

## Officer Report On Planning Application: 15/03263/S73A

<b>Proposal:</b>	Application to vary condition 02 (approved plans) of 14/05486/FUL for the addition of 4 No. radius oak braces to side elevation. (GR 337625/106141)
<b>Site Address:</b>	7 Court Farm Close Winsham Chard
<b>Parish:</b>	Winsham
<b>WINDWHISTLE Ward (SSDC Member)</b>	Cllr S Osborne
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date:</b>	23rd September 2015
<b>Applicant:</b>	Mrs Christine Hughes
<b>Agent: (no agent if blank)</b>	Mr Maurice Taylor 166 East Street Winterbourne Kingston Blandford Forum Dorset DT11 9BQ
<b>Application Type:</b>	Other Householder - not a Change of Use

### UPDATE TO COMMITTEE REPORT CONSIDERED BY THE AREA WEST COMMITTEE IN OCTOBER

Following consideration of the report below, members resolved to defer the decision to allow the following additional information to be provided by officers:

- Details of the powerpoint slides shown to the planning committee in consideration of the previous application 14/05486/FUL.
- A definitive legal opinion as to the lawfulness of the carport as built under the previous permission.

### LEGAL OPINION

The legal opinion has concluded that the permission must be interpreted on face value in terms of the documents contained within the permission. The planning permission in condition 02 clearly states plan 510/14/B (the 1:20 plan) which shows the overhang. On the basis of this approved plan, the overhang is approved and the carport as built is lawful. The period to challenge the decision under Judicial Review has expired.

### CONSIDERATIONS

Having regard to the above legal opinion, it is considered that the only aspect of the current proposal that can be considered is the proposed braces to the side elevation of the carport. The amendment to the description of the proposal which was made during consideration of the application to include 'external alterations' has been removed from the description.

### RECOMMENDATION

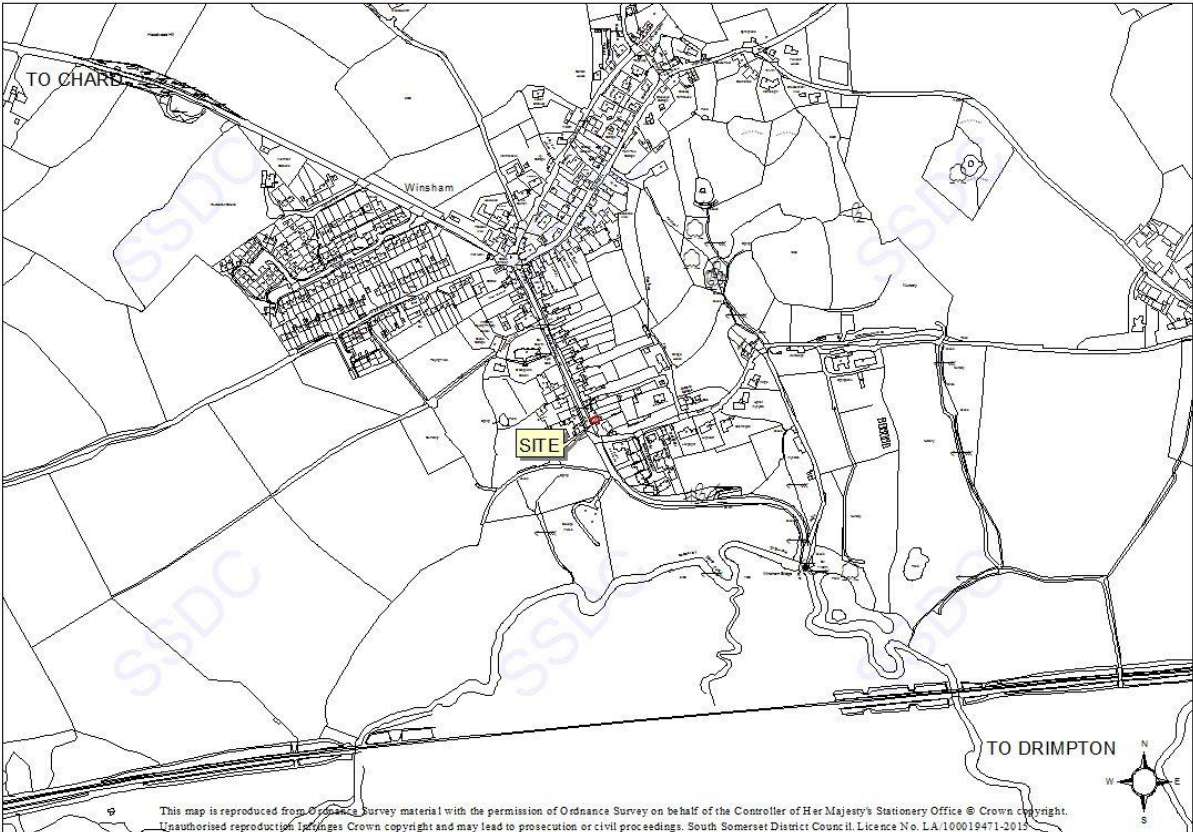
The report considered by the committee in October is included below. For the reasons set out in the October committee report, the proposed timber braces are considered to be acceptable. It is therefore recommended that permission is granted for the timber braces subject to the conditions stated in the previous recommendation.

**COMMITTEE REPORT- OCTOBER 2015**

**REASON FOR REFERRAL TO COMMITTEE**

To allow the committee to consider the cumulative impact of the proposed timber braces. Permission granted by committee on the basis of the original plans which are no proposed to be amended.

**SITE DESCRIPTION AND PROPOSAL**





The site is located in a modern cul-de-sac in Winsham. The existing dwelling straddles the Conservation Area boundary with the carport being located outside it. The existing property has a natural stone finish to most of the front elevation with rendered finish to the side elevations and to the garage.

The carport was permitted under planning reference 14/05486/FUL and has been completed on site. This application seeks consent under Section 73 of the Town and Country Planning Act (1990) to make minor amendments to the carport. These amendments are as follows:

Installation of timber braces to the side elevation of the carport. The braces would be attached to the supporting pillars of the carport and to the junction of the car port and the garage.

Extension of the roof of the carport 350 mm beyond the front elevation of the property (retrospective).

Creation of an overhang to the roof on the side elevation, approximately 375mm from the side of the support pillar of the carport (retrospective).

The previous permission was approved with two sets of plans, one at 1:100 showing the overall elevations and a more detailed plan showing the design of the roof at 1:20 scale. The overhang to the side elevation and extension of the roof beyond the front elevation of the dwelling are not shown on the 1:100 plan but are shown on the 1:20 plan. This is an inconsistency in the previous permission. This application seeks to regularise the inconsistency so that the two plans match one another.

## RELEVANT HISTORY

14/05486/FUL- Alterations to existing dormer window, formation of additional dormer window to front elevation and the erection of car port. (GR 337625/106141)- Application Permitted.

## 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 the decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

In relation to Conservation Areas, Section 72 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving or enhancing the character and appearance' of the conservation area.

The National Planning Policy Framework (NPPF) is a material consideration. The following chapters are of most relevance:

National Planning Policy Framework  
Chapter 7 - Requiring Good Design  
Chapter 12- Conserving and enhancing the Historic Environment

Local Plan (2006-2028)  
The following Local plan policies are considered to be relevant:  
SD1- Sustainable development  
EQ2- General Development  
EQ3- Historic Environment

National Planning Practice Guidance:  
The following sections have the most relevance:

- Determining an application.
- Conserving and enhancing the historic environment
- Design

## CONSULTATIONS

**WINSHAM PARISH COUNCIL** - The Parish Council has been informed that SSDC is in receipt of a complaint alleging breaches of planning control regarding construction of the carport to which this application refers.

We are not able to comment on this new application to make additions to the carport whilst there is doubt that it has been constructed according to the granting of permission for application 14/05486/FUL.

We would expect SSDC to determine the complaint before considering the new application and give the Parish Council the opportunity to review this particular application in the context of any decisions made.

**COUNTY HIGHWAYS** - No observations

**SSDC Highway Consultant**- No issues- no objections.

## **REPRESENTATIONS**

As a result of consultations being carried out letters of objection have been received from 5 adjoining properties. The following objections are made:

Visual amenity:

- The overhangs to the roof are detrimental to the character of the Conservation area. The structure is not subservient to the main dwellinghouse and is obtrusive within the streetscene etc.
- The proposed wooden braces will add to the visual impact of the garage.

Residential amenity:

- The carport does not meet the 45 degree principle measured from the adjoining neighbour and therefore has an adverse impact on residential amenity.
- The proposed window will overlook the roof of No. 7 Court Farm Close and should therefore be fitted with frosted glass.

Other matters:

- Has the applicant provided technical information to justify the additional braces. The need for the braces is not substantiated.
- The fitting of the braces will contravene the planning conditions of the previous permission which removes permitted development rights for alterations, including enclosing the sides of the car port.
- The existing structure is in breach of planning control.

## **CONSIDERATIONS**

There have been several objections to the proposal, most of which relate to the impact on the visual amenity and the residential amenity of the proposals.

Highway Safety/residential amenity:

These matters are not being considered under this application as the application is purely for the specific amendments included within the application rather than the general planning merits of the car port as was considered under the original planning approval.

### **Visual Amenity and Setting of Conservation Area**

The proposed braces to the side elevation are considered to be acceptable. The car port is open sided and would remain an open sided structure with the timber braces in place. The braces would be of a relatively simple design and would not increase the overall size or bulk of the structure or its visual prominence to an unacceptable degree. Whilst the carport is close to the boundary of the Conservation Area the proposed timber braces are considered to be insignificant in terms of the impact on its setting. The setting of the Conservation Area would therefore be preserved.

As part of this application, updated plans have been received at 1:100 scale in order to illustrate accurately the overhang to the side elevation of the roof and the forward projection of the carport as these details were not illustrated on the original plans for this application or on the 1:100 plans that were approved under the previous application. The description of the

proposal has been amended to reflect this situation.

Given that the previous consent was issued with conflicting plans, the lawfulness of these aspects as constructed can be open to debate. Nevertheless, the purpose of the Section 73 procedure is to seek consent to regularise aspects of a development that have already been carried out as well as proposed alterations.

The Close is characterised by minor variations in the building line and many variations in the building line of individual properties. For example there is a monopitch porch to the front of No. 8, the property adjacent to the subject site and other similar forward projections within the road. The projection of the carport roof forward of the front elevation of the dwelling by 400mm is considered to be minimal, has an acceptable impact on the appearance of the streetscene and fits in with the established character outlined above. Having regard to the above, the proposed front projection and roof overhang to the side of the carport would preserve the setting of the Conservation Area.

### **Conclusion:**

The proposal by reason of its scale and materials respects the character of the area and preserves the setting of the adjacent Conservation Area in accordance with Local Plan Policies EQ2 and EQ3.

### **RECOMMENDATION**

Permission be granted subject to conditions:-

01. The proposal, by reason of scale, location, design and materials does not adversely affect visual amenity and preserves the setting of the Conservation Area in accordance with the aims and objectives of policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and Chapter 12 of the National Policy Planning Framework (2012).

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the approved plans Drawings No 510/14/A date stamped 29th September 2015; 510/14/B only.

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

02. 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.

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no alterations, including enclosing the two open sides, shall be made to the car port hereby approved without the express grant of planning permission

Reason: To preserve the setting of the conservation area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).

04. The carport hereby permitted shall be kept clear of obstruction and shall not be used other than for the parking of vehicle in connection with the attached dwelling

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

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