this is the only remaining undeveloped "infill site", with others within the village being filled, including a recent development in Church Street.

In response to these comments, it should be noted that the recent scheme in Church Street is within the defined development area, while this proposal is not. It is acknowledged that there have been other infill houses permitted in the past, however there has been a clear variation in national policy in recent years. Advice contained within the now replaced PPG7, allowed some "sensitive infill" within small groups of housing, depending on the character of the area. However, this policy guidance note was superseded by PPS7 in 2004, which no longer refers to this limited provision for new infill

housing. As such, it is no longer considered acceptable to permit this type of development beyond defined development limits without adequate, site specific special justification to overcome development plan policy objectives.

Additionally, it is important to note that the defined development areas were last reviewed in the mid 1990s. At this time, the row of houses to the west, including the "infill" dwellings, were already constructed. Therefore consideration would have been given why this site was not included within the reviewed development limits. It is likely that this decision would have been influenced by the open nature of the plot.

It is noted that the Highway Authority comments state that the site is within the development limits of Kingsbury Episcopi so there may be a presumption in favour of small-scale development. This comment is incorrect and as mentioned earlier, the site is outside of defined development limits and as such there is a presumption against development.

The parish council have not raised an objection to the scheme but do note that they would prefer to see two smaller houses, which may provide important accommodation for the local population. Despite these comments, it is still not considered appropriate for any development of this site.

### **Historic Environment**

Local Plan Policy EH1 states that all development in a Conservation Area or outside the area which would affect the settings or views in or out of the area will be required to preserve or enhance the character or appearance of the area. Local Plan Policy EH3 states that planning permission will only be granted for development that does not adversely affect the character of a Listed Building, its setting, or any features of special architectural or historic interest which it possesses. Similarly, EH5 states that planning permission will not be permitted for development that would have an adverse affect on the setting of a listed building or its contribution to the local scene.

The site is within the Kingsbury Episcopi Conservation Area and is opposite a large site containing a number of listed buildings, including listed roadside boundary wall and railings. There are a number of other listed buildings within close vicinity, along Folly Road to the east and there is a garden with listed forecourt railings and wall, partially within the site. The proposed development involves some repair and reinstatement of the listed wall, details of which are not provided.

When considering new development in conservation areas, it is just as important to consider the spaces between buildings as well as the buildings themselves. Additionally, Local Plan policy EH1 refers to the importance of conforming to the historical pattern of development and property boundaries.

The design and access statement refers to the site being one of the only "infill sites" remaining in Kingsbury Episcopi, which is characterised by the development of former "open" sites. In addition to the fact that these previous infill developments were either in the defined development area or allowed under now obsolete policy, this open site marks the edge of the Kingsbury Episcopi Conservation Area. While it is acknowledged, that the conservation area as a whole is not generally characterised by significant gaps between properties, it is considered that this space provides a buffer to the more modern development to the west. It is not considered to be desirable to fill this site, removing an important space that, defines the edge of the conservation area. Not only is this space considered important in the preservation of the character and appearance of the



conservation area, it is also considered to contribute to the setting and appearance of the listed railings on site and the listed buildings opposite.

It is important to note that the site is opposite Home Farm, a large site with significant listed buildings present including a listed boundary wall and railings that match those on site. The proposal considered by way of increased density of development and built form to adversely affect the setting of these listed buildings. The listed forecourt railings are likely to be dominated by the proposed dwelling, detracting from their appearance and the contribution they make to the streetscene within this part of the conservation area.

It is also noted that there is a proposal to repair and reinstate the natural stone wall to the front. No specification of works or schedule of repair has been included and no reference has been made to this feature being listed. The extent of the listed building includes the railings at the front, roadside boundary, both within and beyond the red line site and the stone wall that wraps back round onto the site. Amended plans were received to move the garage further from the stone wall and the applicant then acknowledged that they were aware that the railings were listed but not the stone wall return. However, there is still no further mention of what works are proposed and how they will impact on the setting, appearance and any feature of architectural or historic interest that the structure possesses. As such, there is not considered to be adequate information to evaluate the impact on the listed building or any justification for the works.

As mentioned earlier, the site consists of two narrow fields. There is a hedgerow dividing the site along a historic boundary, which is shown on the historic maps. The dwelling is proposed to straddle the field boundary, which is considered to be further detrimental to the setting of the conservation area, in that it fails to respect the historical boundaries.

### **Quality of Development**

The proposed dwelling is a large, four bedroom detached dwelling to be constructed from high quality natural materials. It has a long front and gables to the front and rear elevations.

Local Plan Policy ST6 requires the proposal, in terms of density, form, scale, mass, height and proportions, should respect and relate to the character of its surroundings. Additionally, it should not result in the unavoidable loss of open spaces (including gaps and frontages) with visual or environmental value. Similarly, Policy ST5 states that it should respect the form, character and setting of the locality.

One letter of objection was received from a neighbour concerned with the overall size of the dwelling. The comments mainly relate to the impact the proposal will have on the existing buildings within the street scene, particularly that they will dominate the single storey barn conversions on the adjacent site to the east and that they may have higher roof lines than the properties to the west, which are also on raised land.

With the exception of a few of the older historic buildings, such as Home Farmhouse and The Manor House, the properties along Folly Road, within and outside the conservation area are generally smaller detached houses or terraced houses set within relatively narrow plots. The proposed dwelling is considered to be overly large in comparison to the neighbouring properties on the south side of Folly Road and fails to respect the character of the surroundings.

It is acknowledged that there are a number of local properties, especially some of those to the west that have varying materials and styles. The proposed materials are to a high quality but the design itself is considered inappropriate for the conservation area. In

South Somerset, the typical vernacular form of buildings is generally characterised by long front, narrow span and straight gabled roof with steep pitch. The introduction of a gable to the front elevation is not considered appropriate design and is not within the local vernacular. It is acknowledged that there are some differing designs to the west but the properties within the conservation area and this particular historic part of Folly Road are of a long, flat frontage design.

## **Trees**

There are a couple of trees on site, which may end up being removed as part of the development. The Council's Arborist has verbally confirmed that no trees on site are of particular merit and in the event of approval, a mitigation scheme of replacement planting would be acceptable.

## **Highway**

There is an existing field access that leads to the fields and orchards to the rear of the site, which will be utilised for this proposed development. The design and access statement states that the access is considered wide enough and safe and that at a point 2m back from the edge of the carriageway, visibility is almost unlimited.

The Highway Authority, however have recommended refusal of the scheme. Folly Road is a classified 'C' road, where passing traffic is limited to 30mph. As such, the Highway Authority would wish for no obstruction to visibility greater than 900mm above the 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 90m both sides of the access. While the Highway Authority are satisfied that this level of visibility can be achieved to the west by removing the existing vegetation that fronts the highway, it is considered that the required level cannot be achieved to the east within land within the control or ownership of the applicant. As such, the recommendation is refusal on highway safety grounds.

It is acknowledged that the access is currently in existence but it is considered that using it to serve a dwelling would lead to an increased use. The increased use and limitations in visibility are therefore considered to be detrimental to highway safety.

## **Conclusion**

To conclude, it is considered that the proposal, for the reasons covered above, is unacceptable as it fails to enhance or preserve the setting of the conservation area, adversely affects the setting and appearance of the adjacent listed buildings, does not respect or relate to the character of its surroundings, is detrimental to highway safety and is unjustified development outside defined development areas.

Therefore, the recommendation to members is to refuse planning permission for the erection of a dwelling and the associated redevelopment of the site.

## **RECOMMENDATION**

Refuse

Application Refused

01. The erection of the proposed dwelling would result in unjustified development outside of defined development areas, where development is strictly controlled



and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. As such the proposal is contrary to policy VIS 2 of the Regional Spatial Strategy, policies STR1 and STR6 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST3, ST5 and ST6 of the South Somerset Local Plan 2006.

02. The erection of the proposed dwelling does not conform to historical site boundaries and would result in the loss of an open space of visual value within the street scene, which contributes, to the setting and appearance of the conservation area and nearby listed buildings. Therefore the proposal would have a detrimental impact on the character and appearance of the conservation area and would harm the setting of the nearby listed buildings and as such is contrary to advice contained within Planning Policy Guidance 15, policies EN3 and EN4 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.
  03. Insufficient information by way of justification and specification has been supplied to consider the extent of the works to the listed forecourt railings and wall and the subsequent impact on its setting, appearance and any features architectural and historic interest. Consequently, the works to protect, repair and renovate the wall and railings may have an adverse affect on the listed building and as such is contrary to advice contained within Planning Policy Guidance 15 and policy EH3 of the South Somerset Local Plan 2006.
  04. The proposed dwelling, by reason of its design, density, form, scale, mass and proportions fails to respect and relate to the character of its surroundings and has a detrimental impact on the character and appearance of the locality. As such it is contrary to policy EN 4 of the Regional Spatial Strategy, policy STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5 and ST6 of the South Somerset Local Plan 2006.
  05. The land required to gain satisfactory access to a public highway is not included within the application site, nor is the land within the control of the applicant such as to ensure that a satisfactory access can be achieved. As such it is contrary to Policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan.
  06. The access to the dwelling does not incorporate the necessary visibility splays, which are essential in the interests of highway safety. As such it is contrary to Policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan.
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