

PLANNING COMMITTEE

THURSDAY 29 AUGUST 2013 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 25 July 2013 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

To receive and record any declarations of interest or lobbying in respect of any matters included on the agenda for consideration at this meeting.

4. Public Participation

The Chairman/Administrator to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three minute time limit applies to each speaker and you will be asked to speak after the officer has presented the report but before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Where an application is involved it has been agreed that the applicant will be the last member of the public to be invited to speak. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. Town and Country Planning Act 1990 and Other Matters (Enforcement)

To consider the reports of the Planning Team on the plans deposited in accordance with the Town and Country Planning Act 1990 and other matters - **COPY ATTACHED** (separate report). All recommendations take account of existing legislation (including the Human Rights Act) Government Circulars, Somerset and Exmoor National Park Joint Structure Review, The West Somerset Local Plan, all current planning policy documents and Sustainability and Crime and Disorder issues.

Report No: FOUR

Date: 16 AUGUST 2013

<u>Ref No.</u>	<u>Application/Report</u>
3/37/13/018	Land adjoining Sea View Terrace, Watchet, TA23 0DF Erection Of Four Dwellings And Associated Garage Parking.
3/05/13/007 Listed Building Consent	Townsend Farm, Main Road, Carhampton, Minehead, TA24 6NH Internal And External Alterations Including The Demolition Of A Lean-To Roof

6. Exmoor National Park Matters

7. Delegated Decision List - **Please see attached**

8. Appeals Lodged

Appellant	Proposal and Site	Procedure
Mr A & Mrs C Richards	Coppers, Main Road, Dunster Consent To Do Works To A Tree With A Tree Preservation Order	Hearing

9. Appeals Decided

Appellant	Proposal and Site	Decision
Mr P Stevens Ms M Roberts	Plash Farm, Lydeard St Lawrence Conversion of a Cowshed into a Dwelling	Dismissed 02/08/2013
Mrs K Green	The Flat, The Wheelhouse, 27 The Avenue, Minehead Replace Existing Timber Windows with PVCU Windows	Dismissed 05/08/2013
Mr & Mrs Watson	5 Whitehall, Watchet Two Storey Rear Extension	Dismissed 12/08/2013

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Likelihood (Probability)	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact (Consequences)							

Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;

Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

Application No:	3/37/13/018
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Michael Hicks
Grid Ref	Easting: 307283 Northing: 143251
Applicant	Mr Thomas Acorn Developments SW Ltd
Proposal	Erection of four dwellings and associated garage parking.
Location	Land adjoining Sea View Terrace, Watchet, TA23 0DF
Reason for referral to Committee	At the request of the Chairman of the Planning Committee

Risk Assessment

Description	Likelihood	Impact	Overall
Risk: Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Mitigation: Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

Site Location:

Land adjoining Sea View Terrace, Watchet, TA23 0DF

Description of development:

Erection of four dwellings and associated garage parking.

Consultations and Representations:

The Local Planning Authority has received the following representations:

Watchet Town Council

Recommend approval with the following concerns being noted:

1. Request that a new sewerage system is installed along Beverley Dive.
2. Increase in traffic and the access onto South Road.

The comments from the original submission should also be re-iterated:

- Reservations over existing parking on access road and developers should have due consideration to making a contribution towards zero carbon achievement.
- Insist that developer maintains the footpath and improves the surface especially at the junction with Goviers Lane.

Highways Development Control

First response:

I refer to the above mentioned planning application received on 10th July 2013 and following a site visit on 15th July 2013 I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of four dwellings and associated parking.

It is understood that there have been similar planning applications on this site the latest being 2010 for a renewal of a 2007 permission for three dwellings. As a consequence the principle of residential development in this location is accepted. However I do have the following comments to make on the detail.

In terms of vehicle movements the proposal could generate up to 32 additional vehicle movements per day. This is likely to see a significant increase in vehicle movements at the junction of Beverly Drive with South Road. This junction does provide sufficient visibility in either direction. However the Highway Authority's main concern is that Beverly Drive provides minimal width to allow two vehicles to pass. With it reduced to single width at some points due to vehicles being parked on the carriageway. This can therefore lead to vehicles being located in the centre of the junction when wanting to exit onto South Road. This would in turn mean that a vehicle on South Road would need to wait before turning into Beverly Drive thus causing an obstruction to other road users.

It is the opinion of the Highway Authority that the additional vehicle movements associated with the proposed development would likely lead to an increase in vehicles having to wait on South Road before entering Beverly Drive.

Turning to the internal site arrangements shown on Drawing No. 13- 26_02 the Highway Authority has the following comments to make. Firstly in terms of the point of access this will need to be widened to a minimum width of 5.0m to allow two way vehicle flow. It is noted that the applicant has set the boundary wall back by 2.0m across the site frontage to provide visibility across the site frontage. The applicant should note that this should be amended so that the boundary wall is set 2.4m back.

Regarding the internal site arrangements the proposal has made provision for three parking spaces per residential which is in accordance with Somerset County Council's Parking Strategy. The applicant should note that the Highway Authority requires that the internal layout of a garage and car port measure 3.0m x 6.0m. I have reviewed the plans on line and there doesn't appear to be any details relating to the garage design. Therefore the applicant is required to submit further details showing that these garages adhere to the Highway Authority's standards.

In terms of the parking/turning area the Highway Authority does have concerns over the potential conflict of vehicles turning in this location. This is coupled with pedestrians using the shared space.

It is noted that the drawing states that drainage will be via a cellular block type soakaway structure providing below ground storage. The Highway Authority would need further details of this before we consider whether it is acceptable or not.

Therefore to conclude the principle of residential development is accepted in this location, however there are a number of points that the Highway Authority would require the applicant to address before we are able to provide further comment on this proposal.

Second response:

- We do allow 2.0m back a parallel but ideally it should be 2.4m this has become more apparent with the use of Manual for Streets. However if the previous asked for 2.0m it could be seen to be unreasonable to ask for something different.
- In terms of the pedestrian/vehicle parking and turning area it can't be improved significantly. It is unlikely that refusing the scheme on the basis of internal layout would stand up at appeal and it could potentially lead to a cost claim.

Public Consultation

16 letters have been received from nearby residents objecting to the proposal. The following objections are made:

Character and appearance of the area:

- The proposal would contravene Local Plan Policies BD/1, BD/2 and CA/1.
- The proposal will have a detrimental impact on the character of the Conservation Area and the setting of the adjacent Grade II listed building.
- The proposed row of garages and carports to the front of the terrace would be an eyesore and would not be in keeping with the adjacent Grade II listed building.

- The height of the proposals will impinge on the open vistas from Rope Walk.
- The density of housing in the area is already high.
- The existing green space enhances the area and green spaces in areas of high density housing should be maintained for the benefit of local residents.

Highway Impacts:

- Additional vehicles and overflow parking from the development will cause congestion and will be detrimental to highway safety.
- There have been numerous occasions where access for larger vehicles (Emergency services etc) have been impeded due to congestion levels.
- There will be significant disruption from construction vehicles which will lead to wear and tear of the private lane.
- Who will be responsible for maintaining the lane during construction?
- The lane has no speed restrictions and serves as a footpath and public right of way down to Goviers lane. There would be limited visibility for cars exiting the site.
- The junction between Beverly Drive and South Road is dangerous. There are problematic access and visibility issues with vehicles approaching from the station direction. The additional traffic resulting from construction and additional residents will result in harm to highway safety.
- This is an area with a large proportion of young and elderly.

Residential amenity:

- There will be overlooking towards properties in Rope Walk.
- The terrace will be within 5 metres from Rope Walk.
- Light levels in Rope walk will be reduced due to the height of the proposed terrace.
- The terrace would overlook our property from windows on the second and third floors.
- The proposed garage block will restrict views from my property.
- There would be nothing to stop future occupiers removing the obscure glass from the side elevation of the proposed terrace.

Other matters:

- The sewerage system is unable to cope with further development in this area.
- The developers statement that the current scheme has 'significant improvements ' over the previous approval is not correct.
- The proposed development off Doniford Road for at least 200 dwellings - why does the council continue to grant planning permission on infill and green spaces to the detriment of this town and its residents?
- A habitat for wildlife will be destroyed. The site was until recently home to a colony of newts. The site is frequented by pheasants, frogs, toads, newts, and slowworms amongst other things.
- The application is as a result of developer greed.
- The developer's statement that "the resulting design will benefit the local neighbouring residents, enhance local wildlife and contribute to benefitting the wider local economy" is absolutely ludicrous. Perhaps by "benefit" they refer to the contribution paid to the council for each new building towards community recreational provision.
- There is an oversupply of houses in Watchet and the case for further building has not been made.
- Existing residents and visitors will be deprived of views to Watchet Harbour.
- The town depends on tourism and the proposed overbearing development will give visitors a poor impression of the town.
- The proposed inclusion of car ports suggests the usage for the storage of boat trailers. This alongside the alignment towards the marina gives rise to expected purchasers being outside the area.
- No indication how the development will deal with additional surface water runoff.
- Proposal will result in property devaluation.
- The red line on the plans does not include the existing bank on the western boundary of the site. The bank has not been maintained by the current owners and is eroding. The

- application should require the developer to stabilize the bank.
- No. 4 Sea View terrace is being marketed as a bed and breakfast. There will be insufficient parking space for this use in the future.
- It is an inefficient use of resources

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- CA/1 New Development and Conservation Areas
- NC/4 Species Protection
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking

National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration

Planning History

The following planning history is relevant to this application:

3/37/11/039	Non material amendment application to adjust ridge height, design of two windows, removal of one window and change of five doors to windows- relating to planning permission 3/37/07/041 for the erection of three houses.	Granted	20/12/11
3/37/10/018	Extension of time limit for permission 3/37/07/041- Erection of terrace of 3 houses	Granted	08/09/10
3/37/07/041	Erection of a terrace of three houses	Granted	01/01/07

Proposal

The application is for a terrace of 4 houses with associated garages and car ports. Amended plans have been received which have addressed concerns over various design details. The amendments include the following:

- Removal of dormer windows to the Beverly Drive elevation
- Amendments to the design of fenestration relating to window proportions
- Amendments to boundary treatment, primarily relating to the reduction in height of the wall fronting Beverley Drive from 1.8 metre to 1.0 metre.
- Widening of the main vehicular access to 5.0 metres to allow two way vehicle flow.
- Amendments to boundary treatment, in particular, the use of natural stone to the boundary fronting Beverley Drive.

The proposed terrace is similar in scale to the previous approved terrace under planning reference 3/37/10/018. The principle difference to be considered under this application relates to an increase in the number of dwellings from three to four over the previous approved scheme. The proposed terrace would measure 25.5 metres in width by 8.3 metres in depth. It would have a dual pitched roof with a maximum height of 8.5 metres. The terrace would contain four, three bedroom dwellings.

The boundary wall fronting Beverley Drive would be set 2.0 metres from the edge of the carriageway and would measure 1.0 metre in height. A garage and carport providing 2 parking spaces would be located to the south eastern corner of the site, adjacent to No. 4 Sea View terrace. It would have a hipped roof with a maximum height of 4.2 metres. A car port and garaging block providing parking for 6 cars would be located to the western boundary and would be perpendicular to Beverley Drive. It would measure 19.2 metres in length and would have a hipped roof with a maximum height of 4.2 metres.

Site Description

The site consists of an area to the north western side of Beverley Drive which is currently the residential curtilage of 4 Sea View Terrace, an end of terrace, Grade II Listed Building. Sea View terrace is located directly to the east of the site. The site is located within the Watchet Conservation Area. The site slopes down in a northerly direction to where the northern boundary of the site abuts the railway. To the west of the site are relatively modern residential properties within 'Rope Walk', and a bungalow fronting Beverley Drive. To the south of the site there is a terrace of residential properties which are located a relatively significant distance away from the site and there is an adjacent bungalow to the southern side of Beverley Drive.

The western and northern boundaries of the site consist of relatively mature vegetation. There is a variety of trees and shrubs within the site. The boundary fronting Beverley Drive is relatively open and consists of a post and rail fence, grass bank and a gravel parking area.

Vehicular access to the site is from Beverley Drive which in turn is accessed from South Road which is located to the south west of the site.

Planning Analysis

1. Principle of Development

The proposed development would be located within settlement limits. The principle of residential development in this location has been established through the grant of planning permission and subsequent renewal of planning permission for a terrace of three dwellings. Since the previous two grants of planning permission, there have been no subsequent amendments to planning policy that would specifically preclude the principle of development. The principal considerations therefore relate to whether the current scheme is acceptable in general planning terms. In particular, whether an additional dwelling in this location would be acceptable both in terms of either preserving or enhancing the character of the Conservation Area, the setting of the Listed Building, the impact on residential amenity and the impact on highway safety.

2. Character and Appearance of the Area/Conservation Area/Setting of the Listed Building

It is considered that the impact on the character and appearance of the Conservation area and the setting of the Listed Building would be acceptable. The proposed terrace would be similar in overall scale to the previously approved scheme. It is noted that the proposed ridge height would be marginally below that of the adjacent listed building, No. 4 Sea View terrace and would have an acceptable relationship to the height of dwellings in Rope Walk in terms of visual amenity and the impact on the appearance of the street scene.

The siting of the garages and carports to the front of the proposed terrace would partially reflect the informal nature of the Beverly Drive elevation of Sea View terrace whereby dwellings within the terrace have enclosed areas and outbuildings fronting Beverly Drive. However, the lowering of the boundary wall fronting Beverly Drive to 1.0 metre would create a more open, inclusive feel to the front of the development which is considered appropriate to this development.

The applicants have proposed predominantly a mixture of render, natural stone and natural slate for the development. These materials are considered to be acceptable in principle as they would reflect those in the adjacent Listed Building. However, it is considered necessary to condition the precise mix and treatment of the materials through a planning condition.

Amendments have been received including the removal of dormer windows to the Beverley Drive elevation of the terrace. This amendment was considered necessary for the building to sensitively reflect the appearance of the adjacent Listed Building and to ensure that its setting is not harmed. And as such the amended scheme is considered to be acceptable in this regard.

The windows to the north elevation of the proposed terrace facing Watchet harbour have been amended to more accurately reflect the vertical emphasis of those in the adjacent Listed Building. The bi-fold doors to the ground floor elevation are considered to be acceptable. It is acknowledged that the design of these openings do not necessarily reflect those in the adjacent listed building. However, regard has to be given to site circumstances in assessing the degree of impact on the setting of the Listed Building. Views of the ground floor of the proposed terrace from the adjacent Listed Building and from Watchet harbour would be limited. It is noted that there would be some views of the ground floor of the proposed terrace from vantage points such as Watchet harbour, Harbour Road and the adjacent public car parks, to some degree depending on the time of year and the resulting screening from vegetation. Having regard to this, it is considered that the patio doors will not be prominent visually, either from the adjacent listed building or from nearby public vantage points. Therefore it is considered that the setting of the adjacent listed building would not be harmed.

It is however considered reasonable and necessary given that the development would result in the loss of some trees within the site, to secure additional landscaping towards the northern boundary of the site, to ensure that the existing visual characteristics of the site and screening from vantage points to the north of the site is maintained to an acceptable degree.

3. Residential Amenity

The impact on neighbour amenity is considered to be acceptable. The proposed side elevation facing Rope Walk would contain windows that would serve a W/C to the ground floor and stairway landings to the first and second floors. Objections have been received to these from adjoining residents within Rope Walk. However, the windows are small in scale and would not serve habitable rooms. In addition due to their proximity to neighbouring dwellings it is considered reasonable to condition that the windows to both side elevations are obscure glazed and fixed closed. The windows in the rear elevation would be orientated so that the nearest bedroom window to No. 9 Rope Walk would be approximately would be approximately 7.5 metres from the shared boundary with No. 9. This distance is considered to be acceptable. In addition the area of rear garden space to No. 9 which is afforded greater protection in planning terms would be located approximately 16 metres from the bedroom window to plot 1.

4. Highway Safety

The highways authority have commented on the additional vehicle movements that would result from the proposed development and the impact on the existing highway network. It is noted that the proposal is likely to result in 32 additional vehicle movements a day and the highways authority have commented that the development would result in an increase in the number of vehicles having to wait on South Road before entering Beverley Drive. It is accepted that there are some concerns over traffic flow at this junction. However, it is considered that there are insufficient grounds in planning and highway safety terms to refuse permission on the basis highway safety at this junction. In the context of the previous planning approval, the current scheme would result in a net gain of 1 dwelling which is not considered to be a sufficiently significant increase. Furthermore, there have been no material changes in site circumstances regarding the existing junction since the previous approval.

The highway authority has commented that the setback of the front boundary wall from the edge of Beverley Drive should be increased to 2.4 metres. However, the current approval for the site requires a setback of 2.0 and as such it would be considered unreasonable in planning terms to require a 2.4 metre setback.

The access to the site has been widened through the amended plans to sufficiently accommodate two way vehicle flow.

Parking

The proposed parking layout would provide a total of 12 parking spaces, 8 of these would be covered spaces. The proposed parking provision of 3 spaces per dwelling. Having regard to the Parking Strategy the optimum parking level for 3 bed roomed dwellings on a site in Watchet is 2.5 spaces per dwelling. It is considered that the over provision of parking is appropriate given the constraints and parking pressures in the immediate area. The dimensions of the car ports and garages are broadly in line with those required by the Parking Strategy. There are a few spaces where the sizes would be a little below the standards but not significantly so. It is considered that parking can be accommodated in a reasonable manner. Whilst the Highway Authority have commented that the internal layout is not ideal in terms of the interaction between pedestrians and vehicles, it is unlikely that this could be sufficiently substantiated for the scheme to be refused on this basis. As such the proposed layout is considered to be acceptable in planning terms.

Concerns over maintenance of the unadopted road have been raised. These concerns are outside the scope of the planning system and is therefore a civil matter for resolution through other means.

6. Ecology

The previous application (3/37/10/018) contained a condition in respect of a protected species survey. Earlier this year the applicant sought to have this condition removed (ref: 3/37/13/008), having regard to advice received from the County Ecologist the condition was removed. In view of the very short period of time between that decision and this application and the similarities of the proposal in terms of location of built development, it is considered that this proposal is no more likely to impact on protected species than the previous application. As such it is not considered to be necessary to secure ecological mitigation.

7. Planning Obligations

Having regard to the Council's Supplementary Planning Document in respect of planning obligations the threshold for contributions for both affordable housing and recreational/community provision is 5 dwellings in Watchet. As such this proposal falls below the threshold where contributions are sought.

8. Other matters

Concerns have been raised by adjoining neighbours in Rope Walk regarding the future maintenance of the bank on the western boundary of the site which is outside of the red line defined in the application. The issue of boundary maintenance is a private civil issue. It is therefore not reasonable in planning terms to attempt to resolve this issue through the planning system.

Concerns have also been raised in respect of potential disruption during construction. While these concerns are appreciated a degree of disturbance during construction is associated with development. This disruption would be for a finite period of time and this is not a sufficient reason to withhold planning permission.

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

Conclusion and Recommendation

It is considered that the proposal, is acceptable and it is recommended that planning permission be granted.

Reason for Approval:

The proposal accords with the Council's settlement strategy for the location of new development. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings and would not harm the setting of the nearby listed buildings and would preserve the character and appearance of the Conservation Area. The proposal, by

reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users. The proposal would not result in detrimental harm to highway safety and the free flow of traffic. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:-

Saved Policies CA/1, LB/1, BD/1, BD/2, BD/3, TW/1, T/3 and W/1 of the West Somerset District Local Plan (adopted December 2006).

Planning Permission is subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.
- 2 No works shall be undertaken on site unless samples of the materials including colour of render, paintwork and colourwash to be used in the construction of the external surfaces of the works hereby permitted, including the ground surface for the proposed courtyard/parking area have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy LB/1, CA/1, BD/1 and BD/2 of the West Somerset District Local Plan (2006).
- 3 No works shall be undertaken on site unless full details of all new timber joinery for the windows and external doors have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include where appropriate elevations at 1:20 scale and cross-sections, profiles, reveal, surrounds, at full or half scale and details of the materials, finish and colour in respect of new windows, doors. The works shall thereafter be carried out in accordance with the approved details.
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy CA/1 and LB/1 of the West Somerset District Local Plan (2006).
- 4 No works shall be undertaken on site unless full details of the new roof lights been first submitted to and approved in writing by the Local Planning Authority. Such details shall include cross-sections, profiles, materials, finish and colour. The works shall thereafter be carried out in accordance with the approved details.
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).
- 5 No works shall be undertaken on site unless details for the proposed boundary treatments on the application site have been first submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan, the existing and proposed site and floor levels and details of the height, type, materials, finish and colour of the proposed boundary treatments. The works shall be carried out in accordance with the approved details, prior to the occupation of the dwellings hereby approved.
Reason: To safeguard the setting of the listed building and to protect the amenities of the occupiers of nearby properties and to comply with Saved Policy LB/1 and BD/2 of the West Somerset District Local Plan (2006).
- 6 No site works or clearance shall be undertaken until protective fences which conform with British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions to be indicated on plans to be first submitted to and approved in writing by the Local Planning Authority. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site having regard to the provisions of Saved Policies BD/1, BD/2 and TW/1 of the West Somerset District Local Plan (2006).

- 7 No works shall be undertaken on site unless a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs positions, species and size of all new trees and the location of grassed areas and areas for shrub planting; details of the hard surface treatment of the open parts of the site; and a programme of implementation. All hard and soft landscape works shall be carried out in accordance with the approved details. The hard landscaping works shall be carried out prior to the occupation of any part of the development. The soft landscaping works shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of and implementation of an appropriate landscape setting to the development having regard to the provisions of Saved Policies LB/1, CA/1, BD/1, BD/2 and TW1 of the West Somerset District Local Plan (2006).

- 8 There shall be no obstructions to visibility greater than 600mm adjoining road level in advance of a line drawn parallel and set back a minimum distance of 2.0 m back from the carriageway edge across the entire site frontage. Such visibility shall be fully provided before works commence on the erection of the dwellings hereby permitted and shall thereafter be maintained at all times.

Reason: To safeguard highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset Local Plan (2006).

- 9 The proposed windows on the south west and north east side elevations shall be non-opening and glazed with obscure glass and permanently retained as such.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, D and E of part 1 of schedule 2 of the order, shall be erected, constructed or placed within the curtailge of any dwelling hereby approved, so as to enlarge or otherwise alter the appearance or setting of such dwelling without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and the character of the building and the surrounding area. For this reason the Local Planning Authority would wish to control any future development to comply with Saved Policies LB/1, CA/1, BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 11 The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for the parking and turning of vehicles, and such areas including the garages and carports shall not thereafter be used for any purpose other than the parking and turning of the vehicles associated with the development.

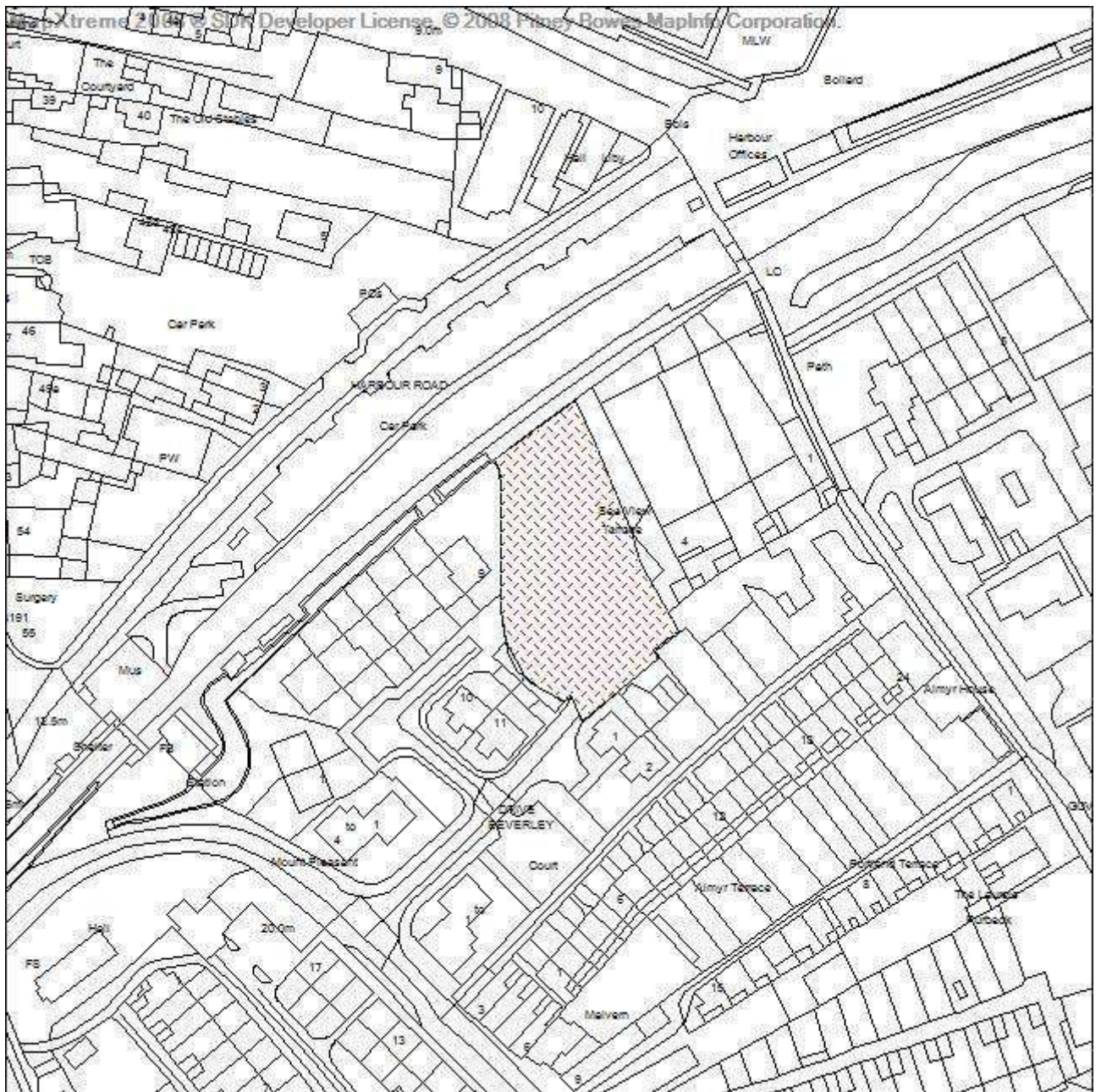
Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

Notes

1 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

2 **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into substantive pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application certain elements of the proposal were deemed to be unacceptable in respect of design details. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.



Application No 3/37/13/018
 Erection of four dwellings and
 associated garage parking.
 Land adjoining Sea View
 Terrace, Watchet, TA23 0DF
 3 July 2013



Planning Manager
 West Somerset Council
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 West Somerset Council
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Easting: 307275 Northing: 143258
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Scale:

Application No:	3/05/13/007
Parish	Carhampton
Application Type	Listed Building Consent
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 300430 Northing: 142903
Applicant	Hastoe Housing Association
Proposal	Internal and external alterations including the demolition of a leanto roof
Location	Townsend Farm, Main Road, Carhampton, Minehead, TA24 6NH
Reason for referral to Committee	West Somerset Council owns the application site

Risk Assessment

Description	Likelihood	Impact	Overall
Risk: Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Mitigation: Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

Introduction

This application relates to the listed building aspects of the proposed internal and external alterations to the barns which are required to convert the barns into residential use. An associated planning application has been submitted for the change of use of the barns into dwellings and the external alterations required for the conversion of the barns. The planning application will be presented to the Planning Committee in due course as there are a number of planning related aspects that have not been fully resolved to date. The determination of this listed building application will not prejudice any decision made on the planning application as different issues are considered at in each application. The listed building application solely considers the effect of the proposal on the character, appearance and integrity of the listed building where as the planning application looks at other aspects such as the principle of the development, the effect on neighbours, highway safety and flooding. Granting or refusing the listed building application does not mean the planning application must be determined with the same result as the listed building application.

Site Location:

Townsend Farm, Main Road, Carhampton, Minehead, TA24 6NH

Description of development:

Internal and external alterations including the demolition of a leanto roof

Consultations and Representations:

The Local Planning Authority has received the following representations:

Carhampton Parish Council

The Parish Council has not commented specifically on this application for listed building consent. However the Parish Council have provided the following comments in respect of the associated planning application:

Carhampton Parish Council has stated its general support and its significant concerns of many years. These concerns are mainly with the lack of safe pedestrian access to the centre of Carhampton, and no provision of bus stops close to the site.

Public Consultation

The Local Planning Authority has not received any letters of objection or support in respect of this application for listed building consent. In respect of the planning application no comments have been made concerning the physical works to the barns.

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

LB/1 Listed Buildings Alterations and Extensions

National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration.

Planning History

The following planning history is relevant to this application:

3/05/90/029	Conversion of agricultural buildings to residential use, demolish extension and boundary wall	Granted	12.8.91
3/05/90/034	Conversion of redundant agricultural buildings.	Granted	12.8.91
3/05/96/011	Proposed conversion of redundant agricultural buildings and private open space with access from Winsors Lane. Renewal of 3/05/90/034.	Granted	17.6.96
3/05/96/012	Proposed conversion of agricultural buildings to residential use, demolish extension and boundary wall	Granted	17.6.96
3/05/03/001	Conversion of barns into dwellings and construction of new houses	Granted	15.9.03
3/05/03/002	Conversion of listed barns into dwellings	Granted	27.3.03
3/05/13/006	Erection of 25 dwellings and conversion of barns to 10 dwellings and associated works including vehicular access, garages, parking and landscaping.	Not yet determined	

Analysis

The barns are a Grade II Listed Building. In the list description it is noted that the barns, "... are listed primarily for the contribution to the streetscene made by the rear elevation of these farm buildings." The rear elevation is the long stone wall and roof that fronts Main Street (A39).

The main consideration of this application is the impact that the proposal will have on the character and appearance of the listed barns and any features of architectural and historic interest.

As the proposal is related to a planning application to convert the barns into 10 one and two bedroom dwellings a number of alterations are proposed including:

- New windows using 'slimlite' or equivalent double glazing
- Roof lights of varying sizes and designs in a number of the barns
- Removal of a roof and external troughs on plots 28 and 29
- Reopening of openings
- Loss of wooden doors on plots 26, 28 and 29
- Internal alterations including new partitions and floors.
- Removal of paint from brick walls using a water pressured/steamed method
- New roof covering (natural slate) to replace corrugated sheeting

- Changing the concrete yards to paviers
- Removal of stalls within plot 26

New double glazed windows are proposed for all windows. No original windows are to be retained. The type of double glazing proposed will ensure that slim glazing bars can be used to reflect those found on site. The removal of the original windows will mean that there is a loss of historic fabric but due to the state of repair of many of the windows and the proposed residential use of the disused buildings it is considered that new windows are acceptable. The existing large openings are to be used as windows and door openings. Wooden panel doors are to be installed as these will reflect the agricultural character of the building. With regard to the windows the majority of the openings are to be fully glazed with some opening casements which will help retain the open character of the barns. In some instances, oak panelling is proposed and in the two storey barn, spandrel panels. The spandrel panels are panels of glass with an enamel coating on the inner side. This gives the visual appearance of a slightly darker glass panel. They will also hide the first floor from view. The principle of using the spandrel panel is acceptable but to ensure that the visual affect on the barn is safeguarded a condition is recommended requesting a sample so that the affect on the character of the barn can be fully assessed.

Roof lights are proposed in a number of the proposed dwellings together with vents. In the barns that back onto the A39 these will all be located on the courtyard elevations as it is considered that there should be no change to this important roadside elevation.

The proposed removal of the roof for plots 28 and 29 has already been accepted on the previous approved scheme and as such it is considered that the principle for removing the roof is accepted. It is also noted that in the submitted Heritage Statement that this roof appears to be a later rebuild that has some significance but is not of considerable significance. As it has some significance it will need to be recorded before it is removed. Part of this building also has painted brick walls and it is proposed to remove the paint through the use of water or steam. This will help ensure that the surface of the bricks are not damaged.

With regard to the removal of the large two storey doors for plots 28 and 29 these are located within a building that is of considerable significance. The principle of removing these doors was established in previous approvals and as such it is considered that these will need to be recorded before they are removed.

The proposed internal alterations in relation to new partitions have taken account of the plan form and the significance of the buildings and are therefore acceptable. The floors also form part of the character of the barns and where possible need to ensure that the historic fabric is retained and that any new floors do not adversely affect the character of the building to which it relates. Concrete floors are proposed which is not acceptable for all the barns as cobbles and brick floors for example are found so a condition concerning the proposed treatment for the floors is required. In addition, part of the character of the barns relates to the floorscape of the yards which are formed by the barns. They are utilitarian in appearance and are laid to concrete. It is considered that the utilitarian appearance adds to the setting of the listed barns and should be retained. The use of paviers is acceptable as the utilitarian appearance is safeguarded.

The proposed replacement of the corrugated sheeting on the barn fronting Main Street (plots 34 and 35) with natural slate will improve the appearance of this very important elevation and will unify the roof scape.

Within the barns are some stalls for when that building was used as stables. These are considered to be an important part of the history and integrity of the building and should be reused elsewhere within the scheme such as within the building that the stalls are currently situated or in the bin store and recycling area. The ironmongery that is found on the doors to be removed also form part of the character of the buildings and should be reused within the development. It is therefore recommended that conditions 9 and 10 be imposed to safeguard the stalls and ironmongery.

Other issues

The issues raised by the Parish Council relate to matters that are relevant to the planning application and not the application for listed building consent. Their comments will be taken into account through considering the planning application.

Conclusion and Recommendation

It is considered that the proposal, is acceptable and it is recommended that listed building consent be granted.

Reason for Approval:

The proposals would not damage or result in the loss of the historic form of the building or any feature of special architectural or historic interest. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

Saved Policy LB/1 of the West Somerset District Local Plan (adopted December 2006).

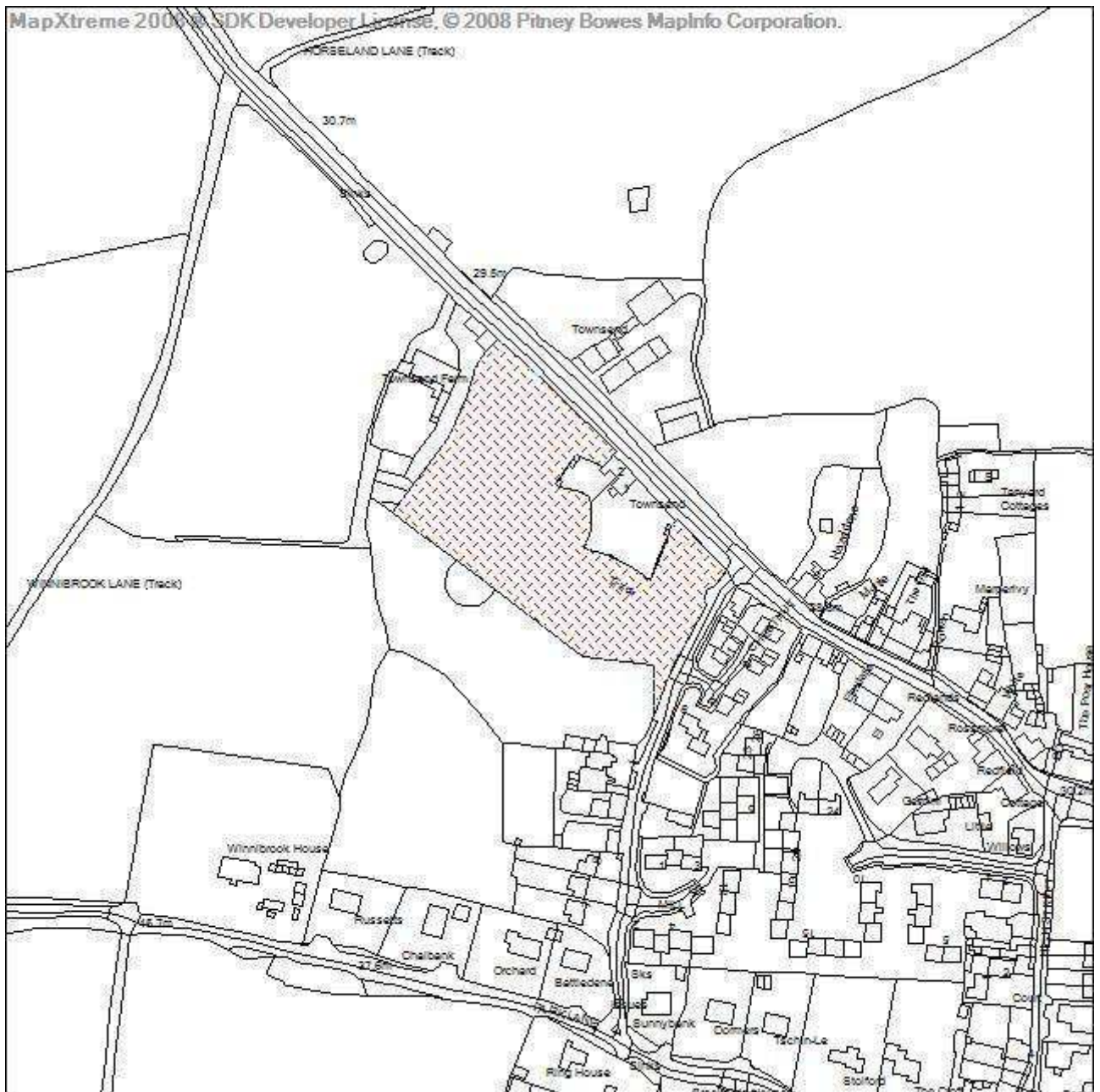
Listed Building Consent is subject to the following conditions:

- 1 The works hereby approved shall be begun before the expiration of three years from the date of this consent.
Reason: As required by Section 18 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 3165 - 119, 217, 220 and 221 submitted on 8 July 2013 and Drawing Numbers 316 -.200H and 201A submitted on 12 August 2013 and Drawing Numbers 3165/213B and 214B submitted on 14 August 2013.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No works shall be undertaken on site unless samples of the materials to be used in the construction of the external surfaces hereby permitted, and notwithstanding the details submitted for the floors, details for the new floors have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).
- 4 No works shall be undertaken on site unless full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include elevations at 1:20 scale and cross-sections, profiles, reveal, surrounds, at full or half scale and details of the materials, finish and colour in respect of new windows, doors, stairs and other glazed or timber panels. The works shall thereafter be carried out in accordance with the approved details.
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).
- 5 No works shall be undertaken on site unless full details of the new roof lights been first submitted to and approved in writing by the Local Planning Authority. Such details shall include cross-sections, profiles, materials, finish and colour. The works shall thereafter be carried out in accordance with the approved details.
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).
- 7 Prior to the removal of the doors and roof on plots 28 and 29 a measured photographic survey shall be undertaken and submitted to the Local Planning Authority.
Reason: To ensure that the details of the doors and roof are recorded having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 8 The paint on the brick walls of plots 28 and 29 shall be removed using a water pressure or steam method prior to the first occupation of plots 28 and 29.
Reason: To safeguard the character and appearance of the building and to ensure that the surface of the bricks are not damaged having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).
- 9 Prior to the removal of the existing doors hereby permitted to be removed, a scheme for the reuse of the existing latches, bolts and hinges shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the occupation of the units where the ironmongery is to be used.
Reason: To safeguard the character, appearance and integrity of the building having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).
- 10 Prior to the removal of the existing stalls within plot 26 a scheme for the relocation of the stalls shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of plot 26.
Reason: To safeguard the integrity of the building having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).
- 11 Prior to work commencing on any repair works to the columns in plot 33 a scheme for the investigation work and repair shall be submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall be used.
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

Notes

- 1 This consent relates to the listed building aspects of the scheme and does include the proposed use of the buildings. Planning permission is required for the external alterations and proposed change of use of the barns to residential use prior to work commencing on these aspects.
- 2 In relation to condition 10 it is considered that the stalls could be reused in the proposed cycle store area or/and within unit 26.



Application No 3/05/13/007
Internal and external alterations
including the demolition of a lean-to
roof
Townsend Farm, Carhampton
08/07/2013



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West Somerset House
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Delegated Decision List

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/01/13/003	18 Trendle Lane, Bicknoller, Taunton, TA4 4EG Proposed porch extension and bay window	15 July 2013	Grant
3/04/13/003	Blairmore, Brushford, Dulverton, TA22 9AP Retention of 2-car width, open-sided carport	01 August 2013	Grant
3/05/13/005	Primrose Hill, Wood Lane, Blue Anchor, Somerset, TA24 6LA Formation of first floor over part of existing bungalow.	16 July 2013	Grant
3/09/13/004	Foxes & Piggies, Lower Chilcott Farm, Chilcott Lane, Dulverton, TA22 9QQ Lawful Development Certificate for the existing use of the properties known as Foxes and Piggies as dwelling houses	13 August 2013	Grant
3/10/13/004	37 Conygar View, Dunster, Minehead, TA24 6PW Erection of new dwelling	23 July 2013	Refuse
3/10/13/005	Land at Ellicombe Farm, Ellicombe Lane, Ellicombe, Minehead, TA24 6TR Erection of veterinary practice (reserved matters following outline approval 3/10/13/001)	05 August 2013	Grant
3/16/13/010	The Coach House 1, Alfoxton Park, Holford, TA5 1SG External render replacement, roof/clock tower repairs and internal rearrangements.	12 August 2013	Grant
3/17/13/010	Applehayes, Huish Champflower, Taunton, TA4 2EX Erection of replacement garage	14 August 2013	Grant
3/17/13/011	Stolford Farm, Brendon Hills, Watchet, TA23 0LP Proposed extensions and alterations to existing farmhouse and barn	15 August 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/17/13/012	West Shute Farm, Huish Champflower, Taunton, TA4 2HB Erection of barn for storing animal feed, hay, tools and farm equipment	15 August 2013	Prior approval not required
3/21/13/041	White Lodge, Whitegate Road, Minehead, TA24 5SP Conversion and change of use of existing two storey former veterinary surgery and garage to a residential dwelling with use of existing access	23 July 2013	Grant
3/21/13/060	53 Poundfield Road, Minehead, TA24 5ES Conversion of conservatory to dining room.	16 July 2013	Grant
3/21/13/061	Radiovision House, 22 Friday Street, Minehead, TA24 5TH Conversion of existing shop and stores to two shops and one maisonette	07 August 2013	Grant
3/21/13/062	Flat 1, Broadleas, King Edward Road, Minehead, TA24 5JB Replacement of white wood windows with white upvc windows in a Georgian style pattern	14 August 2013	Grant
3/21/13/064	Northfield Hotel, Northfield Road, Minehead, TA24 5PU Erection of unit to provide owner's accommodation	08 August 2013	Grant
3/21/13/066	Flat 3, Parks View Apartments, The Parks, Minehead, TA24 8BX Retention of two timber steps adjacent to the patio door set to the east elevation	12 August 2013	Grant
3/26/13/006	Thistlewell, Golsoncott, Rodhuish, Minehead, TA24 6QX Re-roofing existing agricultural barns used for implement storage.	12 August 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/31/13/009	The Cottage, Preston Lane, Lydeard St Lawrence, Taunton, TA4 3QQ Extension and alterations to house	15 July 2013	Refuse
3/32/13/010	Stogursey Primary School, Tower Hill, Stogursey, Bridgwater, TA5 1PR External glazed doors to reception classroom	26 July 2013	Grant
3/32/13/017	The Manse, Knighton Lane, Burton, Stogursey, Bridgwater, TA5 1QB Attachment of satellite dish to garden wall	05 August 2013	Grant
3/32/13/018	Woodcot, Burton Stogursey, Bridgwater, TA5 1QB Conversion of existing two storey garage to 'Granny Annexe' to include entrance lobby, lounge with kitchenette, bathroom and bedroom with cloakroom.	23 July 2013	Grant
3/32/13/019	Croft Farm, Croft Lane, Stolford, Stogursey, Bridgwater, TA5 1TN Retention of horse walker, formation of manege, stopping up of existing access and formation of new access, and landscaping	08 August 2013	Grant
3/32/13/020	Long Acre, Burton, Stogursey, TA5 1QB Construction of garage	14 August 2013	Grant
3/37/13/017	Land at 9 Copse Close, Watchet, TA23 0HW Erection of a two bedroomed house with car parking (resubmission of 3/37/12/029)	06 August 2013	Refuse
3/39/13/016	The Orchard, Bardon, Washford, Somerset, TA23 0PY Lawful Development Certificate for the existing residential use of the land.	31 July 2013	Grant
3/39/13/018	Sunnybank, Doniford, Watchet, TA23 0UD Provision of new road layout including 23 new bases for 23 units, parking bays, the demolition of the existing bungalow and the infilling of the	16 July 2013	Grant

outdoor swimming pool.

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/39/13/019	3 Blacksmith Close, Williton, Taunton, TA4 4AX Installation of modern up & over garage door, finished in white, on existing car port	23 July 2013	Grant
3/39/13/020	Highbridge House, 9 Station Road, Williton, Taunton, TA4 4RJ Amendments to roof and north elevation of existing outbuilding and extension following planning permission granted on 14th June 2012 under reference 3/39/12/027	24 July 2013	Grant
CA/16/13/01	Glen Cottage, Back Lane, Holford, TA5 1RY To fell a Goat Willow	06 August 2013	Grant
Rmi/32/13/003	Hinkley Point C, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UF Application to discharge planning requirement PW11 Waste Management Implementation Strategy in relation to Hinkley Point C (Nuclear Generation Company) Statutory Order 2013 made 18th March 2013.	25 July 2013	Grant
Rmi/32/13/005	Hinkley Point C, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UF Application to discharge planning requirement WP2 Vegetation Clearance in relation to Hinkley Point C (Nuclear Generation Company) Statutory Order 2013 made 18th March 2013.	15 July 2013	Grant
T/26/13/006	49 CLEEVE PARK, CHAPEL CLEEVE, OLD CLEEVE, MINEHEAD, TA24 6JF double stem sycamore - fell and remove both trees	15 July 2013	Grant



Appeal Decision

Site visit made on 3 July 2013

By H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 August 2013

Appeal Ref: APP/H3320/A/13/2194114

The Flat, The Wheelhouse, 27 The Avenue, Minehead, Somerset TA24 5AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Kim Green against the decision of West Somerset Council.
 - The application Ref 3/21/12/140, dated 21 November 2012, was refused by notice dated 21 January 2013.
 - The development proposed is to replace existing timber windows with PVCU windows.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed replacement PVCU windows would preserve or enhance the character and appearance of the Wellington Square Conservation Area.

Procedural Matter

3. A revised design of first and second floor front bedroom replacement windows has been submitted with the appellant's statement. In the interests of fairness and ensuring that decisions are made locally where possible, it is important that what is considered by the Secretary of State is essentially what was considered by the Local Planning Authority. The appeal process should not be a means to progress alternatives to a scheme that has been refused, or a chance to amend a scheme so as to overcome the reasons for refusal. Accordingly I have determined the appeal on this basis.

Reasons

4. The appeal site is located within the Wellington Square Conservation Area. This area was the market and administrative centre of Minehead in the late Medieval and Post-Medieval period. The use of traditional materials was a key feature of the architectural and vernacular revival style that was fashionable as the town grew at the start of the 20th Century. The conservation area is notable as it contains a large number of 19th and early 20th Century commercial, civic and residential buildings, many of which retain their original design features.
-

5. The Wheelhouse building has a distinctive black and white Tudor style frontage and is unique in the street scene. The front elevation includes large feature windows with traditional detailing; the ground floor window has a large attractive lead light detailed window which takes up a large proportion of the elevation at ground floor, and the windows at first and second floor in the front elevation consist of four individual windows which are multi-paned. The remainder of the building has a varying mixture of sizes and styles of windows from plain opening casements to a number of multi-paned windows. To the rear at first floor level there is a curved bay window. The traditional construction of these windows and their detailing is integral to the building's character, particularly in the front elevation where they are prominent features of the building. Consequently, the building enhances the character and appearance of the surrounding Conservation Area.
6. Ground floor windows to the building are to be retained but the first and second floor windows are to be replaced. The design of the first and second floor front bedroom windows would not match the existing four multi-paned windows which align with the Tudor decorative boarding. A number of the other replacement windows in the building would also lose their multi-paned detailing including those to the second floor rear bedroom, kitchen, second floor bathroom, and stairs. The loss of these traditional window details would erode the overall character of the property.
7. The appellant states that the window company know no cases of fading of the PVCU windows. It is likely these windows will not fade for some years. Similarly a close match in terms of the visual bulk of frame could be achieved. However, the sample of the window material submitted with the appeal is a white PVCU frame with a black plastic coating applied on the outer edge, rather than a through colour, and this coating can be peeled away. Therefore it could be vulnerable to wear and tear. The plastic coating also has a flat black colour with a uniform wood grain pattern effect to it, which is not a convincing substitute for real wood. This material would mis-match with the timber detailing on the building as well as with the original ground floor front windows. It would therefore be an inappropriate material to use as it would erode the building's unique character.
8. Having come to the conclusions above it follows that the proposal would cause significant harm to the character and appearance of the Wellington Square Conservation Area. Consequently the proposal conflicts with policies CA/1 and BD/1 of the West Somerset District Council Local Plan (adopted December 2006) which seek to preserve or enhance the architectural and historic character or appearance of conservation areas, noting that this can be achieved by using external building materials which are appropriate. These objectives are consistent with the Framework's principles of conserving and enhancing the historic environment.
9. I acknowledge that there are examples of PVCU replacement windows in the immediate locality to the appeal site. However these do not display similar characteristics to the appeal site, most notably in terms of the style of building.
10. I have noted the appellant's comments with respect to benefits including: increased energy efficiency of the first floor flat and reduced noise. I am not persuaded that these benefits could not be achieved without causing the harm I

have found. Regarding the cost implications of timber windows and health matters these do not outweigh the harm identified above.

Hayley Butcher

INSPECTOR



Appeal Decision

Site visit made on 15 July 2013

by Kathrine Haddrell BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 August 2013

Appeal Ref: APP/H3320/D/13/2200237
5 Whitehall, Watchet, Taunton, TA23 0BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Watson against the decision of West Somerset Council.
 - The application Ref 3/37/13/003 was refused by notice dated 2 April 2013.
 - The development proposed is to construct a two storey rear extension to provide improved living room and additional bedroom.
-

Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue to be the effect of the proposed extension on the living conditions of the occupiers of 6 Whitehall, with particular reference to outlook, daylight and sunlight.

Preliminary matters

3. Consequent upon the recent revocation of the Regional Strategy for the South West, which also affected structure plans, Policy STR1 of the *Somerset and Exmoor National Park Joint Structure Plan*, referred to by the Council, is no longer in force. I therefore accord it no weight but accord significant weight to Policy BD/3 of the *West Somerset District Local Plan (2006)*, concerning, amongst other things, extensions, which I consider to be broadly consistent with the intentions of the National Planning Policy Framework insofar as it seeks to secure amenity and appropriate design, including, according to paragraph 5.4.16 of the explanation, sensitive siting.

Reasons

4. The appeal site is a mid-terraced property, although it is separated from the neighbouring property No 4 by an alleyway. The houses have small front gardens and long, narrow rear gardens. At my site visit I saw that No 7, next door but one to the appeal proposal, had been extended with a part single-storey and part two-storey rear extension.
5. As a result of the existing extension at No 7, the appeal proposal would result in the intervening property, No 6, being flanked by two-storey projections increasing the loss of outlook and sense of enclosure for the occupiers of No 6. Due to the depth of the extension and its two-storey height, albeit with a

hipped roof, and its proximity to the boundary, it would dominate views out of the living room window of No 6 and would be an oppressive and overbearing presence for occupiers of that dwelling. I acknowledge that there is no objection from third parties and in particular that the occupiers of No 6 have expressed positive support for the proposed development. However, I am obliged to consider the effects on not only present occupiers, but also future occupiers whose living conditions would, in my estimation, be unacceptably compromised.

6. The appellants have provided evidence that the proposal would comply with two of the tests set out in the BRE guidance, *Site Layout Planning for Daylight and Sunlight, a guide to good practice, 2011*. I agree that the proposed extension would cause some loss of daylight and sunlight to the rear elevation of No 6, including the living room window, but do not consider this loss would be so severe as to be unacceptable.
7. Notwithstanding my conclusion on the loss of daylight and sunlight, I consider that that the proposal would result in a loss of outlook and have an overbearing impact causing material harm to the living conditions of the occupiers of No 6. This would be contrary to the intentions of Policy BD/3 of the *West Somerset District Local Plan (2006)* which requires proposals to be appropriate in scale, proportion and detailing to the buildings to which they relate and to the *West Somerset Council Supplementary Planning Guidance, Design Guidance for House Extensions (2003)*. This advises that extensions should, amongst other things, not be unduly prominent or dominating.

Other Matters

8. Subject to the use of obscured glass in the proposed ground floor window proposed in the flank elevation facing towards No 6, there would be no loss of privacy to the occupiers of No 6. I am satisfied that this could be controlled through the imposition of a suitable condition. However, this would not be sufficient to overcome the harm I have identified above.
9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Kathrine Haddrell

INSPECTOR



Appeal Decisions

Site visit made on 23 July 2013

by K D Barton BA(Hons) DipArch DipArb RIBA FCI Arb

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 August 2013

Appeal A: APP/H3320/A/13/2192667

Appeal B: APP/H3320/E/13/2192216

Plash Farm, Lydeard St Lawrence, Taunton, Somerset TA4 3QE

- Appeal A is made under Section 78 of the *Town and Country Planning Act 1990* against a refusal to grant planning permission.
 - Appeal B is made under Section 20 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* against a refusal to grant listed building consent.
 - The appeals are made by Mr Philip Stevens and Ms Maggie Roberts against the decisions of West Somerset Council.
 - The applications Refs 3/12/12/004 and 005, dated 14 August 2012, were refused by notices dated 12 November 2012.
 - The development and works proposed are the conversion of a cowshed into a dwelling.
-

Decisions

1. The appeals are dismissed.

Effect on the Architectural and Historic Interest of the Listed Building

2. The appeal site lies in an isolated position a significant distance from any residential unit other than Plash Farmhouse. The Farmhouse is listed Grade II and its garden and outbuildings are at a higher level than the agricultural structures, which are predominantly arranged to form a farmyard and are curtilage listed. They include an old henhouse, workshop, timber store, tractor shed, another henhouse and a cowshed with pens to the rear. The buildings are simple, utilitarian, structures reflecting their rural agricultural nature. The farmyard makes an important contribution to the setting of the listed Farmhouse.
3. The proposal would include the demolition of the henhouse, tractor shed and canopy to the timber store and the conversion and extension of the cowshed and pens to create a three bedroom dwelling completing the enclosure of the farmyard at this corner. The proposed extension would have the same ridge height as the existing building and its depth would require a complicated roof form out of character with the surrounding simple buildings. Whilst the proposal would contribute to the sense of enclosure of the farmyard, its scale and massing would mask a significant part of the original cowshed detracting from the appearance of the original structure. Although the proposal would not be visible from any public vantage point that would not make harm to the heritage structures any more acceptable.
4. In addition, new openings would be formed and whilst these might be practical in terms of layout, they would have a horizontal emphasis rather than the vertical emphasis of the existing building. In particular, the vertical openings

that give access to the pens would be replaced by two much larger openings. Moreover, the surrounds to the openings on the south elevation would project from the building, albeit that the window to the kitchen would be recessed for the practical reason of being reachable to open and close it. The appellant questions why a new 21st century dwelling should attempt to resemble an agricultural building and as a consequence of this approach, and the proposed features, the agricultural heritage asset would have a modern, suburban, appearance totally out of keeping with, and significantly detrimental to, the rural agricultural setting of the listed Farmhouse.

5. Guidance can be applied in a flexible manner and I note the appellant's view that the Council has imposed excessive design limitations and been given conflicting advice. The use of timber boarding and tiles would be appropriate but the narrowness of the cowshed makes any proposed change of use difficult. I understand that the works to the cowshed would meet the needs of the appellants and could help its future preservation. However, these matters would not justify the harm that the proposal would cause to the heritage assets, contrary to the duties imposed by Sections 16(2) and 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the aim of paragraph 132 of the *National Planning Policy Framework*. The proposal should be refused in accordance with *Framework* paragraph 133.

Other Matters

6. I note that possible compromises have been suggested but these are not part of the applications and so are not matters for my consideration.

K D Barton

INSPECTOR