

Officer Report On Planning Application: 15/02097/FUL

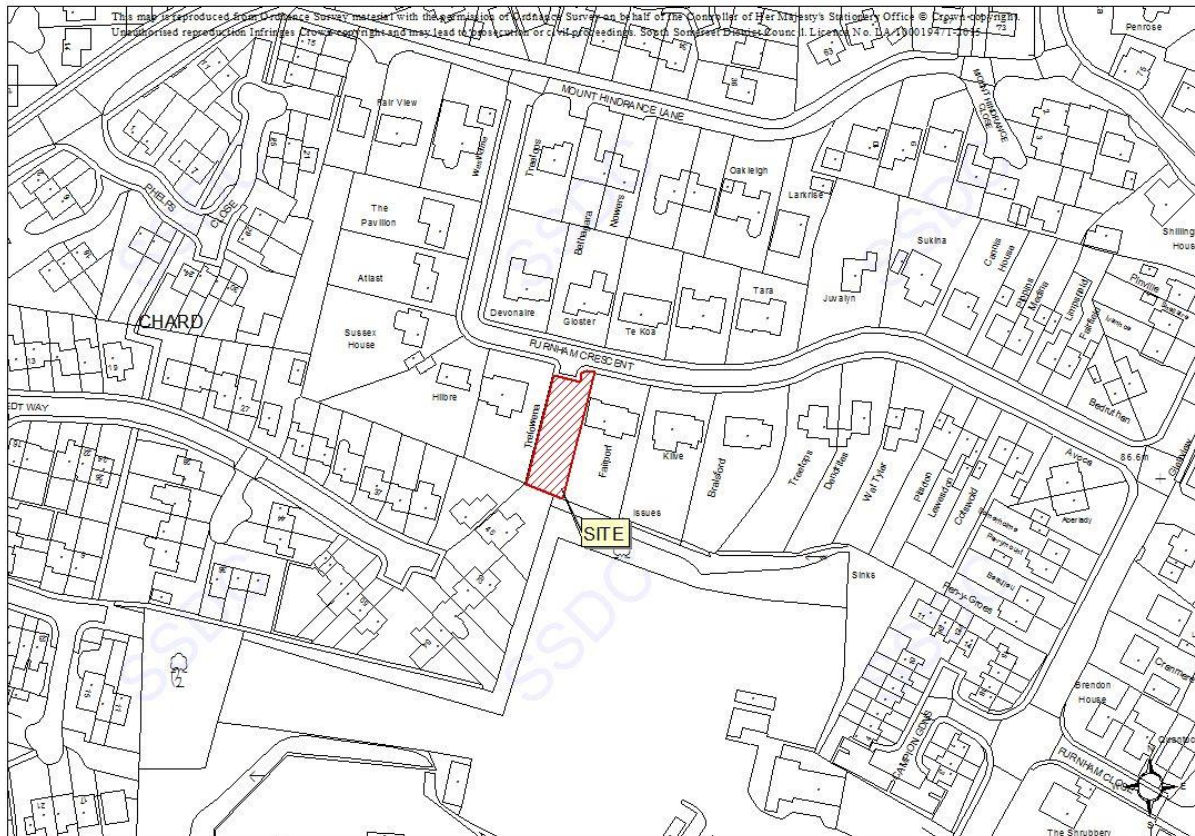
Proposal :	The erection of 1 No. detached dwelling. (GR 332789/109571)
Site Address:	Fairport Furnham Crescent Chard
Parish:	Chard
CRIMCHARD (CHARD) Ward (SSDC Member)	Cllr J Kenton
Recommending Case Officer:	Diana Watts Tel: (01935) 462483 Email: diana.watts@southsomerset.gov.uk
Target date :	22nd July 2015
Applicant :	Mrs DM Kelland
Agent: (no agent if blank)	Paul Rowe Caparo 11 Mervyn Ball Close Chard Somerset TA20 1EJ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFFERAL TO COMMITTEE

To allow for further discussion on the impact of the development on the surrounding area and dwellings.

SITE DESCRIPTION AND PROPOSAL





This site fronts Furnham Crescent in the northern area of Chard. It currently forms part of the mature garden of Fairport, a detached brick faced bungalow. There is a mix of dwellings in the Crescent but the immediate surroundings of Fairport are characterised by bungalows, some with accommodation in the roof. The land rises to the west with staggered ridge heights. Fairport is unusual in that it has a larger plot than its neighbours.

It is proposed to erect a detached 3 bedroom dwelling to the west of Fairport, in the existing garden. A large wooden garage would need to be removed. It would be designed as a bungalow with rooms in the roof, served by rooflights in the front and rear elevations. The ridge would be about 6m high and the dwelling would be positioned 1.9m away from the side wall of Fairport and 1.1m away from the boundary fence adjacent to Trelowena. There would be off-road parking space for two cars in front of the new dwelling. The walls would be faced in brick and the roof tiled. The windows would be UPVC. There is significant screening on the rear boundary with a leylandii hedge and other specimen trees and a 1.6/1.8m approx. high fence with further mature planting on the western side boundary with Trelowena. It is proposed to utilise the other existing access to serve Fairport and provide turning and parking in front of the existing bungalow.

A Design and Access Statement has been submitted to support and explain the proposal:

- the site benefits from planning permission for the same proposal 11/01452/FUL which has now expired
- the site is currently bounded by close boarded fencing, hedging and shrubs, which will remain at the rear of the site
- it is in a well established residential area, within walking distance of the town centre
- the proposal would provide amenity space for both Fairport and the new dwelling
- the level of development strikes a balance between making efficient use of land and

respecting the character and appearance of the area

- the development would have a simple and unassuming feel in the local vernacular style
- it is proposed to retain the existing fence beside Trelowena and to erect new fencing to enclose private areas between Fairport and the new dwelling
- the scale of the dwelling would reflect existing nearby properties

Amended plans were sought to show the neighbours' extension (which has been built since the 2011 permission was granted), the correct rooflight position (error on plan) and provision of a streetscene elevation to help the assessment particularly in relation to the neighbours' extension. Neighbours and the Town Council were re-consulted. A further plan has been provided to show the bin store in the rear garden.

HISTORY

11/01452/FUL - Detached dwelling - approved (same as current proposal)
Fairport approved in 1961

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where 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.

South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

TA5 - Transport Impact of New Development

TA6- Parking Standards

EQ1- Addressing Climate Change in South Somerset

EQ2 - General Development

HG4 - Provision of affordable housing - sites of 1-5 dwellings

Policy-related Material Considerations

National Planning Policy Framework (March 2012):

Core Planning Principles - Paragraph 17

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Somerset County Council Parking Strategy, March 2012 and September 2013.

Somerset County Council Highways Standing Advice, June 2015.

CONSULTATIONS

Chard Town Council: 1. Recommend approval. 2. On amended plans showing neighbours' extension, correct rooflight position and provision of streetscene elevation- Recommended that the application be referred to Area West.

County Highway Authority: Standing advice but previously commented:

The site is located within the development boundaries for Chard within close proximity of the local services and facilities of the settlement such as education, health, retail and leisure and as such there is no objection to the proposal in principle.

In detail, the proposal has provided two parking spaces for the new dwelling as well as retaining adequate off road parking for the existing property served via the existing access. As a consequence, the Highway Authority is satisfied that the proposal is unlikely to encourage parking on Furnham Crescent at this point.

As a result, I would advise you that from a highway point of view there is no objection to the proposal. However, in the event of permission being granted I would recommend that the following conditions be imposed:

1. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level forward of a line drawn 2.4metres back and parallel to the nearside carriageway edge over the entire site frontage (including land edged in blue). Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

2. The area allocated for parking on the submitted plan DRWG LWDHP2 shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted

SSDC Highway Consultant - Recommend a 2.4m back and parallel visibility splay across the whole site frontage (red and blue land) with no obstruction greater than 600mm high within the splay. Car parking for existing and proposed dwellings should seek to accord with SPS standards. Parking spaces for new dwelling should ideally be 5.5m in length (minimum of 4.8m). No need to provide turning area for existing dwelling unless required by applicant. Recommend conditions to secure visibility, parking and surface water drainage.

SSDC Technical Services previously commented: surface water disposal via soakaways

Rights of Way Officer -No comments received but in 2011 stated the following:

Public Footpath CH31/9 crosses this site. It was diverted in 1961 to follow the new estate road (Furnham Crescent) and run through this plot. Various diversions also took place to the north and south in 1959, 1986 and a part was extinguished in 1984.

In 1988 SCC modified the Definitive Map to show the effect of these changes and a search reply in 1990 was given by SCC to Milford & Dormer with further information in 1991.

As the majority of the former footpath now follows pavements or has been extinguished this remnant leads to 'nowhere' and should be extinguished as being no longer needed for public use. Usually public footpaths are diverted as a result of development so that a route can be used in the future.

The legal procedure is the same as for a diversion- application to Legal Services-estimated cost to applicant £1,500-£2,000. Takes about six months (if no one objects).

I have no objection to the development.

Please add an informative- no development on the line of the recorded public footpath until an extinguishment order has been made and confirmed.

Wessex Water -

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of

all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact our Sewer Protection Team should you wish to discuss further 01225 526333.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Ecologist - I note a neighbour has queried whether there may be a badger sett in the vicinity (towards the rear of these properties). I note from Google Earth that there are trees on the boundary with the factory car park and if there are any badger setts, it is most likely they would be near these trees where the roots would provide some stability to the 'roofs' of the setts. I note the proposed dwelling is more or less on the footprint of the existing garage and store, behind which is a gravelled area. I consider it very unlikely that badgers would have any significant dependence on this part of the application site or be detrimentally affected by this development.

REPRESENTATIONS

Neighbouring properties have been notified and a site notice was posted at the site (General Interest). 5 letters of objection have been received:

- capacity and condition of old sewer critical and could lead to costs and inconvenience for neighbours
- there may be a badger sett in the immediate locality
- bin store not evident on plans (now shown in rear garden)
- access road is fairly busy with multiple delivery vans daily and occasional large lorries; these sometimes need to use the space in front of the proposed dwelling to turn around or park whilst delivering; proposal would stop up this area leading to more on street parking
- extra surface water run off may impact on existing water table in an area where in winter road and garden flooding is not unknown and rainwater frequently seen running down the Crescent level with kerb tops; needs to be guaranteed that properties further down Furnham Crescent are not impacted by proposal

- application seems to be more about financial gain rather than providing needed accommodation
- would be squeezed between carefully thought out development of bungalows of similar height with ample room between them
- plans take no account of our extension (now shown on plans)
- kitchen and orangerie on Trelowena would be overlooked and there would be loss of light, loss of view and loss of privacy
- the orangerie has no heating and proposal would block sunlight making it cooler and darker
- greenhouse at Trelowena would overlook the proposed patio area
- cramped, overdevelopment
- ugly, overbearing and out of scale
- added noise and disturbance due to new neighbours and 2 extra cars in the street
- velux window to rear would overlook Trelowena
- concerned about highway safety as cars coming from top of Furnham Crescent would not see cars coming out from the development
- plans inaccurate regarding roof windows (now corrected on plans)
- roof windows to front would look directly into our bedroom (Devonaire)
- proposed frontage considerably smaller than ours (11.5m compared with 19m)
- two storey bungalow not in keeping with street; it should be a standard bungalow or none at all due to space
- all houses and bungalows in the street have a garage; odd and untidy not to have one
- roof windows out of keeping and would look into our bedroom (Gloster)
- everyone has a front garden and this one would have only parking making it untidy
- loss of light to garden (Gloster on the opposite side of the road)

CONSIDERATIONS

Visual impact

Fairport has an unusually large garden compared with its neighbours and this end of Furnham Crescent is characterised by detached bungalows, some with accommodation in the roof. It is considered that the proposed simple form, modest scale, materials and design of the new dwelling would be in keeping with the surrounding properties. The proposed ridge height would continue the staggered roof heights in the road.

There would be about 1.9m between the new dwelling and Fairport and 2.2m between the new dwelling and Trelowena. The latter gap has been reduced since the previous permission now that a single storey extension has been added to Trelowena. Whilst this spacing would be more restricted than some of the surrounding properties, taking into account distances between other properties in the area and the potential for side extensions to be added, it is felt that it would be unreasonable to refuse the application on visual grounds. A similar gap to that proposed between Trelowena and the new dwelling exists diagonally opposite the site.

Neighbours have objected to the lack of front garden but although most of the space would be used for parking, there would still be room for some soft landscaping and the depth of the front garden would be the same as the neighbouring properties.

Residential Amenity

The bulk of the new building would be in line with Fairport where there are two high level windows and it would be located to the east of Trelowena, which now has a single storey extension with a large side window about 1.5m from the garden boundary. It is considered that the loss of light to the side windows of Fairport would not be significant given the nature of the windows and the fact that the rooms are served by primary windows to the front and rear.

As far as the impact on Trelowena is concerned, it is appreciated that the neighbours are very concerned about loss of light, privacy, their view and heat to the room. The extension is situated at a higher level than Fairport and the side window currently looks at the side of the garage to be demolished and into the rear garden of Fairport. The proposed dwelling would be located to the east of this window and this would result in the loss of some morning light but the room, described as an orangerie, would still be served by large windows to the front and rear. It is also noted that the neighbours' extension would be mainly in line with the rear half of the new dwelling and therefore, would look towards the rear roof slope of the gable. In addition, due to the level change, the extension would be about 0.6m higher than the ground level of the proposed dwelling. This would help to reduce the impact of the new gable of the proposed dwelling and would allow some light to reach the side window.

The proposal would result in the loss of the neighbours' view but there is no planning requirement to safeguard this view and it should also be borne in mind that by blocking this view, the proposal would provide privacy for Fairport from this window. Whether or not the proposed dwelling would adversely affect the neighbour's amenity in terms of being overpowering or oppressive has been considered but bearing in mind the distance to the main dwelling (about 7m) and the fact that the extension is served by two other windows (front and rear) and would be mainly in line with the rear half of the proposed dwelling with the sloping roofline, it is felt that it would not have such a significant adverse impact so as to justify refusing planning permission.

In addition, no first floor windows would face either neighbour to the sides and there is sufficient distance and good screening between the new dwelling and the existing properties to the rear, so as to avoid any significant overlooking. The rear velux rooflights would only overlook indirectly towards the bottom of the gardens of Trelowena and Fairport. A cross section shows that these rooflights would be set at 1.6m above floor level. The usual minimum cill height considered necessary to prevent overlooking is 1.7m but bearing in mind the angled view towards the neighbouring properties it is considered that the proposal would not give rise to an overlooking situation. A condition would need to be imposed to prevent additional windows or dormers being added at first floor level without planning permission.

The owners of Devonaire and Gloster on the opposite side of the road have objected to the front velux window looking directly into their bedrooms. Again the window would be positioned 1.6m to cill and bearing in mind the distance involved (over 30m and 25m respectively), it is considered that there would be no loss of privacy here.

The rear garden would extend back as far as its neighbours and provide reasonable amenity space.

Highway Safety

There is on road parking if required and the Highway Authority has raised no objections to the scheme. The Parking Standards require 2.5 parking spaces per dwelling and this scheme would provide two per dwelling, which is considered acceptable in this location. SSDC's Highway Consultant has indicated that 5.5m long parking spaces would be ideal but a minimum of 4.8m is required. These spaces would meet the latter requirement. He has also explained that no turning space is required for the dwellings in this location and in response to local concerns has clarified that the existing turning head in the road is not required for highway safety. There is also an existing double vehicular access off this turning head into the site and therefore the proposed access is simply a like for like replacement.

Right of Way

Technically public footpath CH13/9 still crosses the application site as advised by the Rights Of Way Officer, although there is no indication of this on the site. This route no longer serves any useful purpose since the area was developed and should be extinguished before any development takes place. A note would need to be added to any planning approval.

Ecology

A neighbour's concern regarding badgers on the site has been considered but the Council's Ecologist does not feel that this is an issue.

S106 Planning Obligation

In accordance with policy HG4 a financial contribution towards affordable housing will be required which will be based on £20 per sqm.

CONCLUSION

Overall, the proposed development of this site is considered to be acceptable as it would respect the character and appearance of its surroundings and would not cause unacceptable harm to the residential amenity of the occupiers of neighbouring properties or to highway safety.

RECOMMENDATION

The application be approved subject to the following conditions:

The prior completion of a Section 106 Planning obligation (in a form acceptable to the Council's solicitor) before the decision notice granting planning permission is issued, to secure a financial contribution towards affordable housing.

01. Notwithstanding the comments made by the neighbours, it is considered that the proposal would, by reason of its size, form, design and materials, respect the character of the area and would not adversely affect residential amenity or highway safety in accordance with the aims and objectives of policies SD1, SS1, TA5, TA6, EQ1 and EQ2 of the South Somerset Local Plan and the National Planning Policy Framework.

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 nos KDHP3, KDHP4, KDHP5 and KDHP6 received 23 July 2015 and 20 August 2015.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. The development hereby approved shall not be commenced unless particulars of the materials (including the provision of samples where necessary) to be used for the walls and roof of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policy EQ2 of South Somerset Local Plan (Adopted March 2015).

04. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The scheme shall include the retention of existing mature trees and shrubs on the southern and western boundaries of the site.

Reason: In the interests of visual and residential amenity in accordance with policy EQ2 of South Somerset Local Plan (Adopted March 2015).

05. The area allocated for parking on the submitted plan drawing no. KDHP5 shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of South Somerset Local Plan (Adopted March 2015).

06. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage (including land edged in blue). Such visibility shall be fully provided before works commence on the development hereby permitted 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 (Adopted March 2015).

07. The development hereby permitted shall not be commenced unless surface water drainage details to serve the development have been submitted to and agreed in writing by the Local Planning Authority. Such approved details shall include soakaways and they shall be completed and become fully operational before the development is first used. Following its installation such an approved scheme shall be permanently retained and maintained thereafter.

Reason: In order to manage surface water run-off and flood risk from the development, in accordance with policy EQ1 of the South Somerset Local Plan and chapter 10 of the National Planning Policy Framework.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows and roof lights, or other openings (including doors) shall be formed at first floor level in the dwelling hereby permitted without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity in accordance with policy EQ2 of South Somerset Local Plan (Adopted March 2015).

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling hereby permitted without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity in accordance with policy EQ2 of South Somerset Local Plan (Adopted March 2015).

10. The development hereby approved shall not be commenced unless details of the full boundary treatment of the site, including all fencing, walls and gates have been submitted to and agreed in writing by the Local Planning Authority. Such agreed boundary treatment shall be completed before the dwelling is first occupied and maintained thereafter.

Reason: In the interests of visual and residential amenity in accordance with policy EQ2 of South Somerset Local Plan (Adopted March 2015).

Informatives:

01. The applicant's attention is drawn to the comments of the Rights of Way Officer and that no development should take place on the line of the recorded public footpath until an extinguishment order has been made and confirmed.
02. The applicant's attention is drawn to the advice of Wessex Water in their letter of 16 June 2015.
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