



## PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE JOHN MEIKLE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 22ND JULY 2009 AT 17:00.

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### AGENDA

1. Apologies.
2. Public Question Time.
3. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
4. 05/09/0015 - ERECTION OF A TWO STOREY EXTENSION AT THREE BRIDGES, BRADFORD ON TONE
5. 38/09/0184 - CONVERSION OF HOUSE INTO TWO SELF CONTAINED FLATS AT 19 WILLIAM STREET, TAUNTON AS AMENDED BY REVISED DRAWING 192/02/PO3 REV B RECEIVED 8TH JULY 2009
6. 48/09/0025 - ERECTION OF SINGLE STOREY AND TWO STOREY EXTENSIONS FOLLOWING DEMOLITION OF SINGLE STOREY EXTENSIONS TO THE REAR OF NOS. 2 AND 3 THE STREET, WEST MONKTON (RESUBMISSION OF APPLICATION 48/08/0067) AS AMENDED BY REVISED DRAWINGS 1392/08/2 iss 3, 1392/08/3 iss 2, 1392/08/4 iss 3 AND 1392/08/5 iss 3 RECEIVED 29TH JUNE 2009
7. Planning application and enforcement issues at Taunton Vale Hockey Club, Gipsy Lane, Taunton. Report of the Head of Legal and Democratic Services (attached). Miscellaneous item
8. 0216/29/08 - Occupation of mobile home as a separate unit of accommodation at Hawthorn House, Bishopswood, Chard. Report of the Development Manager (attached). Enforcement item
9. Planning Appeals - Appeals lodged and the latest appeal decisions received (details attached). Appeals

Tonya Meers  
Legal and Democratic Services Manager  
14 July 2009

Tea for Councillors will be available from 16.45 onwards in Committee Room No. 1.

Planning Committee Members:-

Councillor Mrs Hill (Chairman)

Councillor Mrs Allgrove (Vice-Chairman)

Councillor Bishop

Councillor Bowrah

Councillor Brooks

Councillor Mrs Copley

Councillor Critchard

Councillor Denington

Councillor Ms Durdan

Councillor Mrs Floyd

Councillor C Hill

Councillor House

Councillor Miss James

Councillor McMahon

Councillor Mrs Smith

Councillor Watson

Councillor D Wedderkopp

Councillor Woolley



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



Tel: 01823 356410  
Fax: 01823 356329  
E-Mail: [g.dyke@tauntondeane.gov.uk](mailto:g.dyke@tauntondeane.gov.uk)

Website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

05/09/0015

MR T LANG

## **ERECTION OF A TWO STOREY EXTENSION AT THREE BRIDGES, BRADFORD ON TONE**

318599.122927

Full Planning Permission

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### **PROPOSAL**

Permission is sought for the erection of a two storey extension to the north elevation (rear) of Three Bridges, Bradford on Tone. The proposed extension will replace a single storey lean to extension and flat roof addition to the rear. The extension will provide for an enlarged kitchen/diner, with utility, porch and WC at ground floor level, together with two additional bedrooms at first floor level, both to be served by en-suite bathrooms.

The extension will be constructed from materials to match the original dwelling, being red brick, tiles and uPVC fenestration. The extension will have a maximum height of 7.3 metres above ground level and will project beyond the rear elevation of the original dwelling house by approximately 6.5 metres. The extension will incorporate hipped roofs as well as a covered balcony to the rear, and a feature turret to the west elevation providing a stairwell to bedroom 1 from the kitchen/diner.

### **SITE DESCRIPTION AND HISTORY**

Three Bridges is a detached two storey, gabled Edwardian period dwelling with a large rear garden and off road parking and turning. The building has been extended previously to the rear with a simple single storey lean to extension, which has been further extended through the erection of a flat roof single storey extension. To the north and west of the site there are a number of buildings used in association with the resident classic car restoration business; whilst to the west/north west beyond this there are a number of residential mobile homes at Devonia Park. The site is set back from the adjoining A38 to the south by approximately ten metres, and is bound to the east by mature hedgerow and tree planting. The dwelling is open to views from the A38 on its western side.

### **CONSULTATION AND REPRESENTATION RESPONSES**

#### **Consultees**

*SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP* - No observations

*BISHOPS HULL PARISH COUNCIL* - No comments received

#### **Representations**

Ward Councillor (Councillor Nigel Stuart-Thorn) – supports the proposal; finished article will be a great improvement and add much credit to surrounding area.

5 Letters of support/no objection from local/neighbouring residents, some of which have stated that the proposals will enhance the immediate area.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues that require consideration in determining the application for a proposed extension are the impact upon the visual and residential amenity together with the form and character of the original dwelling house, particularly in terms of the subservience policy adopted by the local planning authority.

In principle the erection of a two storey extension to the rear of this detached property is considered to be acceptable. Having regard to the amenity of adjoining properties, it is considered that there will be no material loss of privacy, light or impact upon outlook as a result of the proposed extension. Nonetheless, the potential impact upon the visual amenity of the area is also an important consideration. The proposed extension will have a width matching the original dwelling whilst the main roof height has been stepped down by only approximately 150 - 200mm. The foot print of the original dwelling house would have been roughly 49 square metres, extended to 85 square metres with the single storey extensions. The footprint of the proposed extension will measure approximately 69.5 square metres, thus giving an overall area of 118.5 square metres to the building as proposed to be extended. The proposed extension therefore provides for a large two storey extension which will be well over twice the size of the original dwelling house in terms of footprint size. As a result, the proposed extension will have a significant impact upon the character and appearance of the original building and the visual amenity of the area, especially when viewed from the highway to the west and south west of the dwelling, the main public vantage point.

In addition, the proposal does not accord with the subservience policy adopted by the Authority in TDLP policy H17, in that the side elevations will be set flush with the original gable ends of the dwelling, resulting in one large mass when viewed from the side. As such it would be difficult to distinguish between the original building and the new extension, thereby eroding the simple character of the original Edwardian dwelling. The design of the extension incorporates three hipped roof sections, together with a large flat roof section extending out from the original pitched roof. The design of an extension, including any new roof, should be simple and attempt to reflect or complement the design of the main building. This has not been considered in the proposed design and as such, the use of hipped roofs would detract significantly from the overall appearance of the property, providing for an incongruous and unbalanced extension that would weaken the form of the gables on the existing dwelling, which are a dominant feature of the property's simple appearance. To further compound this point, when viewing the proposed extension from the rear (north elevation), offsetting the right hand hipped roof section unbalances and further confuses the appearance of the extension, further detracting from the appearance and character of the original dwelling.

The scheme has also incorporated a small turret to the west elevation of the extension,

which will accommodate a stairwell linking the new master bedroom and kitchen/diner. The turret is an interesting feature, although not commonly found within the local vernacular.

To conclude, whilst the original dwelling has been previously extended to the rear with small (one unsympathetic) single storey extensions, the proposed two storey extension provides for a poorly designed scheme that would detract from the character and appearance of the original dwelling to an unacceptable degree. An extension of such a scale would result in an overbearing and imposing appearance on the original dwelling, to the detriment of the visual amenity of the area.

Whilst the application has been supported by a number of local residents and one of the Ward Councillors, for the reasons given above, it is recommended that planning permission be REFUSED.

### **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed extension, by reason of its size, form, design and external appearance, would be out of keeping with the existing dwellinghouse and would detract from the visual amenities of the locality. In particular the various elements of the proposed elevations are poorly proportioned and the design as a whole would be incompatible with, and detrimental to, the character of the original building. The proposal is therefore contrary to Taunton Deane Local Plan Policies S1 (D), S2 (A) and H17 (C).

### **RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

38/09/0184

MR P OSBOURNE

**CONVERSION OF HOUSE INTO TWO SELF CONTAINED FLATS AT 19 WILLIAM STREET, TAUNTON AS AMENDED BY REVISED DRAWING 192/02/PO3 REV B RECEIVED 8TH JULY 2009**

322543.125589

Full Planning Permission

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**PROPOSAL**

19 William Street is a buff brick and slate dwelling, set within a row of regimented terraces. It is separated from the pavement by a small garden/yard area with a low brick wall to the front. There is a similar row of terraces opposite. At the bottom of the street is a taxi business, otherwise all properties appear to be residential.

This application seeks permission for the conversion of the dwelling to two one bedroom flats. No external alterations are proposed to the dwelling and both flats will be accessed via the existing front door. Bin storage for both flats and lockable cycle storage for the ground floor flat will be provided in the front garden/yard area and the cycle storage to the first floor flat will be provided inside the front door.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP* - The proposal is located in close proximity to Taunton town centre and all the services and facilities provided therein. As such, car free development is considered to be acceptable in this location. No objection.

*Taunton - No PARISHES* -

*WESSEX WATER* - States surface water should not be discharged to foul sewer. Highlights need to agree connection to systems and not building within 3 metres of a public sewer and diversionary/protection works to uncharted sewers/water mains.

**Representations**

6 letters of objection received on the grounds of:

- "Nightmare" parking situation.
- There are already three houses in the street that have been converted causing extra parking problems.
- Turning a house into 2 flats could bring up to 4 extra cars making parking even worse.
- Very close to getting a permit scheme and requests that the permit situation is resolved before any decision is made.

- Noise pollution.
- Concerns that street will be turned into a ghetto.
- Conversions take away the appearance of a nice family house.

Other non-planning issues also raised including vandalism from a halfway house situated at the end of the street, devaluing of property, builders have been in street for past 18 months with several additional vehicles causing havoc, people park in street then go off on the train for a week or go off to work, query what fire regulations would be used, query whether Taunton needs more 1 bed flats,

A petition containing 30 signatures has been received stating “We the residents of William Street are opposed to anymore conversions of flats due to extra parking, noise pollution and devaluing of property.”

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M4 - TDBCLP - Residential Parking Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site lies in close proximity to the town centre, with easy access to adequate services and facilities. It is therefore an appropriate location for a car free development and sufficient cycle storage is provided, in accordance with policy M4. This is considered an acceptable location for flats and there is evidence of other flats in the area. The proposed bin storage in the front garden/yard area is not an ideal location, however, it is important to note that numerous properties along William Street already store bins in this location. The additional bins are not deemed to result in harm to the visual amenity of the street scene.

No changes are proposed to the building and therefore there will be no impact on the street scene or the surrounding area. As there will be no alterations to window openings, there will be no increased overlooking of neighbouring properties. The use of the property as two flats is not considered to result in a significant increase in noise and disturbance beyond the use of the property and one dwelling. As such, there will be no material adverse impact on the residential amenities of neighbouring properties.

Whilst Wessex Water have stated that surface water should not be discharged to the foul sewer, it is important to note that no external alterations are proposed and therefore the conversion of the dwelling into two units will not result in a change to surface water. As no extensions are proposed, the notes regarding not building within 3 metres of a public sewer and diversionary/protection works to uncharted sewers/water mains are not deemed relevant to this application.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision:

The proposed flats are considered an appropriate use in this location, which is



acceptable as a car free development due to its close proximity to the town centre facilities. Cycle storage will be provided to encourage sustainable transport methods. The proposal will have no adverse impact on the street scene or surrounding area and will not result in harm to the amenities of the occupiers of neighbouring properties. As such, the proposal is in accordance with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision).

### **RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby approved shall not be brought into use until the cycle facilities and bin storage has been made available within the site in accordance with the details received 8th July 2009 by the Local Planning Authority. This storage shall thereafter remain available and not be used for any purpose, other than for the storage of bins and cycles in connection with the development hereby permitted.

Reason: To provide for the parking and storage of bicycles, in order to promote sustainable travel, in accordance with Taunton Deane Local Plan Policies M4 and S1(B).

### Notes for compliance

- . The development is located within a foul and surface water sewered area and there are water mains within the vicinity of the proposal. It will be necessary, if required, for the developer to agree a point of connection onto the system for water supply and for the satisfactory disposal of foul flows generated.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Miss K Purchase Tel: 01823 356468**

48/09/0025

MR & MRS A COMBES AND WOODGATE

**ERECTION OF SINGLE STOREY AND TWO STOREY EXTENSIONS FOLLOWING DEMOLITION OF SINGLE STOREY EXTENSIONS TO THE REAR OF NOS. 2 AND 3 THE STREET, WEST MONKTON (RESUBMISSION OF APPLICATION 48/08/0067) AS AMENDED BY REVISED DRAWINGS 1392/08/2 iss 3, 1392/08/3 iss 2, 1392/08/4 iss 3 AND 1392/08/5 iss 3 RECEIVED 29TH JUNE 2009**

326186.128314

Full Planning Permission

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## **PROPOSAL**

2 and 3 The Street are terrace cottages within the West Monkton Conservation Area and set within a row of 6, of which no's 1,2,3 and Court Cottage are Grade II listed. They are rendered to the front, with some windows blocked in and stone to the rear, with slate roofs and brick chimneys. There are currently monopitched roof single storey extensions across the rear of both no's 2 and 3, with an additional flat roof single storey extension to the rear of no.3. The properties front The Street with an archway under first floor accommodation to no.2, providing access to the rear. No.1 is staggered, therefore the rear wall is positioned beyond the rear wall of no.2, whilst the rear wall of no.4 is continued along the same line as 2 and 3. To the rear of no.4, the property has been extended to enlarge the kitchen and provide a large conservatory.

This application seeks permission for the erection of a part two storey extension and part single storey extension to both no's 2 and 3. To the rear of no.2, it is proposed to provide a dining/kitchen area at ground floor level with an en-suite bedroom above. To the rear of no.3, it is proposed to provide a large kitchen at ground floor level with an en-suite bedroom above.

Planning permission was originally granted in 1989 (Ref: 48/89/028) for the erection of a two storey and single storey extension to the rear of no.2 only, which was renewed in 1993, 1999 and 2004. This proposed an extension of different design.

An application for Listed Building Consent is also currently being processed.

Following concerns raised by the Conservation Officer, amended plans were received from the agent removing the gablet on the rear of the single storey element at no.2.

During the processing of the application, the issue arose that part of the extension to the rear of no.2 was encroaching onto neighbouring land. As a result, amended plans were received, changing the positioning and angle of the east end wall of the two storey extension to ensure that the proposed extensions remained solely on the applicants own land. Following the receipt of amended plans, neighbours were re-notified.

## **CONSULTATION AND REPRESENTATION RESPONSES**

## Consultees

*WEST MONKTON PARISH COUNCIL* - No comments received at the time of writing

*SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP* - No observations

*Conservation Officer* -

1. Extant cottages of modest architectural embellishment but are good examples and survivals of such buildings and have a positive presence and contribution to the street scene and Conservation Area.
2. The existing, single storey, flat roofed rear extension to no.3 is wholly inappropriate and is considered detrimental to the setting of the complex of buildings, when viewed from this aspect.
3. No objection to principle. Proposals considered an improvement to those sanctioned under 48/04/0022.
4. Current applications appear to overcome previous neighbour objections and certainly encompass positive advice in this respect.
5. Suggest amendments to design details concerning gablet to French doors of no.2, repositioning of bedroom partition in no.3 and re-use of historic doors.
6. Suggests conditions

*Somerset County Council - Development Control Archaeologist* - No objections

## Representations

5 letters of objection received on the grounds of:

- Reduction in light to living room, kitchen, conservatory, first floor bedroom and back garden at 4 The Street impacting upon health and happiness.
- No.4 relies on light from the rear of the property. The conservatory erected to the rear increased the levels of light by funnelling light into the kitchen. The proposed extension would reduce daylight and sunlight would be lost.
- Two storey development could compromise privacy to no.4.
- Proposals would result in loss of distinctive character of properties of historical importance, featured in one of Harry Fryer's paintings.
- A two storey extension would be an absolute travesty and ruin the whole row aesthetically.
- If extension not built in materials matching current dwellings, it would ruin the look of the 300 year old village terrace.

Other non-planning issues also raised:

- Right to light under Prescription Act 1832 and Rights of Light Act 1959.
- Inconvenience to residents during construction.
- Difficulty in transporting building materials to rear.

## PLANNING POLICIES

PPG15 - Planning and the Historic Environment,

S&ENPP9 - S&ENP - The Built Historic Environment,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,  
EN14 - TDBCLP - Conservation Areas,  
EN15 - TDBCLP - Demolition Affecting Conservation Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is important to note that planning permission has already been granted and renewed several times for the two storey and single storey extensions to the rear of no.2. The principle of extensions of this nature has therefore already been established and the design is considered more sympathetic to the listed building than those formerly approved. The extensions have been designed to reflect the roof design, proportions and fenestration of the existing properties and are therefore keeping with their historic character. The extensions are also set on a lower ridge level than the main dwellings and in some distance from the sides and therefore appear subservient. Although the angled wall on the east end elevation of the two storey element is not an ideal solution, it is not considered to result in harm to the listed building. The existing properties have slate roofs, stone on the rear elevations and white roughcast render on the front. Materials are proposed to be slate to match the existing and white roughcast render due to the difficulty in obtaining stone to match. Due to the current property already having some elevations in render and the retention of some stone on the rear elements that are not affected by the extension, this will not cause detriment to the character and appearance of the listed buildings.

The extensions are separated by no.1 The Street by the width of an accessway between the two properties, which allows vehicular access to the rear. The extensions are therefore set away from the dwelling at no.1 itself and as the two storey element is largely adjacent to the existing dwelling, it does not result in material loss of light or overbearing impact to that property.

The rear extension is set away from the boundary with no.4 by 2.8 to 3.1 metres (due to the angle of the boundary). Over the boundary at no. 4 in the rear elevation is a ground floor window to the dining room, with a bedroom above. There is also a rear extension with a small window in the side serving the kitchen and a conservatory to the rear of this. The dining room runs the full depth of the property and there is a window in the front elevation, also allowing light to this room. The extension, being 3 metres away, is considered to be a sufficient distance to avoid a significant impact on the rear dining room window. As a result of this, combined with the fact that there is another source of light to that room it is considered that the extension will not result in a material loss of light to that window.

The side window in the rear extension at no.4 is a small secondary window to the rear, with the main source of light coming from the conservatory to the rear. The proposed extension will be 4 metres from this small secondary window, and the conservatory is separated from the property by the depth of the existing single storey extension at no.4, being 2.5 metres. The conservatory is therefore a sufficient distance from the proposed two storey element to avoid overshadowing of either the small secondary kitchen window or the conservatory. As such, the proposal will not result in material loss of light

to the kitchen. The main garden and amenity space is to the rear of the conservatory and is therefore some distance from the extension.

The issue of loss of light has therefore been carefully assessed and it is considered that the proposal will not result in material harm to the amenities of occupiers of neighbouring properties.

A concern is raised regarding loss of privacy to no.4. There are no windows in the side of the proposed extension above ground level and the nearest window on the rear of the proposed extension at first floor level serves a bathroom and not a habitable room. The existing layout has a bedroom window close to the boundary with no.4 at first floor level and the proposed extension is not considered to result in any material loss of privacy.

Objectors have raised the issue of right to light under the Prescription Act 1832 and Rights of Light Act 1959, which is not a planning matter. Whilst in assessing planning applications, the issue of whether a development will reduce light to neighbouring properties to an unacceptable level is taken into account, it is important to differentiate this from the matter of 'right to light'. The right to light is a civil matter to be agreed between the two parties.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed extensions have been designed to appear subordinate to and in keeping with the properties and are not considered to result in detriment to the appearance of the listed buildings, that of the adjoining terrace of six properties or to the surrounding Conservation Area. The extensions are positioned a sufficient distance from neighbouring dwellings to avoid material harm to their amenities. As such, the proposal is in accordance with the relevant sections of PPG15, policy P9 of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

## **RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any

features of historic or architectural interest that it possesses, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Guidance note 15.

3. No development shall take place until samples of the slate to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and a sample panel 1m x 1m minimum has been erected on site to show the colour and type of render. The panel shall be agreed in writing and shall be retained on site until the completion of the works. Development shall be carried out in accordance with the approved details.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. There shall be no bell casts formed in the render over window or door heads.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Guidance note 15.

5. The windows hereby permitted shall be recessed in the wall to match the existing window recesses.

Reason: To ensure details appropriate to the character of the Listed Building, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Guidance note 15.

#### Notes for compliance

- . Whilst not an issue under the Planning Acts, you are advised that the staircase to no.2 does not comply with current Building Regulations, as such is unguarded on the living room side and therefore represents a Health and Safety issue, which is particularly relevant as it is understood that the property is let out.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Miss K Purchase Tel: 01823 356468**

## **Planning Committee - 22 July 2009**

### **Report of the Head of Legal and Democratic Services**

#### **Miscellaneous Item**

#### **Planning application and enforcement issues at Taunton Vale Hockey Club, Gipsy Lane, Taunton**

Members may recall that at the meeting of this Committee on 25 February 2009 the Committee resolved to take action against the Taunton Vale Hockey Club for failure to comply with a Breach of Condition notice requiring a set of floodlights at the site to be shielded.

Members further considered the issue at the meeting of the Committee on the 15 April 2009 when Members considered an application to vary the condition to allow a scheme that would not provide shielding, but which the Hockey Club considered would not have a detrimental impact on the nearby residential properties. The matter was deferred for further specialist advice to be sought.

Subsequently, the Council's advisor has confirmed that he believes the only acceptable solution is for the lights to be shielded. As the Hockey Club had indicated that shielding was not feasible, the Hockey Club was asked to submit their justification in writing.

As part of that process the Hockey Club want to take light readings in the gardens of some of the affected properties in Whitmore Road and Wyndham Road and have been in discussions with the residents in order to achieve this. The residents however do not accept that the taking of readings at this time of year is going to be representative of the problem they suffer in the winter when the leaves are not on the trees. It has therefore not been possible for the Hockey Club to take the readings and respond.

The purpose of this report is to update Members as to the present position. Whilst the Officers will continue to encourage dialogue between the parties it seems unlikely any further progress will be made until agreement as to the timing of the readings can be reached.

Contact Officer: Judith Jackson Telephone - 01823 356409 or  
[j.jackson@tantondeane.gov.uk](mailto:j.jackson@tantondeane.gov.uk)

## Planning Committee – 22 July 2009

### Report of the Development Manager

#### Enforcement Item

#### Parish:

1. **File/Complaint Number** 0216/29/08
2. **Location of Site** Hawthorn House, Bishopswood, Chard, TA20 3RS
3. **Names of Owners** Mr J Halloran
4. **Name of Occupiers** Ms Victoria Gold
5. **Nature of Contravention**

Occupation of mobile home as a separate unit of accommodation sited in garden curtilage.

6. **Planning History**

The complaint was investigated two years ago but at the time no positive evidence was obtained. However in July last year further complaints were received so the matter was re visited. Again it was proving difficult to obtain information so it was decided to serve a Planning Contravention Notice on both the alleged owner and occupier. The PCN was returned by the owner giving confirmation that the mobile home was being used by persons not related to the occupier of Hawthorne House ie as a separate unit of accommodation. The owner was informed of the need for planning permission but to date no application has been received.

7. **Reasons for Taking Enforcement Action**

The mobile home is not being used as ancillary accommodation in connection with the main dwelling therefore it is a separate unit of accommodation. The site is located in an area where new residential development is strictly controlled. There appears to be no proven functional need for a separate unit of accommodation therefore the development is contrary to Policy S1 and H13 of the Taunton Deane Local Plan.

8. **Recommendation**

The Solicitor to the Council be authorised to take Enforcement action and take prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.



**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: MR J A W HARDY 01823 356466**

**APPEALS RECEIVED : FOR COMMITTEE AGENDA : 22 JULY 2009**

<b>Appeal Proposal</b>	<b>Start Date</b>	<b>Application Number</b>
Works to The Leat at Maidenbrook Farmhouse, Tudor Park, Priorswood, Taunton, TA2 8TD	07 JULY 2009	E/0025/08/08 Enforcement Listed Building Appeal

**APPEAL DECISION FOR COMMITTEE AGENDA – 22 JULY 2009**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>DECISION</b>
APP/D3315/A/09/2100516	ERECTION OF DWELLING WITH ACCESS AT LAND TO WEST OF MUSGROVE MANOR WEST, BARTON CLOSE, TAUNTON	Pressure on the formal front garden for additional ancillary structures and domestic paraphernalia, together with the requirement of a more secure boundary treatment would result in a detrimental impact on the Grade II Listed Building. The proposed access would alter the character of the historic wall and result in loss of historic fabric.	38/08/0395	The Inspector considered that the proposed dwelling would be set well back from the street and away from the principal and side of the listed building. Materials used and adequate space around the buildings would preserve the setting of the listed building and therefore ALLOWED the appeal.
APP/D3315/A/09/2100838/NWF	DEMOLITION OF GARAGES AND OUTLINE APPLICATION FOR THE ERECTION OF 4 RESIDENTIAL UNITS AND ASSOCIATED GARAGES AT LAND ADJACENT TO OAK VILLA, 1 NORTH SIDE. ROCKWELL GREEN, WELLINGTON	Proposed development would encourage parking of vehicles on highway and generate increase in pedestrian traffic. No visibility splays in existing access, prejudicial to road safety. Development does not conform to minimum density standards.	43/08/0098	The Inspector considered that the access has served a number of garages for many years and has a good safety record. Traffic moved freely and pedestrian flows were low. The proposal would be unlikely to result in any harmful increase in traffic using the existing junction. The density of the proposed development would be below the national indicative minimum but would secure more efficient use of previously developed (brownfield) urban land for housing.

				The appeal was ALLOWED subject to conditions.
APP/D3315/A/09/2099200	ERECTION OF TWO STOREY EXTENSION AND REPLACEMENT OF BOUNDARY FENCE WITH 1.8 METRE HIGH WALL AT 2 HENLEY ROAD, TAUNTON AS AMENDED BY REVISED DRAWINGS RECEIVED 20TH OCTOBER 2008	<p>The property is in a prominent corner location and the proposed extension would result in the building protruding significantly forward of the building line.</p> <p>The proposal would have a detrimental impact on the health of the adjacent tree and be detrimental to the street scene.</p>	38/08/0449	<p>The proposed extension would intrude into the existing open area along Wellington Road and, because of its bulk, would have an unacceptably harmful effect upon the character and appearance of the area.</p> <p>The proposed extension is not subservient when viewed from the front.</p> <p>The close proximity of the Sycamore tree and likely works to reduce its size, would limit its valuable contribution to the area's character.</p> <p>The Inspector therefore DISMISSED the appeal.</p>

**TDLP** = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park