

AREA EAST COMMITTEE

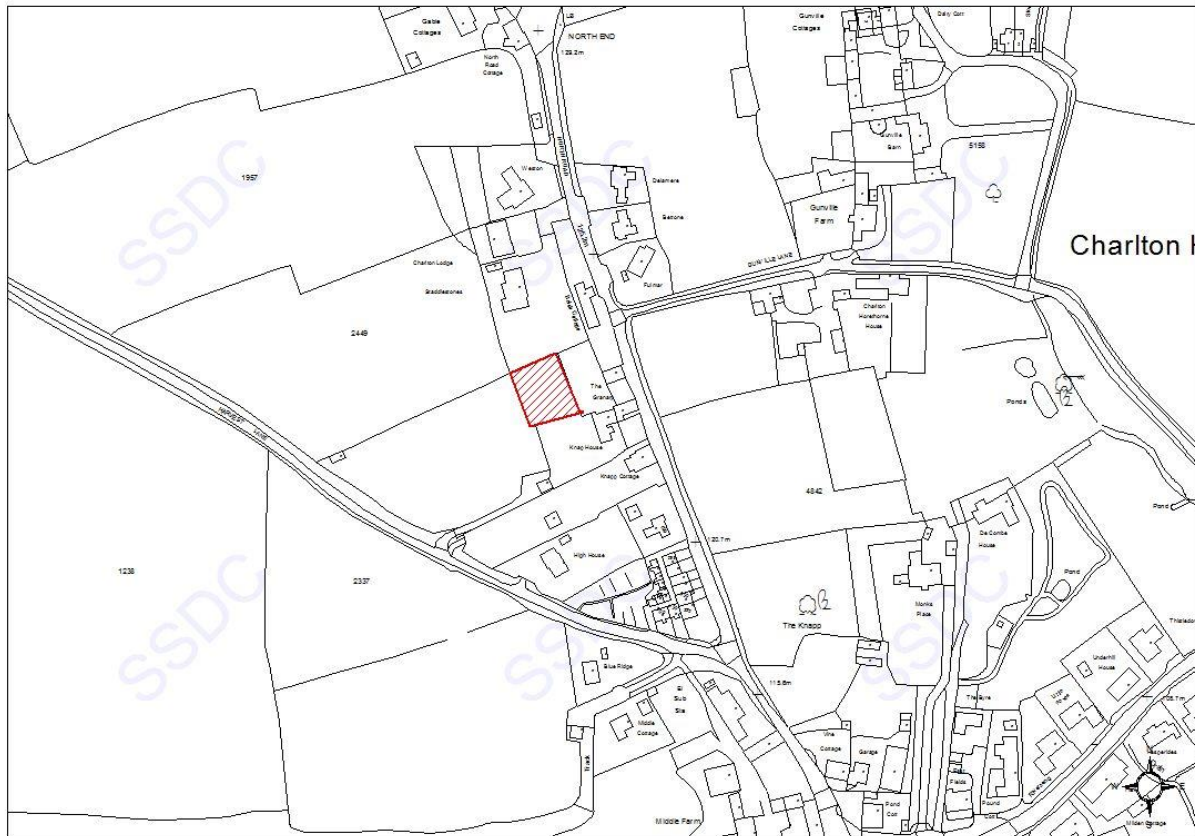
Officer Report On Planning Application: 15/03678/FUL

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| Proposal : | Erection of a dwelling and detached garage to include addition of a first floor balcony on west elevation, addition of a window on east elevation, adjustment of roof light positions and adjustment of ridge height (GR:366361/123456) |
| Site Address: | Knapp House The Knapp North Road |
| Parish: | Charlton Horethorne |
| BLACKMOOR VALE Ward (SSDC Member) | Cllr T Inglefield Cllr W Wallace |
| Recommending Case Officer: | Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk |
| Target date : | 25th September 2015 |
| Applicant : | Mr Patrick Lynch |
| Agent: (no agent if blank) | Mr Peter Coe Coe Design Ltd Pound Lane Studio Yarlington Somerset BA9 8DG |
| Application Type : | Minor Dwellings 1-9 site less than 1ha |

The application is before the committee, at the request of the ward members and with the agreement of the area chair, to allow the concerns of neighbouring occupiers to be discussed in a public forum.

SITE DESCRIPTION AND PROPOSAL





This application seeks full permission for the erection of a one and half storey dwelling with rooms in the roof. Prior to work commencing the site consisted of an area of agricultural land with some apparent garden use, adjacent to a two storey detached house, finished in natural stone with a slate roof. The site was broadly level, laid to grass, and surrounded by mature vegetation and various styles of fencing. The site is located outside of, but immediately adjacent to, the Charlton Horethorne development area and conservation area as defined by the local plan. The site is surrounded by various residential properties on three sides, with open countryside to the rear.

Plans show the erection of a detached one and a half storey dwelling with rooms in the roof located fairly centrally in the plot, with the use of an existing vehicular access from Harvest Lane, which currently serves the existing dwelling.

The scheme represents a resubmission following a previous similar permission. A dwelling has been commenced and substantially completed on the site that did not comply with the extant permission in a number of regards. The current application seeks to regularise the situation.

In response to concerns raised by the neighbouring occupiers as to the accuracy of the submitted plans in relation to height, the levels have been checked and verified by an SSDC Building Control Officer.

HISTORY

15/03110/NMA - Application for non-material amendment to planning approval 14/05262/FUL to change materials from timber framed to powder coated aluminium windows - Application permitted 17/07/2015

14/05262/FUL - Erection of a single storey dwelling and detached garage - Application permitted with conditions 21/01/2015

14/02794/OUT - Outline application for the erection of 1 no. single storey dwelling (with all matters reserved) - Application permitted with conditions 13/10/2014

841003 - The conversion of barn at Knap House, Charlton Horethorne, into a dwellinghouse -

Conditionally approved 13/07/1984

831706 - Outline: The erection of a bungalow on land adjacent to Knap House, Charlton Horethorne and the formation of access thereto - Refused 14/10/1983

811862 - Outline: The erection of a detached dwelling on land at Knap House, Charlton Horethorne, and the formation of a vehicular access thereto - Refused 19/11/1981

811861 - The conversion of barn at Knap House, Charlton Horethorne, into a self-contained dwelling and the formation of a vehicular access thereto - Conditionally approved 19/04/1981

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG4 - Provision of Affordable Housing: Sites of 1-5 Dwellings

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

CONSULTATIONS

Charlton Horethorne Parish Council - Recommends approval provided that all of the following conditions are applied:

- Fences adjacent to the garden of the Granary, the closest neighbouring property, should be to a height of 2.5 metres, and maintained by the applicant
- Four mature trees should be planted to replace those removed on the east boundary of the site (and the new trees to be replaced as necessary if they die over the next 10 years as a minimum)
- All surface water draining from the field to the east of the property onto the site should be completely handled by on-site drainage facilities, with plans to be provided and approved by the SDDC Planning Authority
- The cloakroom window on the east of the building should use patterned glass and have a limited opening operation so that it cannot be used to overlook the adjoining property
- The level of the upper floor of the property must not be raised in any way, to ensure that adjoining properties cannot be viewed through the east facing conservation lights
- The plans for the proposed garage on the property should be provided to the Planning Authority.
- The garage should not be obtrusive, be single storey and contain no east or south facing windows
- The new building should not be occupied in any way until the previous conditions have been met.

County Highway Authority - Standing advice applies

REPRESENTATIONS

Letters of objection were received from the occupiers of twenty properties in Charlton Horethorne. Objections were raised on the following grounds:

- The neighbours that did not object first time around were only happy because the levels were just low enough. The new scheme is too high, potentially increasing overlooking and visual intrusion for neighbouring properties.
- The roof lights are larger than approved again potentially increasing overlooking.
- Applying retrospectively is disingenuous and any discrepancies from the approved drawings should be dealt with as soon as they are apparent.
- Retrospective applications make it difficult for neighbours and parish councillors and makes a mockery of the planning process.
- Concerns that the planning process has not been followed correctly.
- The supposed unobtrusive single storey dwelling is a large two storey building which is highly visible.
- The building is clearly visible from North Road in contravention of the original permission.
- If the deviations from the approved scheme are now allowed it will set an undesirable precedent for other developers.
- The boundary fence should be 2.5 metres high to protect the amenity of adjoining residents.
- A scheme of landscaping must be agreed and implemented.
- Neighbouring properties have been devalued.
- The development is outside the defined area for developments at Charlton Horethorne, will have an adverse impact on the conservation area and is an example of 'backland' development.
- Additional windows should be fitted with obscure glazing.
- The application does not include plans for the proposed garage. These should be included.
- The proposal will have considerable impact on the setting of the listed building 'The Granary'.
- Concern as to whether the soakaway will be adequate to address surface water issues.
- Concern that spoil is removed as soon as possible to prevent it sliding into Harvest Lane, causing a problem.
- The proposed dwelling and garage is overbearing on the neighbouring garden.

CONSIDERATIONS

History and Principle of Development

Outline permission for a single storey dwelling in this location was granted in 2014, and the permission remains extant. As such, the principle of a single dwelling in this location is considered to be established. A subsequent full application for a dwelling was granted early in 2015, and it is this later permission that the applicants attempted to commence. The building is substantially complete, but differs from the approved scheme in a number of regards. Firstly, the building is set higher in the site, with a ridge height 870mm higher, and finished floor height raised by approximately the same. Secondly, the size and position of the first floor roof lights have been altered slightly. Thirdly, the proposal includes a first floor balcony to the west elevation. Fourthly, an additional window has been added to the ground floor on the east elevation. Finally, one of the proposed windows to the north elevation has been reduced in size.

Therefore, notwithstanding the local concerns in relation to principle and future precedents, the principle of a dwelling in this location is considered to be established by the previous permissions. What must be considered in detail is the impact of the changes from the approved scheme, as detailed above.

Highways

There are no changes from the approved scheme that will impact upon highway safety.

Visual Amenity

The impact of the scheme, in terms of visual amenity, will be similar to the already approved scheme in

most regards. However, the 870mm increase in height, has rendered the building more visible from the nearby conservation area. Although the building is more visible, the impact is not adverse, serving to at least preserve the character of the conservation area in accordance with local plan policies EQ2 and EQ3, and national guidance. The impact on the setting of the nearby listed building resulting from the proposed changes is not significant. Concerns have been raised that the previously approved landscaping has not been complied with. However, the landscaping would not have needed to be planted until after completion or occupation, which has not yet occurred. Given the changes to the scheme from the approved scheme, it would be appropriate to impose a new landscaping condition on any permission granted to ensure that the landscaping is fit for purpose in relation to the amended design. In particular screening from the conservation area to the east would be appropriate as trees have been removed from this edge of the site since the scheme was last considered.

Therefore, notwithstanding local concerns, the scheme is considered to have no adverse impact on visual amenity in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

Residential Amenity

The occupiers of neighbouring properties have raised concern about the impact of the proposal on residential amenity. In particular concerns have been raised regarding the impact on the property known as The Granary from overlooking through the proposed roof lights. However, it has been adequately demonstrated that the proposed roof lights are of sufficient height above the floor levels of the rooms that they serve to prevent any overlooking of the neighbouring property. The roof lights are already in position and officers from the LPA have observed that any overlooking of neighbouring properties from the roof lights would be very difficult, and would certainly involve the use of a step-ladder (or similar). The enlargement of the roof lights has not made overlooking of neighbouring properties any more likely. A concern has been raised that the ground floor windows to the east elevation, including the additional window, will, because of the overall rise in levels for the building, allow overlooking of neighbouring gardens. However, as the windows are at ground floor level, it is considered that this impact could be satisfactorily mitigated with appropriate boundary treatment. The applicants have agreed to the erection of 2.5 metre high fence along the eastern boundary. It is considered that such fencing could be secured through the use of an appropriate condition on any permission issued. A concern has also been raised that the variation will result in an increased overbearing presence with neighbouring properties. However, it is not considered that the increase in height, given the relative positions of the dwelling and surrounding properties, would have a significant enough overbearing impact to warrant refusal of the scheme.

It is not considered that any of the other changes from the approved scheme, including the proposed balcony, would have any significant impact on the residential amenity of neighbouring occupiers.

As such, it is considered that there will be no significant adverse impact on neighbouring amenity by way of overlooking or overshadowing.

Therefore the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Parish Council

The parish council have recommended approval subject to certain conditions. Each condition is addressed in turn below:

- *Fences adjacent to the garden of the Granary, the closest neighbouring property, should be to a height of 2.5 metres, and maintained by the applicant.*
- This has been agreed by the applicant and can be fully secured through an appropriate condition.
- *Four mature trees should be planted to replace those removed on the east boundary of the site (and the new trees to be replaced as necessary if they die over the next 10 years as a minimum).*
- Such planting can be secured through an appropriate landscaping condition and would be reasonable to help mitigate the impact of the development on the nearby conservation area. A

10 year replacement period would be appropriate in relation to these trees as they would need to be fully mature before offering a significant benefit.

- *All surface water draining from the field to the east of the property onto the site should be completely handled by on-site drainage facilities, with plans to be provided and approved by the SDDC Planning Authority.*
- A drainage scheme was approved as part of the previous scheme and the details remain appropriate.
- *The cloakroom window on the east of the building should use patterned glass and have a limited opening operation so that it cannot be used to overlook the adjoining property.*
- This can be secured through an appropriate condition, and as considered to be appropriate.
- *The level of the upper floor of the property must not be raised in any way, to ensure that adjoining properties cannot be viewed through the east facing conservation lights.*
- Again, this can be secured through an appropriate condition on any permission issued, and is considered necessary to secure the amenity of adjoining occupiers.
- *The plans for the proposed garage on the property should be provided to the Planning Authority. The garage should not be obtrusive, be single storey and contain no east or south facing windows.*
- These have been provided and form a part of the current application.
- *The new building should not be occupied in any way until the previous conditions have been met.*

It would be reasonable to ensure that the work is carried out to the above standards prior to the first occupation of the building, with the exception of landscaping which can only be effectively carried out in certain planting seasons. It would therefore be appropriate for any landscaping conditions to secure planting in the first planting season following the completion of the development or its first occupation, whichever is the sooner.

Other Matters

A concern has been raised that the proposal could cause run-off problems for the occupiers of The Granary. However, no evidence has been submitted to substantiate such a concern, and there is no reason to assume that the variations to the approved scheme would cause any issues in this regard. A drainage system has been agreed as part of the previous permission.

Concerns have been raised that applying for elements of the scheme retrospectively is a subversion of the proper planning process, and is somewhat disingenuous on the applicant's behalf. However, whilst the objector's concerns are understood, retrospective planning applications are a perfectly legitimate way of seeking planning permission and the LPA are obliged to consider such applications in the same way as non-retrospective applications. Such a way of approaching the planning system will set no undesirable precedent that does not already exist.

A concern has been raised that the building has devalued neighbouring properties and any further permission would further devalue the properties. However, the protection of private property value *per se* is not a material consideration in the planning process.

Concerns have been raised that spoil from the building work should be removed from site as soon as possible. This is not a matter for consideration as part of this scheme. If spoil is left in place for a protracted period, it could be a case for separate enforcement action.

Contributions

Policy HG4 requires a contribution to be paid towards the provision of affordable housing, in Charlton Musgrove this is payable at a rate of £40 per square metre of internal floor space within the development. However, in this particular case the applicant could achieve the same development through a reserved matters application in relation to the original outline scheme or through a section seventy-three application. Either would not be subject to a policy HG4 payment, and as such it is not considered reasonable to require such a payment in this case.

Conclusion

Accordingly, subject to the imposition of various conditions, the proposed variations from the approved scheme are considered to cause no significant adverse impact on the character of the landscape or the conservation area, highway safety, or residential amenity.

RECOMMENDATION

Permission be granted for the following reason:

01. The principle of development is considered to be established by earlier permissions. The proposed variations to the extant scheme would respect the character of the locality and the setting of the nearby conservation area with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with policies EQ2 and EQ3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be completed in all respects in accordance with the block and location plans 216.100.01P D, 216.100.01 B, and 216.200.SL1 B received 31 July 2015, and 216.100.G.01 and 216.200.SS1 B received 07 October 2015.

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

02. The drainage scheme approved by the local planning authority in relation to application 14/05262/FUL shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities in accordance with policy EQ2 of the South Somerset Local Plan.

03. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a new 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 ten 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 of landscaping shall include the planting of specimen trees to the east of the dwelling and a native hedge to the western boundary and driveway.

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

04. 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 windows/roof lights/dormer windows other than those expressly authorised by this permission shall be constructed in the east, south, and north elevations of the dwelling or garage hereby approved.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

05. Prior to the occupation of the building hereby approved a boundary fence of at least 2.5 metres high shall be erected on the eastern boundary of the curtilage, details of which shall have been

submitted to and approved in writing by the local planning authority. The fence, once erected, shall be maintained and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

06. The windows to the east elevation marked as being obscurely glazed on drawing 216.100.01P D, shall be fitted with obscure glazing prior to the occupation of the dwelling hereby approved. The obscure glazing will be maintained and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

07. The level of the first floor shall be as identified on drawing 216.100.01 B received 31 July 2015 and shall not be altered unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.