

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 5 November 2014 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 15 October 2014 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 43/14/0101 Erection of 1 No. detached dwelling in the garden of the side of 9 Oldway Park, Wellington
- 6 30/14/0022 Erection of dwelling with associated detached double garage with annexe over and erection of single detached garage for use by Sellicks Green Farm on land adjacent to Sellicks Green Farm, Sellicks Green, Pitminster
- 7 42/14/0047 Erection of three storey extension to rear, first floor extension to side, alterations to front and detached garage at Oaklands, Trull
- 8 38/14/0246 Erection of single storey replacement garden room to the front of Mountswood House, Haines Hill, Taunton
- 9 38/14/0247/LB Erection of single storey replacement garden room to the front of Mountswood House, Haines Hill, Taunton
- 10 49/14/0057 Demolition of outbuildings with the erection of a two storey extension and amenity buildings for swimming pool and home cinema at Ashbeers, Wiveliscombe
- 11 Planning Appeals - The latest appeals and decisions received (attached)

Assistant Chief Executive

01 December 2014

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under "Public Question Time" is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council's Planning Committee and details of the "rules" which apply at these meetings can be found in the leaflet "Having Your Say on Planning Applications". A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: [enquiries@tauntondeane.gov.uk](mailto:enquiries@tauntondeane.gov.uk)

**Planning Committee Members:-**

Councillor B Nottrodt (Chairman)  
Councillor S Coles (Vice-Chairman)  
Councillor J Allgrove  
Councillor C Bishop  
Councillor R Bowrah, BEM  
Councillor E Gaines  
Councillor C Hill  
Councillor M Hill  
Councillor L James  
Councillor I Morrell  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Coles, A Wedderkopp and D Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Clerk to Milverton Parish Council – Councillor Wren

43/14/0101

MR & MRS N MILLETT

**ERECTION OF 1 NO. DETACHED DWELLING IN THE GARDEN TO THE SIDE OF  
9 OLDWAY PARK, WELLINGTON**

Location: 9 OLDWAY PARK, WELLINGTON TA21 8EB

Grid Reference: 3147543.119962 Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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 permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo Z18/3 Site Plan  
(A3) DrNo Z18/2 Location Plan  
(A3) DrNoZ18/1 Floor Plans and Elevations

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

3. Prior to their installation, samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (i) Before any part of the permitted development is commenced, a

landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 5. The building shall not be occupied until the vehicular access, parking and turning areas have been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority. The access shall be made of a porous material (not loose stone or gravel) or otherwise drained within the site.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension to the dwelling hereby permitted without the further grant of planning permission.

Reason: To prevent over development of the site and to protect the amenity of neighbouring properties, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

#### Notes to Applicant

- 1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- 2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

## **PROPOSAL**

The application seeks planning permission for the erection of a detached dwelling on land within the curtilage of 9 Oldway Park, Wellington.

The proposed dwelling will be located immediately North of the existing property. It will be accessed via a new driveway leading onto turning head and single garage space. The dwelling will have enclosed gardens to the North and South.

With regard to accommodation, the dwelling will have three bedrooms, two within the roof space and one at ground floor level. A family bathroom will be located at first floor level whilst at ground floor there will be a WC, kitchen and open plan dining and living area.

The dwelling is of a dormer bungalow design, with two pitched roof dormer windows positioned within the North facing roof slope. The building will be finished with facing brick, concrete roof tiles and white uPVC fenestration. The site will be bound with a combination of timber panel fencing and brick walls.

## **SITE DESCRIPTION AND HISTORY**

The application site comprises the Northern section of garden associated to 9 Oldway Park, Wellington. The site is bound by timber panel fencing and brick walls.

The site would be bound by residential properties to the South and West; to the North there would be open fields, at present. To the East at Jurston Farm, land is allocated for the development of around 650 dwellings and associated infrastructure. The site is accessed by a private driveway which leads to a group of residential properties.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WELLINGTON TOWN COUNCIL* - Recommended that the application be refused for the following reasons:

- The development is out of keeping with and would adversely affect the character of Oldway Park
- The proposal would result in an overdevelopment of the site.
- Inappropriate backland development of this nature would set an undesirable precedent.
- The provision of a further property in this location would have an adverse effect on existing public utilities such as electricity and telephones and would therefore cause problems to the existing infrastructure in the area.
- The proposal would result in an increase in vehicular traffic would add to access problems that already exist at Blackmoor Road and Pyles Throne Road.
- The development would result in the loss of mature trees and ancient hedgerow

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing advice applies and



requires:

- Provision of adequate drainage so that surface water does not drain from the site onto the highway or vice versa.
- The access should have a minimum width of 3m with a minimum of 5m over a minimum 6m length where more than 1 dwelling is served.
- The access should be properly consolidated for the first 5m and must not exceed a gradient of 1 in 10 for the first 6m from the edge of the adopted highway.
- Vehicular entrance gates should be set back a minimum distance of 6m from the carriageway edge and should open inwards. Pedestrian gates should open inwards.
- On site turning space should be provided where the proposal derives access from a classified road.

*WESSEX WATER* - Standard guidance notes provided.

*DRAINAGE ENGINEER* - Surface water construction note provided.

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - Zero Charge for Wellington.

## **Representations**

8 letters of objection received raising the following planning related comments:

- Inadequate access over a private drive that already serves 8 properties and more flats; use by additional property would require approval of all other users that contribute to its upkeep;
- Road is unsuitable for additional vehicle movements;
- Access onto highway is substandard;
- Virtually no visibility into Oldway Park from Pyles Thorne Road;
- Proposed bungalow will overlook no.8 garden;
- Overdevelopment of the site leaving inadequate garden to no. 9;
- The proposal upsets the established north elevation building line of 7, 8 and 9 Oldway Park.
- Proposal would adversely affect the character of Oldway Park;
- Proposal is contrary to Government announcement over garden grabbing;
- Could encourage more people to do the same, spoiling the character of the area further;
- Wellington already has large areas being developed so there is no need to overdevelop this site;
- If allowed this may make way for developing the grounds of Oldway House, affecting its historic beauty and natural wildlife;
- Approval would be at total variance to the density of the original permission for Oldway Park;
- An additional dwelling with associated vehicles would compromise the quiet enjoyment of the area by the residents of Oldway House

- This is an opportunistic venture for personal gain;
- Do not see that cramming a dwelling in will meet the design and development planned for land at Jurston Farm.
- The siting of the dwelling would impact upon the current proposals for the Jurston Farm layout and would create a window to window distance of 17m and an overbearing impact on another plot.
- The proposal will require access over the private drive to Oldway House and access rights will not be granted.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

### New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

#### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1079
Somerset County Council (Upper Tier Authority)	£270

#### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6474
Somerset County Council (Upper Tier Authority)	£1619

### Community Infrastructure Levy

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is located within the defined settlement limit of Wellington, where Taunton Deane Core Strategy Policies SP1 and CP4 support the principle of new residential development. As a result, the pertinent issues to consider are the design, scale, form and layout of the proposed scheme and its impact upon visual amenity; together with its impact upon residential amenity, access and highway safety.

## Visual amenity, Design, Scale and Layout

Objections have been received raising concern over the impact upon the character and appearance of the area. The residential area is generally characterised by detached single storey dwelling houses, positioned centrally within modest size plots, with a regular pattern to their layout around the access drive. The area has a medium build density, there is a degree of openness along the drive, with landscape planting softening the appearance of the area. The dwellings sit within the former grounds of Oldway House, a striking Victorian red brick dwelling, now subdivided into flats. The large trees are characteristic of this parkland setting and this defines the character of the area. Notwithstanding this character, however, with the exception of Oldway House itself, the existing more recently developed properties themselves are of no significant character.

The proposed dwelling will be positioned to the side of both numbers 8 and 9. The plot is set slightly backward of these properties, being within the corner of no. 9's curtilage. The proposed dwelling is generally reflective of the design, scale and appearance of the existing properties in the area. The site layout is also acceptable and makes best use of the land available; with the exception of one or two larger properties, the plot size is generally reflective of other dwellings within the area. The dwelling will be set back from the highway and as a result it is not considered to adverse impact upon visual amenity within the street scene or damage the character of the area in which these dwellings are set. The site is located away from the historic core of the cul-de-sac, Oldway House, and will not impact upon its character or setting.

Having regard to the above matters, the proposed development is considered to be of an acceptable design, scale, layout and appearance.

### Residential amenity

The application site will have residential properties to the South and West. The property to the South is currently occupied by the applicant whilst the property to the West is in separate ownership.

The proposed dwelling will be erected within one metre of the property boundary to the West; the nearest section of the building to the neighbouring property would be the garage, which has a slightly lower ridge height than the main dwelling. The dwelling is positioned so that it will project slightly North of the rear elevation of the neighbouring property. Notwithstanding these matters, the proposed dwelling is not considered to result in any loss of light or outlook, nor would it have an overbearing impact upon neighbouring amenity.

Objection has been received to the development in relation to loss of privacy. The proposed dwelling will have three windows positioned within the roof space; one rooflight to the South elevation that will provide light to the bathroom and two windows within dormer windows each serving one bedroom. The orientation of the dwelling and relationship to the neighbouring property is such that the two bedroom windows will give only a very limited view of a small corner of the neighbouring garden. Such is considered to be very limited in terms of overlooking and the impact not significant enough to warrant refusal.

The proposed access and turning area would be to the side of both neighbouring properties and will not wrap around or along the entire length of the respective rear gardens. Additional noise and nuisance from the track and associated vehicle movements will arise through the development, however the relationship between the adjoining areas of residential curtilage and the proposed driveway is considered to be acceptable and any nuisance will not give rise to a significant loss of amenity.

A further objection has been received from the developers of Jurston Farm, suggesting that the proposed dwelling would overlook dwellings in their current layout. However, this development, although allocated and subject to an adopted development brief does not currently benefit from an outline planning permission, let alone a reserved matters approval for the area in question. Therefore, it is not considered that significant weight can be attached to this matter.

### Access and Highway Safety

Access and highway safety appears to be a primary concern of local residents who object to the proposed development. The highway serving Oldway Park is privately owned and maintained by residents and therefore permission to use the driveway is likely to be required. This issue is a civil matter and therefore carries no weight in the determination of this application. The highway serving Oldway Park is lightly trafficked and serves a minimal number of properties. One additional dwelling can be suitably and safely served by the highway without adversely impacting upon safety.

Concern has also be raised with regard to the junctions between Oldway Park, Blackdown Road and Pyles Thorne Road. The junction out onto Blackdown Road provides for good visibility in both directions, although the corner is restricted in forward visibility when entering Oldway Park from the North.

It is accepted that visibility between Oldway Park and Pyles Thorne Road is below standard, however the junction already serves a considerable number of properties and is considered to be capable of supporting vehicle movements from one additional two bedroom dwelling.

The site provides sufficient parking and turning areas and is not considered to represent a risk to highway safety.

### Conclusions

The site is within a sustainable location where planning policy supports new residential development in principle. The proposed development is considered to be acceptable in terms of design, scale, layout and appearance, together with access and its impact upon visual and residential amenity.

Having regard to these matters, it is recommended that planning permission be granted.

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

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

30/14/0022

MRS C TOWNS

**ERECTION OF DWELLING WITH ASSOCIATED DETACHED DOUBLE GARAGE WITH ANNEXE OVER AND ERECTION OF SINGLE DETACHED GARAGE FOR USE BY SELICKS GREEN FARM ON LAND ADJACENT TO SELICKS GREEN FARM, SELICKS GREEN, PITMINSTER**

Location: SELICKS GREEN FARM, SELICKS GREEN, PITMINSTER,  
TAUNTON, TA3 7SA

Grid Reference: 321258.119232

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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 permitted shall be carried out in accordance with the following approved plans:

(A4) Location Plan  
(A1) DrNo 1690/1A Existing Site Plan/Elevations  
(A3) DrNo 1690/09 Existing Elevations of Garage  
(A4) DrNo 1690/08C Site Plan  
(A1) DrNo 1690/03C Proposed Site Plan  
(A1) DrNo 1690/04B Proposed House Elevations  
(A1) DrNo 1690/02A Proposed Floor Plans  
(A1) DrNo 1690/06C Proposed Garage  
(A1) DrNo 1690/05 Proposed House Sections

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

3. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in

writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on Greena Ecological Consultancy's report dated November 2013 and include:
  1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
  2. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and accommodate protected species and their habitats from damage, which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species (Amendment) Regulations 2011, in accordance with Taunton Deane Core Strategy Policy CP8 and relevant guidance in Section 11 of the NPPF.

7. At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No.1690/03C) Such visibility splays hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

3. With regard to condition 04, hedging should be two staggered rows of plants 225mm apart with spacing of 450mm - this adds up to 4.5 plants per m run. Species should comprise hawthorn, blackthorn and hazel. Tree species should be oak, beech and field maple.

#### **PROPOSAL**

The proposal comprises the erection of a dwelling within the curtilage of Sellicks Green Farm. The dwelling is detached and finished in stone and timber cladding with a slate roof to the main building and a metal profiled roof to extensions off the main building at the rear. Along with the dwelling a detached double garage is also proposed for the new dwelling and a single garage for Sellicks Farmhouse.

An existing vehicular access will be utilised for the new dwelling.

#### **SITE DESCRIPTION AND HISTORY**

The site forms part of the garden curtilage to Sellicks Green Farm, a former farmhouse. The site is open to Sellicks Green Farm as domestic curtilage with no dividing boundaries. Sellicks Green Farm has an existing access leading to a garage/parking area and there is a second access granted consent (30/13/00022) to gain access to the adjoining agricultural land and to a former agricultural building used by the applicants as storage. The site is bound by hedgerows along the frontage of the site and a post and wire fence adjoins the agricultural land to the side.

The end gable of Sellicks Farm currently forms the settlement boundary limit, with

the application site, along with the current garden, access and garaging being outside of the settlement. Due to submission dates, the site has not been able to be put forward to be included as an area that could have been assessed to be within the settlement, extending the settlement of Blagdon Hill, within the proposed Site Allocations and Development Management Plan.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *PITMINSTER PARISH COUNCIL - Objects*

- Application site outside of village envelope.
- Proposed site is within an agricultural field.
- Parts of documentation accompanying application is misleading.
- Footprint of proposed dwelling is close, if not over the existing main sewer between Blagdon Hill and Pitminster.

*SCC - TRANSPORT DEVELOPMENT GROUP - "See Standing Advice".* Standing advice requires:

- Provision of adequate drainage so that surface water does not drain from the site onto the highway or vice versa.
- The access should have a minimum width of 3m with a minimum of 5m over a minimum 6m length where more than 1 dwelling is served.
- The access should be properly consolidated for the first 5m and must not exceed a gradient of 1 in 10 for the first 6m from the edge of the adopted highway.
- Vehicular entrance gates should be set back a minimum distance of 6m from the carriageway edge and should open inwards. Pedestrian gates should open inwards.
- On site turning space should be provided where the proposal derives access from a classified road.

#### *LANDSCAPE - Comments as follows:*

The site is located in the 3b Blackdowns Fringe landscape character area and is currently amenity garden. Established elm hedge along roadside should be maintained and protected throughout development.

Garden boundary to the east is a wire fence and should be reinforced with planting. Suggest native hedge with strategic tree planting should suffice.

Hedging should be two staggered rows of plants 225mm apart with spacing of 450mm - this adds up to 4.5 plants per m run. Species should comprise hawthorn, blackthorn and hazel. Tree species should be oak, beech and field maple.

#### *WESSEX WATER - Comments as follows:*



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](http://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.

#### 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.

#### Protection of Existing Assets

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing public sewers will not be permitted (without agreement) from Wessex Water and Building Regulations.

#### 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 to discuss further telephone 01225 526333.

#### Diversion of water mains and sewers.

Where development proposals affect a public water main or sewer, it may be possible to divert by agreement with Wessex Water. Diverting a water main/public sewer will be subject to satisfactory engineering proposals and a legal agreement subject to the provisions of S185 Water Industry Act 1991.

*DRAINAGE ENGINEER* - Comments as follows:

Environment Agency should be consulted as Private Package Sewage Treatment Plant will require a consent to discharge, from the Environment Agency.

Condition no works to commence on site until a Surface Water Run-off Limitation Scheme has been submitted and approved.

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - CIL Levy of approximately £46,000.

## **Representations**

6 letters of SUPPORT received which raise the following issues:-

- Will not have adverse impact on road or local neighbourhood.
- No adverse impact on surrounding area.
- Modern and contemporary whilst still sympathetic to local countryside and overall architectural integrity of local buildings.
- Will add character, diversity and richness of parish's architectural heritage.
- Important for people with young families, active in community, to be encouraged to reside in parish, or risk imbalance with older residents; demographically balanced parish with an appropriate number of family homes to support this.
- Hedge to be retained.
- Development does not indicate allocating further land for development.
- Environmentally more friendly than some of the other new builds in the village.
- Neighbouring Sellicks Green Farm property sympathetically redeveloped, and its farmyard.
- Support relocating settlement limit boundary.
- Building within Sellicks Green Farm garden curtilage; residential and not agricultural.

9 letters of OBJECTION received which raise the following issues:-

- Outside of village envelope.
- Possible to become two developments due to layout of separate garage will all the amenities.
- Amended plans are not aesthetic and objection still stands; design inappropriate to setting and local character of small modest simple buildings and openings.
- Dwelling on rural farming site, not brownfield site.
- Previous application 30/12/0021 for agricultural access, not for a dwelling.
- Poor visibility, narrow road and more traffic for a dwelling over agricultural.
- Precedent for further applications on agricultural land.
- Highly visible.
- Overdevelopment in an already high density dwelling area.
- Development on Special Landscape Area.
- No barns on site.
- Seen from public footpath and Ancient Monument Park Pale.
- Hedge screening site could be removed at anytime.
- Three storey estate-design inappropriate on rural edge of a village; overshadow and out of proportion to bungalows opposite.
- Garage high and dominant and inappropriate in street scene.
- Should wait for impact of Tottle development to be assessed.

## **PLANNING POLICIES**

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £46,000

The development of this site would result in payment to the Council of the New Homes Bonus.

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1,079
Somerset County Council (Upper Tier Authority)	£270

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
Somerset County Council (Upper Tier Authority)	£1,619

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application are the principle of the development, the impact on visual and residential amenity, the impact on the character and appearance of the area and the impact on the highway network.

### Principle

The proposed dwelling is currently sited within the curtilage of Sellicks Farmhouse, though this additional area of curtilage falls outside of the settlement limits of Blagdon Hill. A proposed site that falls outside of the settlement limits is normally considered to be within open countryside where policies would not allow the creation of a new dwelling. In this particular case, the site is found adjoining the settlement, within an existing garden, not encroaching onto agricultural land, and is not isolated. Dwellings on the opposite side of the road also extend to this point, so there would not be a significant encroachment of built form into the countryside.

Given the close proximity to the settlement of Blagdon Hill, where the principle of infill development is acceptable, in accordance with policy SP1 of the Taunton Deane Core Strategy, the principle of the proposed dwelling here, taking into account other considerations such as visual impact and recent approvals in the village, is considered acceptable in this instance.

### Visual amenity

The site is bound by a hedgerow to the front of the site, adjoining the roadside, and shares a boundary with the adjoining field, which itself is used for agricultural

purposes. The roadside hedge is an important feature and it is proposed to be retained; a condition will protect the hedge during construction. The adjoining agricultural field is currently divided by a post and wire fence and due to the openness of this part of the site a native hedgerow with tree planting is suggested along this boundary. As the applicant owns this adjoining field, additional landscaping can be planted within the site or within the adjoining field. As such, the landscape officer has not objected to the proposal and a landscaping scheme will allow the proposal to sit comfortably within this location without harm to the visual amenity of the area or street scene.

The proposed dwelling is large, though it can sit comfortably within the site. Materials proposed are a traditional stone frontage with some modern elements to the rear of the dwelling, these materials are considered acceptable for this site.

### Residential amenity

The proposed dwelling is sited: 15.5m from the boundary of Luzern opposite the site and 20m away from this dwelling. Given the distance between the properties, the proposed dwelling is not considered to cause any undue overlooking or loss of privacy. Though the property Luzern is single storey, and the proposed is two storey (with some mezzanine accommodation in the roofspace, served by rooflights), given the distance between the properties and the intervening road between the sites, the proposed dwelling is not considered overbearing. Furthermore, within this part of Sellicks Green there are other two storey dwellings facing towards single storey dwellings, as with the existing situation of Sellicks farmhouse.

### Character and appearance

The proposed dwelling follows the linear pattern of development within Sellicks Green and would be sited opposite another dwelling that lies within the settlement of Blagdon Hill, and as such, would not encroach beyond the existing pattern of development. The new dwelling would be two storeys in height and reflect the dwellings on this side of the road. Furthermore, the use of stone to the front and sides of the dwelling reflects the traditional appearance of the dwelling from the roadside. To the rear of the proposal there are two storey elements, taking the appearance of extensions to the main building, with lower ridge heights; these 'extensions' will be finished in timber cladding and a metal profiled roof. The use of alternative materials to the rear of the dwelling are not considered to harm the character and appearance of the area.

The proposed double garage, though forward of the main dwelling, is set behind an existing hedge and will be sited in the same location as the outbuilding that will be demolished. As such, there is no increased impact upon the street scene from this garage.

### Highways

There is an existing access to Sellicks Farmhouse that will be retained for the sole use of this dwelling; there is an existing garage that will be demolished and a new

single garage is proposed. There is sufficient space within the site for parking/turning as existing.

The proposed dwelling will utilize an existing access, currently used for access to the adjoining agricultural land and to access an outbuilding; the access was granted permission under application (30/13/0028) in August 2013. The existing access provides a visibility splay 2.4m x 30m in each direction, this splay was acceptable to the Highway Authority who did not object to the access. A condition requiring the hard surfacing of the access and no obstruction above 900mm within the visibility splay will be attached to this approval.

A new double garage with parking/turning area are proposed for the new dwelling.

Additional traffic from a single dwelling is not considered to be significant as to require a change in the visibility splay or to warrant refusal of this application.

### Other matters

The applicant has confirmed that the garden has been in use, and as defined by the current boundaries, since 2003 where the eastern boundary was shown in photographs from the estate agent in 2003. The applicant also has photographs from 2005 showing the garden in use with garden furniture. The applicant has also made reference to an objectors comments regarding an image from Google Earth in 2006 stating that the image shows agricultural use when in fact the images are only displaying garden furniture (see above).

A sewer may lie close to the development but this does not exclude the development taking place subject to agreements with Wessex Water and Building Regulations.

A wildlife survey has been submitted that was undertaken during the previous application, and updated. The survey does not show any protected species using the buildings to be demolished, but does identify birds within the area. As such, a precautionary approach to demolition should be taken.

### Conclusion

The proposed dwelling can be accommodated within the site without harm to the visual or residential amenity of the area; the dwelling would be adjacent to the settlement boundary of Blagdon Hill and not within an isolated location and would have less impact than the scheme at Wayside allowed previously by Members. The proposal is therefore considered acceptable and recommended for approval.

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

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**

42/14/0047

MR A LEHNER

**ERECTION OF THREE STOREY EXTENSION TO REAR, FIRST FLOOR EXTENSION TO SIDE, ALTERATIONS TO FRONT AND DETACHED GARAGE AT OAKLANDS, TRULL**

Location: OAKLANDS, 7 GATCHELL MEADOW, TRULL, TAUNTON, TA3 7HY

Grid Reference: 321150.122033

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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 permitted shall be carried out in accordance with the following approved plans:

- (A3) DrNo 14.26.01A Location Plan and Block Plan
- (A3) DrNo 14.26.02A Existing Site Plan
- (A3) DrNo 14.26.03A Proposed Site Plan
- (A3) DrNo 14.26.04 Existing Ground Floor Plan and Existing Cross Section
- (A3) DrNo 14.26.05 Existing First Floor Plan
- (A3) DrNo 14.26.06 Existing Second Floor Plan
- (A3) DrNo 14.26.07 Existing Roof Plan
- (A3) DrNo 14.26.08 Existing Front and Rear Elevations
- (A3) DrNo 14.26.09 Existing Elevations (Sides)
- (A3) DrNo 14.26.10 Proposed Ground Floor Plan and Proposed Cross Section
- (A3) DrNo 14.26.11 Proposed First Floor Plan
- (A3) DrNo 14.26.12 Proposed Second Floor Plan
- (A3) DrNo 14.26.13 Proposed Roof Plan
- (A3) DrNo 14.26.14 Proposed Front and Rear Elevations
- (A3) DrNo 14.26.15 Proposed Side Elevations
- (A3) DrNo 14.26.16 Proposed Garage Plan and Elevations
- (A3) DrNo 14.26.17 Exploded 3D Model Images
- (A3) DrNo 14.26.18 3D Model Views

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

3. No development shall take place until samples of the materials 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. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

#### **PROPOSAL**

The proposal is to erect a rear and side extension with replacement balcony, a first floor side extension and new double garage to the front of the large existing detached property. The double garage will be 5.4m x 5.8m and constructed of materials to match the house. This garage reflects that granted in 2009 and will be sited to the south of the access point off the existing drive. The rear extension will project between 2.4m and 3m from the rear of the existing dwelling and 2.2m to the

side. The house extension increases the size of the kitchen and living room on the ground floor, provides additional space in two bedrooms an enlarged balcony and new ensuite at first floor and provides a gym in the gable set into the roof space.

## **SITE DESCRIPTION AND HISTORY**

The property is a large detached dwelling set in a large plot at the end of a cul de sac of detached properties and was built in the early 1990's. To the north lies Gatchell Oaks, a complex of retirement homes built in the grounds of the former squash club, while to the south lies a line of modern detached houses built off a private road.

The original outline permission for the dwelling here was granted in 1992, ref. 42/91/0049, while the detailed permission was granted in April 1993 ref. 42/93/0006. A full permission for a garage was granted in 2009, ref. 42/09/0035.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*TRULL PARISH COUNCIL* - Support this application. Councillors felt the design bore similarities to a neighbouring extended property and was therefore acceptable. They have taken on board concerns raised about mutual overlooking from the new balcony but felt these were of insufficient merit to object to the application.

### **Representations**

Ward Cllr Edwards - "I am extremely concerned at the impact the property has on two near neighbours, in one instance the changes to this existing property and the vast expanses of glass will directly look into Burches the property of Mr and Mrs Tooze which I find completely unacceptable. Then in the instance of Mr and Mrs Hall at Kingsthorpe the new glass fronted balcony now extends towards their property at an angle and will directly over look their back garden, I believe the existing balcony is quite close enough as it is. I must also add that I am not satisfied that the drawings submitted are accurate as the new balcony seems to me to be much closer in reality than the drawings show and I would like this point to be checked.

I have attached a photograph on behalf of Mr Hall of the present view from his back garden of the house as it is presently which I agreed to send on his behalf. There are a number of other points raised by near neighbours which I am sure you will take into consideration whilst considering this application but I just wanted to highlight these specific concerns.

9 letters of OBJECTION raising issues of

- scale of extension and garage are disproportionate to footprint of existing property
- inappropriate overbearing 3 storey extension,
- increase in size and change of appearance would be out of keeping,
- balcony area causes overlooking to an unacceptable degree and loss of privacy,
- poor design,



- stone wall to side replaced with glass and will be an eyesore,
- glass walls and zinc roof do not fit into Trull environment and likely to be contrary to neighbourhood plan,
- west elevation totally out of character with existing building and traditional materials of property in the area,
- there are significant differences between the extension at No.8 and Oaklands. The glass atrium visually appears as a large structure as windows are set in a zinc surround on all sides. The projection from the ridge is 6.3m with vertical clad zinc walls. The elevation is nearly all glass and zinc and is significant increase in the mass of the building and is out of character
- materials inappropriate,
- first floor "wrap around" balcony is an unwelcome intrusion on privacy of neighbours
- change is out of character with surrounding houses and looks like a cathedral frontage more akin to structures in central London,
- the property is visible from the surrounding area and footpaths and reflective materials would form a blot on the visual landscape,
- new garage could be used for business and should be controlled by condition.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 H17 - TDBCLP - Extensions to Dwellings,

## **LOCAL FINANCE CONSIDERATIONS**

The proposal is not CIL liable.

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The proposed works involve rear and side extensions and a new garage. The new garage is similar to that approved in 2009 but wasn't implemented. It is not considered to have an adverse impact on neighbours and is considered acceptable. It is not considered necessary to impose conditions in respect of this use as any alternative business use that concerns have been raised over would need a separate planning application and therefore a condition is unnecessary.

The side extension at first floor level to the north provides an ensuite and is constructed in materials to match the main house. The rear extension projects a maximum of 3m where the proposal extends the living room and balcony above, while the main upper floor extension only projects just over 2m. The scale of the extension is not considered disproportionate to the existing dwelling. The ground floor extension to the living room is angled to be more parallel to the boundary so it faces more directly down the garden. At ground floor level this element of the extension is constructed in stone to match the existing, while the rear projections to

the north are clad in zinc that is dark grey in colour. This extension is designed to be subservient to the main dwelling and while parts of the extension are in matching materials to the existing, such as the garage and side extensions, some of the rear elements of the extension are in a contrasting zinc. It is not considered that the contrasting zinc elements at the rear have such a visual impact to be so out of keeping to warrant refusal. It is not uncommon for modern extensions to be constructed in a contrasting material. The neighbour to the north for example has utilised timber cladding. The relevant section of Core Strategy policy DM1 is paragraph d "The appearance and character of any affected landscape, settlement, building or street scene would not be harmed by the development". The proposed extension is not considered to harm the street scene and it is not considered that the elements at the rear that are in zinc have such an impact on the character and appearance of the dwelling to warrant a refusal.

The other element of the extension that has raised a concern is the impact on privacy of the new balcony. The property as existing already has a balcony at the rear and from this it is possible to see directly into the rear garden at Kingsthorpe. It is not considered that the balcony will directly impact on other dwellings. The extension will see the blocking of the existing side wall and creation of a new wrap around balcony. This will project marginally closer to the boundary to the south and would be 9m away from the boundary and around 33m to the neighbouring house. This is more than the standard window to window distance. The issue here is whether this change is such an adverse impact over and above the current situation to harm the amenity of the neighbour to warrant a refusal contrary to policy H17(A). The applicant intends to plant a number of trees along the boundary to limit overlooking and prevent views of their balcony. It is considered appropriate to condition this mitigation which would improve the situation in terms of visibility to and from the balcony. With appropriate conditions it is considered that the impact of the proposed extension would be an acceptable one and the application is therefore recommended for approval.

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

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**

38/14/0246

MR R MCDONALD

**ERECTION OF SINGLE STOREY REPLACEMENT GARDEN ROOM TO THE FRONT OF MOUNTSWOOD HOUSE, HAINES HILL, TAUNTON**

Location: MOUNTSWOOD HOUSE, HAINES HILL, TAUNTON, TA1 4HN

Grid Reference: 322070.123636

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

The proposed extension, by reason of its design and location, would disrupt the appearance and harm the significance of the listed dwelling and is contrary to Policies DM1d and CP8 of the Taunton Deane Core Strategy, policy H17(C) of the retained Local Plan and guidance in Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. It therefore fails to preserve the listed building and conflicts with the duty outlined at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

**PROPOSAL**

Erection of a single storey garden room to the front elevation of Mountswood House.

**SITE DESCRIPTION AND HISTORY**

Mountswood House is the front (west) half of a mid 19th century gothic-style brick villa with a slate roof dating to the 1860s. The house was split into two in the 1940s, with Oakwood House (1a Haines Hill) occupying the rear half and the coach house to the north converted to separate domestic accommodation. Mountswood House forms part of the Haines Hill development built by the architect Richard Carver and is located at the corner of Haines Hill and Trull Road with gardens to the south and west containing trees and shrubs and bordered by hedging with close boarded

fencing to Haines Hill.

The house was listed at Grade II on 4 July 1975 and is within Haines Hill Conservation Area. Previous applications (38/07/0532/LB and 38/07/0535) were made in 2007 for a single-storey extension in a similar position to that currently proposed and subsequently withdrawn. Recent applications given approval were for the erection of a fence and demolition of shed (38/06/0212) and installation of a rooflight (38/03/0423/LB).

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*LANDSCAPE* - The proposed garden room is of better design than the existing. However is it appropriate to add a garden room to this listed building at all? In addition the footings of the new extension are likely to impact on the roots of a nearby Atlantic cedar tree.

*CLLR MR T J HALL - MANOR AND WILTON* - I know this site quite well. The existing structure of the conservatory is in poor condition and time expired. I support the application to construct a garden room to replace it. The materials to be used are in keeping with the main house. It will not be visible from Trull Road or Haines Hill.

### **Representations**

Six letters of SUPPORT raising the following comments:

- This would appear to be a great improvement on the frankly ugly existing conservatory attached to the building. Other additions to properties in the road have enhanced them and I believe this would do the same. Visually there would be minimal effect as it would not be seen from the road. I am in favour of this application.
- I have reviewed the planning proposal and I fully support the application. The plans are sympathetic with the period property and in keeping with the house appearance.
- I have no objections to this planning proposal. Several other properties in the area have similar improvements in order to make the houses more suitable for family living - the proposal looks architecturally sensitive and will not detract from the overall pleasing appearance of the property.
- I have studied the plans in detail. I fully support the application. Not only does it enhance the living space, and increase the size of the kitchen, but the improvement is sympathetic to the existing property. The slight increase in the footprint occupied by the property will be a positive advantage to the quality of living space, without impairment to the overall property. Many properties on Haines Hill have undergone modernisation over the last 10 years, and these

plans are entirely consistent with the modifications that have been made to other similar properties in the same residential area.

- I fully support Mr McDonald's planning application. The improvements to his house are necessary to give him amenities expected for everyday modern living and will greatly benefit him and his wife raising their young children.
- We have checked the plans on your website and the proposals appear to us to be a sensitive improvement to this neighbouring property. We give it our full support and approval.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
H17 - TDBCLP - Extensions to Dwellings,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Mountswood House comprises the front, and most architecturally sensitive, half of a large Victorian gothic-style villa designed by the renowned local architect Richard Carver. The existing extension, which comes forward of the former verandah, is of undetermined date but it looks to have been built in the 1980s, although it could conceivably have been erected before the building was listed in 1975. I have absolutely no doubt that it would not have received the necessary listed building consent had this been required/applied for at the time of its construction as it detracts from the front of the building.

On first consideration the proposed extension appears to be an improvement over the existing. It is, however, even less sensitive to this listed building and would have a much greater impact on its character and appearance. Specifically, the proposed extension would occupy over one third of the length of this front elevation and project very slightly further into the garden. More damaging is that it would also obscure the original verandah, the line of which can be still be traced in the roof of the current extension, and wrap around the gabled projection of the original building that contains the dining room. In addition, as the proposed extension, would be taller than the existing, it would cut through the decorative string course between the ground and first floor and so visually intrude into the first floor area. This would adversely affect the character and appearance of the dwelling contrary to retained Local Plan policy H17(C), policy DM1d of the Taunton Deane Core Strategy and would not conserve or enhance the existing listed dwelling contrary to policy CP8 of the Core Strategy.

The proposed extension would not be readily seen from public vantage points but this is not a consideration that is taken into account when assessing the impact on the character and appearance of the dwelling. The screening of the property does, however, mean that it would have no identifiable effect on the amenity of neighbouring properties and it is noted that the consultation responses from local

residents are all supportive. The Landscape Officer has highlighted some potential issues with tree roots close-by.

The application proposes to replace a poor quality extension to the front of a listed building with a larger and architecturally insensitive extension which would detract from the historic and architectural character and appearance of this dwelling. As such, the proposal conflicts with DM1d and CP8 of Taunton Deane Core Strategy and established national policy and guidance relating to historic buildings. In terms of Section 12 of the National Planning Policy Framework, the extension would harm the designated asset's significance and, as set out in Paragraph 134, this harm is not outweighed by the public benefits of the proposal. The proposed extension fails to preserve the character and appearance of this listed building and, in accordance with Section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is advised that planning permission should not be granted.

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

**CONTACT OFFICER: Mr N Pratt Tel: 01823 356492**

38/14/0247/LB

MR R MCDONALD

## **ERECTION OF SINGLE STOREY REPLACEMENT GARDEN ROOM TO THE FRONT OF MOUNTSWOOD HOUSE, HAINES HILL, TAUNTON**

Location: MOUNTSWOOD HOUSE, HAINES HILL, TAUNTON, TA1 4HN

Grid Reference: 322070.123636

Listed Building Consent: Works

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

Recommended Decision: Refusal

- 1 The proposed extension, by reason of its design and location, would disrupt the appearance and harm the significance of the listed building and is contrary to Policy CP8 of the Taunton Deane Core Strategy, and guidance in Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. It therefore fails to preserve the listed building and conflicts with the duty outlined at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **PROPOSAL**

Erection of a single storey garden room to the front elevation of Mountswood House.

### **SITE DESCRIPTION AND HISTORY**

Mountswood House is the front (west) half of a mid 19th century gothic-style villa dating to the 1860s. The house was split into two in the 1940s, with Oakwood House (1a Haines Hill) occupying the rear half and the coach house to the north converted to separate domestic accommodation. Mountswood House forms part of the Haines Hill development built by the architect Richard Carver and is located at the corner of Haines Hill and Trull Road with gardens to the south and west containing trees and shrubs and bordered by hedging with close boarded fencing to Haines Hill.

The house was listed at Grade II on 4 July 1975 and is within Haines Hill Conservation Area. Previous applications (38/07/0532/LB and 38/07/0535) were made in 2007 for a single-storey extension in a similar position to that currently proposed and subsequently withdrawn. Recent applications given approval were for the erection of a fence and demolition of shed (38/06/0212) and installation of a rooflight (38/03/0423/LB).

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*LANDSCAPE* - The proposed garden room is of better design than the existing. However is it appropriate to add a garden room to this listed building at all? In addition the footings of the new extension are likely to impact on the roots of a nearby Atlantic cedar tree.

### **Representations**

None received but 7 submitted in support of parallel planning application (38/14/0246)

## **PLANNING POLICIES**

CP8 - CP 8 ENVIRONMENT,  
NPPF - National Planning Policy Framework,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Mountswood House comprises the front, and most architecturally sensitive, half of a large Victorian gothic-style villa designed by the renowned local architect Richard Carver. The existing extension, which comes forward of the former verandah, is of undetermined date but it looks to have been built in the 1980s, although it could conceivably have been erected before the building was listed in 1975. I have absolutely no doubt that it would not have received the necessary listed building consent had this been required/applied for at the time of its construction as it detracts from the front of the building.

On first consideration, the proposed extension appears to be an improvement over the existing, it is, however, even less sensitive to this listed building and would have a much greater impact on its character and appearance. Specifically, the proposed extension would occupy over one third of the length of this front elevation and project very slightly further into the garden. More damaging is that it would also obscure the original verandah, the line of which can be still be traced in the roof of the current extension, and wrap around the gabled projection of the original building that contains the dining room. In addition, as the proposed extension, would be taller than the existing, it would cut through the decorative string course between the ground and first floor and so visually intrude into the first floor area. Internally, there is also an issue with the creation of a new opening in the side of the dining room which would result in the loss of historic fabric and disrupt the original plan-form.

The proposed extension would not be readily seen from public vantage points but this is not a consideration that is taken into account when assessing the impact on the character and appearance of the listed building. The Landscape Officer has not objected to the design of the extension but has highlighted some potential issues with tree roots close-by.



The application proposes to replace a poor quality extension to the front of a listed building with a larger and architecturally insensitive extension which would detract from the historic and architectural character and appearance of this listed building. As such, the proposal conflicts with CP8 of the Taunton Deane Core Strategy and established national policy and guidance relating to historic buildings. In terms of Section 12 of the National Planning Policy Framework, the extension would harm the designated asset's significance and, as set out in Paragraph 134, this harm is not outweighed by the public benefits of the proposal. The proposed extension fails to preserve the character and appearance of this listed building and, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is advised that listed building consent should not be granted.

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

**CONTACT OFFICER: Mr N Pratt Tel: 01823 356492**

49/14/0057

MR E & MRS P GAINES

**DEMOLITION OF OUTBUILDINGS WITH THE ERECTION OF A TWO STOREY EXTENSION AND AMENITY BUILDINGS FOR SWIMMING POOL AND HOME CINEMA AT ASHBEERS, WIVELISCOMBE**

Location: ASHBEERS FARM, WIVELISCOMBE ROAD, WIVELISCOMBE,  
TAUNTON, TA4 2TH

Grid Reference: 308810.127771

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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 permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 2405.10A Site and Location Plan  
(A1) DrNo 2405.11 Site (part) and Buildings Survey  
(A1) DrNo 2405.14 Elevation 1 Existing and Proposed. Section Through and Plan of Offices  
(A1) DrNo 2405.15-1 A Proposed Plan Layout  
(A1) DrNo 2405.15B Proposed Plan Layout  
(A1) DrNo 2405.17 Elevation 2 Existing and Proposed  
(A1) DrNo 2405.18 Elevation 3 Existing and Proposed  
(A1) DrNo 2405.19 Elevation 4 Existing and Proposed Section Through Swimming Pool  
(A1) DrNo 2405.20 Elevation 5 Existing and Proposed  
(A1) DrNo 2405.21 A Elevation 6 Existing and Proposed  
(A1) DrNo 2405.22 Elevations 7, 8, 9 As Proposed  
(A1) DrNo 2405.23 Roof Plans Existing and Proposed

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

3. Prior to their installation samples of the materials 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. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. The accommodation and facilities hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Ashbeers, Wiveliscombe.

Reason: To prevent any form of commercial or business use given the location of the site within the open countryside and to afford adequate protection to the amenity of residents of Ashbeers.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

## **PROPOSAL**

The application seeks planning permission to redevelop the site at Ashbeers, Wiveliscombe, to provide ancillary accommodation to the North and East of the dwelling. The proposed accommodation within a new building to the North will include an indoor swimming pool, gym, plant, changing and shower rooms. The proposal involves demolition of some of the existing outbuildings to the East, which include a conservatory, garage, storage rooms and timber greenhouse and the erection of a replacement attached extension to provide utility, WC, store, entertainment area and home cinema; two offices for personal use will be provided within the roof space. All accommodation and functions would be ancillary and for the personal use of the owners/occupiers of Ashbeers only. An existing barn to the north of the courtyard is to be retained, with new hardstanding laid to improve an existing access track and to enhance the parking and turning areas to the rear of the dwelling.

## **SITE DESCRIPTION AND HISTORY**

The site comprises a two-storey detached dwelling, stone fronted and tile hung at first-floor level, with various outbuildings forming a courtyard to the rear. The site is located between the B3227 to the south and Norden's Meadow to the north. There are agricultural fields within the applicant's ownership to the East and West of the dwelling. The outbuildings would at one stage have been part of the farm but have not been used for agricultural purposes for some time. The supporting document submitted with the application states that at one stage the outbuildings were used as a dog kennel.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WIVELISCOMBE TOWN COUNCIL* - No comment received at the time of writing.

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - measurements taken from plans held on file. Total new floorspace equals 558 m<sup>2</sup> approximately. Existing floorspace the conversion/demolition equals 305 m<sup>2</sup> approximately. New floorspace 253 m<sup>2</sup> at £125 per square metre = £31,625. Self build extension relief is likely to be claimed.

### **Representations**

One letter of representation received; the embankment is protected because of the silver backed slow worm observed frequently in this area; is the revised accommodation solely for family use as it looks as if it could be used for commercial/business use.

## **PLANNING POLICIES**

H17 - TDBCLP - Extensions to Dwellings,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP8 - CP 8 ENVIRONMENT,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £31,625.00. Self build relief is likely to be claimed.

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The application follows the undertaking of a pre-application consultation process.

The existing buildings to the rear of the property are in a poor state of repair and have been created in an ad hoc manner with little consistency in their design and appearance. The removal of these buildings would not affect the character and appearance of the existing dwelling. The extension will be sited over the existing footprint of the existing outbuildings, albeit with a slight increase in net floor area. It will incorporate materials and design features of the existing dwelling and would make a positive contribution to its appearance. The roof space of the proposed extension will provide ancillary space for the dwelling and incorporate cat slide dormers to the front and rear. The siting of the extension along the rear building line of the dwelling will ensure it retains a subservient relationship to the main dwelling.

The proposed new building to house the swimming pool and gym will be sited along the western side of the courtyard. The garage/workshop will be to the eastern side of the courtyard. As with the replacement extensions the materials and design will reflect that of the existing dwelling. They will be typically barn like in their appearance. The swimming pool will be linked to the dwelling via a glazed fronted walkway and the parking area opening into the courtyard. The proposed swimming pool building is not subservient in size in relation to the footprint of the existing dwelling. The ridge will be higher than that of the replacement extension but will be approximately 1.7m lower than the main dwelling. The building will protrude beyond the side building line of the existing dwelling by approximately 0.5m. The height of the proposed building has been largely determined by the size of the swimming pool and the use of the same roof pitch as the main dwelling. This provides consistency in the overall design of the development.

Whilst the proposed extension and additions are very large, in terms of their size and footprint, the proposal needs to be considered in the context of its surroundings. In this instance the design of the proposals, in the form of a courtyard set behind the dwelling, minimises the impact of the proposals. The replacement of the existing outbuildings is of benefit to the appearance of the dwelling. The additional buildings are not considered to significantly detract from the character and appearance of the dwelling and are designed to be in keeping with their surroundings. The site is situated within large grounds and the proposals are not considered to represent over-development of the site. There are no nearby properties to be affected by the

proposals.

The Council's attention has been drawn to the possible presence of Slow Worms within the site, given that they are thought to be present along the former railway embankment to the North of the site. Notwithstanding, the area affected by the proposed development is predominantly hardstanding and existing buildings, with a small section of enclosed vegetable garden and maintained lawns. With regard to other protected species such as bats, the buildings to be demolished are considered to provide very limited potential to support the species given the method of construction and finished materials, degree of enclosure and the fact that the roofs have been replaced recently with corrugated metal sheeting. The buildings are also understood to be in regular use. Having regard to these matters, the building and site to be developed are not considered to be conducive to providing good habitats for the species and the development is therefore acceptable in this regard. The Council's Biodiversity Officer has verbally agreed with this conclusion and therefore, subject to a precautionary approach being followed with demolition and works, the proposals are considered to be acceptable.

Having regard to the above matters, the proposed redevelopment of the property is considered to be acceptable and subject to conditions, it is recommended that planning permission be granted.

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

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

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 05 November 2014**

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
	ERECTION OF TIMBER SHED IN THE REAR GARDEN OF 17 CLOVER MEAD, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)	By virtue of its height and design and proximity of the building to the boundaries between No's 9,15 & 19 Clover Mead, the proposal is considered to result in an undesirable, overbearing impact upon the amenity of the adjoining residential properties and therefore fails to accord with Policy DM1 of Taunton Deane Core Strategy.		<p>The Inspector found the main issue to be the effect of the development on the living conditions of neighbouring residents by reason of visual impact.</p> <p>The appeal property is comprised within a cul-de-sac of relatively modern dwellings whose layout is tightly knit, and where rear gardens are relatively small. Some sheds have been erected in other gardens, but those I saw were all modestly sized and of a visually appropriate height, and as a consequence were proportionate to the sizes of their gardens. Contrastingly, the appeal structure, given its excessive height and perceived mass dominates its surroundings, and is highly and unacceptably conspicuous from adjoining gardens. The structure, which is of a utilitarian appearance, can also be plainly</p>

				<p>seen in the public realm in the gaps between Nos. 9-11 &amp; 19-21 Clover Mead, and is visually intrusive therefrom.</p> <p>The Inspector concluded that the shed structure unacceptably harms the living conditions of neighbouring residents, contrary to that provision of policy DM1 of the Taunton Deane Core Strategy requiring development not to unacceptably harm the amenity of individual dwellings or residential areas. That it also harms the wider scene adds strength to his conclusion in this respect.</p> <p>The Inspector DISMISSED the Appeal.</p>



**APPEALS RECEIVED FOR COMMITTEE AGENDA – 05 NOVEMBER 2014**

APPEAL NO	PROPOSAL	APPLICATION NUMBER
APP/D3315/A/14/2226157	ERECTION OF 1 NO. DETACHED DWELLING, ASSOCIATED AMENITY SPACE AND SINGLE GARAGE, IN THE GARDEN AT THE REAR OF 65 PRIORSWOOD ROAD, TAUNTON	38/14/0196
APP/D3315/A/14/2227315	PRIOR APPROVAL OF PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDING TO DWELLINGHOUSE (USE CLASS C3) AT WEST VIEW FARM, WIVELISCOMBE	49/14/0032/CMB