

Officer Report On Planning Application: 20/01269/HOU

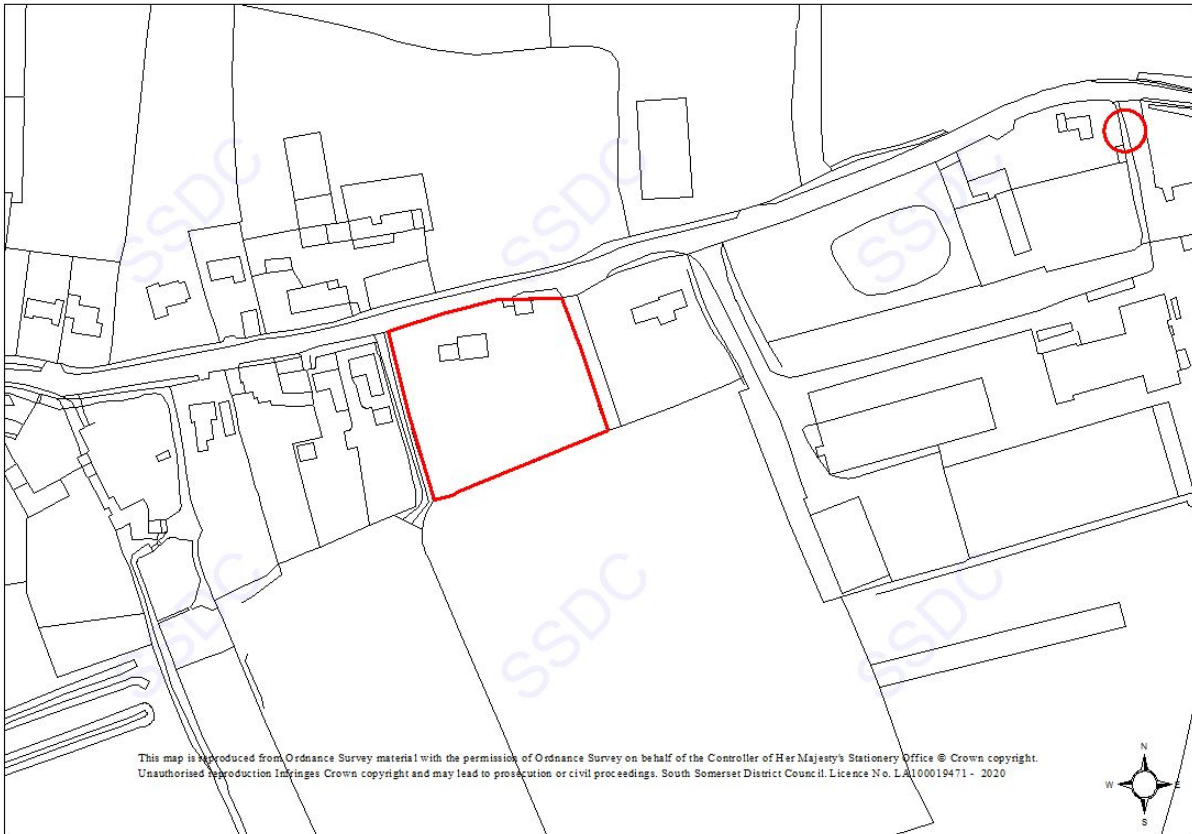
Proposal :	The erection of a double garage and formation of new access.
Site Address:	Braggcroft Rimpleton Road Marston Magna
Parish:	Marston Magna
CAMELOT Ward (SSDC Member)	Cllr M Lewis
Recommending Case Officer:	Tel: 01935 462198 Email: Planningtechnicaladmin@southsomerset.gov.uk
Target date :	2nd July 2020
Applicant :	Robert Bunton
Agent: (no agent if blank)	Bell Associates Fountain Cottage Wyke Road Gillingham Dorset SP8 4NH
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Ward Member for determination under the Council's scheme of delegation procedures as observations have been received that are contrary to the officer recommendation.

SITE DESCRIPTION AND PROPOSAL





Site Context/Description: Braggcroft is a two-storey detached dwellinghouse constructed of natural stone beneath a slate tile roof. The dwelling is among the last residential properties situated on Rimpleton Road to the east of Marston Magna. This is a rural setting backing onto open countryside however Perrys Recycling facility is situated approximately 120 metres from the dwelling.

The site falls within the Designated Marston Magna Conservation Area and lies adjacent to the Listed Building Curtilage of Garston Farm, the Grade II Listed Building itself is situated approximately 30m to the North West of Braggcroft on the opposite side of the highway. A Public Right of Way adjoins the site to the west but is separated from the curtilage by a row of mature trees and tall hedges.

The application seeks consent for the erection of a detached double garage as well as the creation of a new access to the west of the site along with additional hardstanding to provide a driveway and turning area.

Neighbours/consultees correct: Yes

History

20/01268/FUL - Change of use of land to equestrian and the erection of a stable building with hay store and tack room/machinery storage.- Application permitted with conditions 16/07/2020

19/03520/HOU - Erection of single storey rear extension and first floor side extension, the formation of 2 No. front-facing dormer windows and 1 No. rear dormer window to the rear and the installation of 1 No. rooflight to rear of dwellinghouse. - Application permitted with conditions 24/03/20

Policy

South Somerset Local Plan 2006-2028:

Policy SD1 - Sustainable Development

Policy EQ2 - Design And General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy EQ5 - Green Infrastructure

Policy TA5 - Transport Impact On New Development
Policy TA6 - Parking Standards

NPPF 2019:

Chapter 2 - Achieving sustainable development
Chapter 11 - Making effective use of land
Chapter 12 - Achieving well-designed places
Chapter 16 - Conserving and enhancing the historic environment

Planning Practice Guidance:

Design: Processes and Tools 1st October 2019

Additional Guidance

National Design Guide - 1st October 2019

Somerset County Council Parking Strategy (September 2013) and Standing Advice (June 2017)

Town/Parish Council

Marston Magna Parish Council: *'There is much disquiet felt by the Councilors and residents about how the whole site is evolving since it was bought by the current owners. This is reinforced by the arrival of various buildings and polytunnel, their many animals which are kept in the paddock and the several Land Rover Defender type vehicles in various stages of repair in view of the road. Braggcroft is in a Conservation Area and the Councilors are uneasy about the motives behind the latest applications which if granted, could even lead to breaking the accommodation into two separate dwellings.*

Bearing those thoughts in mind and that it is in a Conservation area, the Parish Council are opposed to building a new driveway to the west end of the property and the erection of the double garage/workshop, which in any way, is too close to this ancient footpath. It would result in the destruction of an attractive beech hedge as well as some of the vegetation that screens the adjacent public footpath. The Parish Council feel that if a new garage is required there is a perfectly good entrance to the property at the east end. It would also avoid another entrance/exit into the road.' (28th May)

'The Parish Council have examined the latest revisions and correspondence which contains some contradictions about whether or not the applicant will retain the existing hedge to the west of the proposed driveway. Your introduction states "The amendment also eliminates the removal of the hedge to the front boundary of the dwelling from the proposal" and this is backed up by the use of a photograph but the revised drawing clearly states the hedge will be moved back to improve the sight lines. The Tree Officer might well cast doubts on this as that there are major risks to the survival of such a mature hedge.

The drawing, as in the application, does not show where the existing entrance is, particularly in relationship to the proposed new entrance, has no dimensions and does not show the existing brick garage and outbuildings. It does not include the details asked for by the SSDC Traffic Consultant in the document dated the 28th May 2020. We consider this to be essential and ask that the Planning Officer requests this additional information before a decision is reached.

We note as well in the correspondence that the applicant wishes to use the proposed garage to house vintage vehicles and motorcycles, so the Planning Officer might request a change of use application of the property if restoration is done on a commercial basis.

The Parish Council are still not convinced an additional entrance is necessary and that there is sufficient room to build a new building to the east end of the property and using the existing entrance. It is disappointing the Planning Officer deems a visit unnecessary as it is an important decision in a Conservation Area.

These additional comments reflect the general concerns of the Parish Council and residents in the area.' (22nd June)

Case Officer Response To Parish

The representations from the Parish Council are noted and it should be observed that amendments to the original plans were submitted by the agent to relocate the proposed access, garage and driveway further away from the nearby trees and public right of way and to retain the hedge currently sited to

the front of the dwelling. The Tree Protection concerns shall be discussed further as part of this report. Additionally it is noted that additional details relating to highway safety have been submitted by the agent and this shall also be discussed at the relevant juncture in the report. The agent has confirmed by email that the proposed garage will be used for storage only and shall be used for no commercial purposes, however should the works be approved this will be secured by condition so that any use of the building for commercial purposes in the future will require the benefit of a change of use. The comments regarding the necessity of an additional entrance are noted, however the applicant retains the right to apply for a new access and garage and as such this application can only be assessed on its own merits. It is also noted that the case officer visited the site (taking a large number of photographs) during the consideration of a previous application in March of this year. As such, the officer already has a firm understanding of the site and its constraints and did not consider an additional site visit after so short a period to be necessary in the case of this decision.

Other Consultees

Highways Authority: Standing Advice Applies

Highways Consultant: *'It would appear that the property already benefits from an existing access and garage so I am unsure as to purpose of the scheme; however, no highways objection would be raised provided the proposed new access and on-site layout is designed to full standard. Will the existing garage and access be removed as the proposed easterly visibility splay may conflict with the existing garage - it is difficult to tell given the plans submitted? Confirmation should be sought as to the extent of the proposed visibility splays on the plan as they do not appear to be annotated (they should be a minimum of 2.4m x 43m). There should be no obstruction greater than 600mm within the splays which again needs to be annotated on the plans. While the frontage of the site to the west appears to form part of the public highway, the track down the west side of the site does not appear to be coloured on the highway plan. Therefore, confirmation needs to be sought that the applicant has the necessary control/ownership to that the hedgerow along the eastern side of the track for the first 2.4m can be lowered to 600mm. and that the westerly splay can be provided in its entirety - I suggest the agent purchases the highway plan from SCC to confirm the above. Some dimensions on the plan would be useful in terms of the width of the proposed access and for the car parking spaces to be shown as dashed lines (4.8m x 2.4m per space) including within the garage. The first 5m of the access must be properly consolidated and surfaced (not loose stone or gravel) and drainage measures will be required to prevent surface water from discharging onto the highway, again to be annotated on this plan. All the required details are set out on the SSDC website under Highways Access & Parking Guidance. I look forward to receiving amended plans addressing all the above matters.'*

Following the submission of additional details the highways consultant advised that the matters previously mentioned had been addressed but also commented that *'In the event that planning permission is granted I recommend the imposition of suitably worded conditions securing the points of detail in respect of visibility splays, new access location, its width and surfacing, drainage, parking/turning, etc.'*

SSDC Conservation Officer: The Conservation Officer was initially opposed to the proposal however following the submission of amended plans which included the retention of the existing boundary hedge to the front of the dwelling the officer confirmed verbally that he was satisfied with the scheme.

SSDC Tree Officer: *'I have noted the answers provided to Sections 7 & 15 of the submitted application forms. I have also noted that specific concerns have been expressed by local residents and the Parish Council regarding adjoining trees and hedges. It appears that there is already an existing Highways access and outbuilding serving the property. From the plans below, I understand the out-buildings, driveway and adjoining trees are all to be removed.*

The garage proposal also requires the removal of a section of roadside hedge and possibly a further roadside tree. Of particular note - a Listed Building (Garston Farmhouse) is located upon the opposite side of Rimpton Road. I have serious concerns that the setting of a Listed Building may be adversely affected.

No measures have been proposed to minimise or mitigate the visual impact nor has the layout-design of either proposal benefitted from arboricultural input in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction. The foot-print of the garage and new driveway appears to have been squeezed-in tightly to the West between the dwelling and the adjoining boundary hedges and trees. The garage requires the removal of a further section of hedge

adjoining the Public Footpath. Such positioning of the garage, new drive and stable block could all be significantly damaging to adjoining tree and hedge root systems.

To summarise, I am obliged to object to the proposals on the basis that I believe they are contrary to the Council's objectives to preserve the quality and character of the Conservation Area and its existing landscape features (trees and hedgerows) in accordance with the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

Rights of Way: Thank you for consulting us on the above application. I have not visited the site. I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that abuts the site at the present time (public footpath Y 15/11). I have attached a plan for your information. We have no objections to the proposal, subject to the following: (PLEASE SEE INFORMATIVES).

Neighbour Comments

Six neighbours notified and a site notice displayed- Four responses were received regarding the proposal, two in objection, one representation and one in support. These may all be viewed in full on the council's public website but are summarised as follows...

Objection

- o There is no need for a new access to the highway as there is already one existing*
- o Concern that the proposal will encourage further development*
- o Support the objections of the Parish Council*

Representation

- o The objections of the Parish Council have been documented.*
- o Wish to comment that in a previous application for a summerhouse in the garden of Millstone House, it was stipulated that any construction should not undermine the integrity of the roots of two large beech trees in the conservation area and near to the public footpath to the west of Braggcroft*

Support

- o Support the removal of the hedge and consider this will improve line of sight for vehicles users*
- o Support erection of the garage providing trees roots are not compromised*
- o However pedestrians and dogs would be at risk as the proposed driveway is very near to a public footpath*
- o Concern that the sloping drive may add to ground water run off into Rimpton Road, a permeable drive material/suitable drainage should be used to mitigate this*

Officer Response to Representations Received

Whilst it is noted that the applicant already has an existing access the applicant retains the right to apply for permission for an additional access and that the only justification for refusing the application on the grounds of the additional access would be if it were deemed that this would have a demonstrable harmful impact on visual and/or residential amenity, the local historic environment, or highway safety.

It is noted that a neighbour raised concern that the proposed development would encourage future development however each application can only be considered on its own merits and this proposal has to be judged accordingly with this principle.

One neighbour (whilst supporting the proposal) suggested that measures should be taken to prevent additional ground water run off into the highway, this is to be included as a condition in the event of the proposal being approved.

The matters raised in relation to trees and highway safety shall address separately in this report.

Key Considerations

Principle of Development

It is noted that there is an existing access, drive and garage already within the site, however it is considered that the creation of a second garage along with access and hardstanding is acceptable providing there are no concerns in relation to Visual and Residential Amenity in addition to Highway Safety, the Historic Environment and the protection of Trees within a Conservation Area, these matters shall be discussed accordingly.

It is noted that but for the included creation of a new access onto a classified road the installing of an additional hard surface to the front of the dwelling could be carried out by the applicant under Permitted Development rights under the condition that the hard surface was made of porous materials or that provision was made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Design/Layout/Materials and Impact on Historic Environment

It is considered that the proposed garage is an acceptable addition to the dwelling in terms of its scale and height. In addition, it is considered appropriate that the garage will be positioned to the side of the dwelling and will sit further back from the rear wall of the main dwellinghouse and that this will sufficiently reduce the visual impact on the dwelling. The tiled roof and timber finish to the garage is considered sympathetic to the rural character of the area.

It is not considered that the development will have a demonstrable harmful impact on the designated Marston Magna Conservation Area by virtue of its design, scale and position. It is also considered that retaining the existing hedge to the north-west corner of the site will further mitigate the impact on the Conservation Area.

The Conservation Officer has also confirmed that the development will not be to the detriment of the historic environment.

Overall, it is considered that the development respects the established character and appearance of the dwellinghouse, and will not have a demonstrable harmful impact on the historic environment. As such, the proposal is acceptable and in accordance with Policy EQ2 and EQ3 of South Somerset Local Plan (2006-2028)

Residential Amenity

It is not considered that the proposed garage will give rise to an undue level of overlooking or overshadowing or have an overbearing relationship with surrounding dwellings. As such, it is considered that the development will not have a demonstrable harmful impact on the residential amenity of neighbours.

Highways

The highways consultant noted the existing access and garage and questioned the purpose of the proposed works, however confirmed that there would be no objection on highways grounds provided the proposed new access and on-site layout is designed to full standard.

Upon receipt of additional plans which provided clarity on visibility splays and the parking/turning areas the consultant was able to confirm that all highways matters had been covered but recommended the inclusion of 'suitably worded conditions securing the points of detail in respect of visibility splays, new access location, its width and surfacing, drainage, parking/turning'. As such, it is considered that the development is in accordance with Policies TA5 and TA6 of South Somerset Local Plan (2006-2028)

Impact on Trees and Hedges in the Conservation Area

The SSDC Tree Officer's response from June 1st 2020 confirms his objection to the proposal due to the removal of the front facing hedge and the lack of measures in place to minimise or mitigate the visual impact as well as the siting of the drive and garage so near to the boundary which would be significantly damaging to adjoining tree and hedge root systems.

Subsequent to the officer's comments the agent submitted amended plans which rearranged the layout of the proposed access, garage and driveway further away from the nearby trees and retained the hedge to the front of the dwelling. The Tree Officer was invited to make further observations following these changes however no additional comments have been received. It is considered by the case officer that the amended position of the garage and drive is sufficient to mitigate the potential damage to the nearby trees.

Public Rights of Way

The County Council Public Rights of Way team have no objection to the proposal but have recommended a standard informative to ensure no damage or restriction is caused to the right of way adjoining the site whilst development is carried out. It is therefore considered that there are no concerns relating to the right of way.

Flood Risk

It is noted that the site falls within Flood Zones 2 and 3, however the documents submitted with the application confirm that the floor level of the proposed garage will be set to match the main dwelling. Furthermore, the approved plans specify that for a minimum of 5 metres from the highway the surface water shall run off from the hard surface of the proposed driveway to a soakaway within the curtilage of the dwellinghouse. The Environment Agency were consulted on the proposal however no comments have been received. As such, it is considered that the development will not introduce any significant flood risk to the locality or the highway.

Summary

Representations have been received from neighbours and the parish council that are contrary to the Planning Officers recommendation. The proposed development is considered acceptable to the dwelling and the local area and so is being referred to the Ward Member under the scheme of delegation for determination.

Recommendation

Approve for the following reason:

01. The proposal, by reason of its size, siting, materials and design, is acceptable to the dwelling and neighbours and causes no demonstrable harm to the quality and character of the Marston Magna Conservation Area, neither is there a risk to highway safety, the adjoining public right of way or the nearby trees, in accordance with Policies SD1, EQ2, EQ3, EQ4, EQ5, TA5 & TA6 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework 2019.

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 referenced:

Drawing No.

- o 1480/1/2/A, received 1st July 2020
- o 1480/1/3, received 24th April 2020
- o 1480/1/4, received 13th July 2020
- o 1480/1/5 (Proposed Garage Roof Plan), received 24th April 2020
- o 1480/1/5 (Site Survey), received 1st July 2020

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

03. The external surfaces of the development shall be of materials as indicated in the application form and no other materials shall be used without the prior written consent of the local planning authority.

Reason: To ensure the proposed development is completed in accordance with Policy EQ2 of South Somerset Local Plan and the and the provisions of the National Planning Policy Framework 2019.

04. Prior to the first use of the development hereby approved, the access, driveway and turning area to be provided, as shown in drawings No. 1480/1/2A and 1480/1/5, shall be properly consolidated (not loose stone or gravel), surfaced and drained to ensure no surface water discharge onto the highway

Reason - In the interest of Highway Safety and adequate onsite parking provision, in accordance with Policies TA5 and TA6 of South Somerset Local Plan (2006-2028)

05. Prior to the first use of the development hereby approved, the turning area to be provided shall be constructed to a minimum width of 5 metres except for at the entrance to the garage which shall be constructed to a minimum width of 6 metres as shown in drawing No. 1480/1/2A.

Reason - In the interest of Highway Safety and adequate onsite parking provision, in accordance with Policies TA5 and TA6 of South Somerset Local Plan (2006-2028)

06. Prior to the first use of the development hereby approved, the new access to be created shall be located in the exact position of shown in Drawings No. 1480/1/2A and 1480/1/5

Reason - In the interest of Highway Safety and adequate onsite parking provision, in accordance with Policies TA5 and TA6 of South Somerset Local Plan (2006-2028)

07. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending 43 metres to the east and west as shown on the approved plan, Drawing no. 1480/1/5. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of South Somerset Local Plan 2006-28.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) the extension hereby permitted shall only be used incidental to the enjoyment of the dwellinghouse.

Reason: In the interests of residential amenity and highway safety in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028)

09. The existing boundary hedgerow growing along the roadside frontage of the site to west of the proposed access, shall be retained and maintained and shall not be removed, either in whole or in part, and shall be maintained at a height no lower than 2.5 metres in height (as measured from the ground level on which it is growing). The hedgerow shall be maintained and retained in this fashion for a period of ten years from the completion of the development hereby permitted. Should any of the hedgerow planting become damaged or diseased during this ten year period the plant(s) shall be replaced in the next planting season with others of a similar species, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity, having regard to Policy EQ2 and EQ3 of the South Somerset Local Plan and relevant guidance within the NPPF.