

06/2006/002

PORTLAKE HEATHFIELD DEVELOPMENTS

**ERECTION OF DWELLING AND GARAGE AT LAND TO REAR OF 9 CHURCH STREET, BISHOPS LYDEARD (REVISED APPLICATION 06/2005/021) AS AMENDED BY AGENTS LETTER DATED 7TH FEBRUARY, 2006 AND DRAWING NO. 11205/1/A AND AMPLIFIED BY SLOW WORM MITIGATION METHOD STATEMENT RECEIVED 24TH FEBRUARY, 2006**

16903/29803

FULL

---

## **PROPOSAL**

The proposal comprises the erection of a single storey dwelling in the rear garden of 9 Church Street. Members will recall that granted permission for a dwelling on this site was granted at the 6<sup>th</sup> July, 2005 meeting.

This detailed application proposes a dwelling incorporating a combination of natural stone and rendered walls, with a slate roof. The dwelling is designed in the form of 3 blocks with differing roof pitches in a 'L' shape, incorporating an integral garage. A turning area within the site is also proposed.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objections. The Highway Authority are fully aware that the existing access is far from ideal in terms of visibility when emerging, however it has an existing use and taking into account that the Highway Authority did not object to the previous application it may be unreasonable to raise an objection at this stage. The raised pedestrian footway in front of the properties to the north of the access hinders visibility however the vehicles that park on-street directly in front of this footway allows a greater width of road for emerging vehicles to pull out and join traffic. The comments of the previous application 06/2005/021 therefore equally apply to the present application. WESSEX WATER no objections, informative notes should be added requiring separate foul and surface water and that Wessex Water infrastructure should be protect and connection thereto should be agree.

NATURE CONSERVATION AND RESERVES OFFICER no objections subject to conditions agreeing the mitigation measures for slow worms. DRAINAGE OFFICER no comment.

PARISH COUNCIL objects to the proposal for the following reasons:- hazard to vehicular traffic and pedestrian movement along Church Street/High Street through limited visibility upon egress onto highway from the existing access adjacent to 9 Church Street; hazard created by increased traffic movements to pedestrians using the footway steps, being in close proximity to the access and the Almshouses; lack of visibility through the legal parking of vehicles on the highway in the immediate vicinity; the influence upon vehicles emerging from 9 Church Street by other

vehicles using the West Street junction as a turning circle. The Council is also aware of correspondence from Somerset County Council, Transport Development Group (TDG) to the planning authority commenting on this application and that the Group reiterate comments upon the previous application 06/2005/021. TDG letter dated 17th February 2006 would, in essence, appear to lack commitment to highway safety issues, particularly the second paragraph. Quote "The Highway Authority are fully aware that the existing access is far from ideal in terms of visibility when emerging, however it has an existing use and taking into account that the Highway Authority did not object to the previous application it may be unreasonable to raise an objection at this stage". TDBC, Development Control, 9th March, 2006. The third paragraph of the letter would also appear to be in conflict with highway safety. "The raised pedestrian footway in front of the properties to the north of the access hinders visibility however the vehicles that park on-street directly in front of this footway allows a greater width of road for emerging vehicles to pull out and join traffic". A senior, and well experienced, member of the Transport Development Group was of the opinion, during a site meeting in the vicinity of the application site location, that the visibility along the highway by a vehicle driver emerging from 9 Church Street would be limited, being basically non-existent to the north and that extreme care would be required to enter the flow of traffic to the south. This expressed opinion would also appear to be in conflict with the TDG letter to TDBC dated 20th June 2005 and amplified by comment within the 17th February 2006 letter. Quote. . ."advise . . no objections in principle from a highway point of view . ." It should be noted that application 06/2004/070, dwelling to the rear of 23 Mount Street, Bishops Lydeard, was refused planning consent by reason of unsatisfactory existing access, poor visibility, inadequate site frontage to provide adequate visibility splays and increased use of existing access together with generation of additional conflicting traffic movements . . . prejudicial to road safety. From the above observations and correspondence extracts an important question is posed to the planning authority, what, essentially, is the differentiation of parameters of two fundamentally similar planning applications? It is not surprising that communities exhibit less than satisfactory confidence with decisions by planning authorities observations, hereinbefore quoted, may be accepted in determination process of applications for development.

ONE LETTER OF OBJECTION has been received raising the following issues:- the garden of 9 Church Street is 1 - 3 feet higher than that of 10 Church Street and therefore the building would be higher than normally expected that will result in overlooking of our garden and house; windows should therefore be kept to a minimum or should be obscurely glazed; what is the acceptable height of a building and how high must adjoining walls be?; the proposal may cause damage to the boundary wall that is of poor repair; the roots of a large gum tree will be damaged by a tarmac turning area as would any soakaways; the Victorian sewers cannot accommodate the additional capacity; there is appalling visibility at the access with Church Street and may encourage more on street parking; the proposal will double the amount of vehicles currently using the access; there is no benefit to the conservation area or the façade of 9-10 Church Street.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development and Policy 49 – transport requirements.

Taunton Deane Local Plan Policies S1 covers general requirements, including highway safety. Policy S2 of the same plan provides guidelines for the design of new developments, Policy H2 (housing), M4 (parking), EN14 (Conservation Areas) and EN16 (Listed Buildings) are relevant to this application.

## **ASSESSMENT**

The previous outline approval established the principle of a dwelling on this site and the proposed use of the existing access with Church Street. The Parish Council have commented at length over access and parking issues relating to this proposal and in Bishops Lydeard in general. The Highway Authority have recognised the latter issues. However, they have raised no objections to the proposal subject to conditions of parking and properly surfaced turning areas. The proposal will provide adequate parking for 2 vehicles within the application site and therefore should not increase parking on the highway.

In terms of design the single storey dwelling comprises of three ridge levels to the garage and 'L' shaped dwelling. The step in levels helps to break its massing that would otherwise result in uniform expanse of roofslope. Likewise the building itself is staggered that adds interest to the design as opposed to uniform straight, uninterrupted flank walls. The proposal also incorporates natural stone and rendered elevations with a slate roof that are considered compatible with its location. It is worth noting that the Almshouses managers dwelling to the north of the application site is a single storey dwelling in a similar position in relation to Church Street as the proposed dwelling. The design is therefore considered to maintain the character and appearance of the Conservation Area, visual amenity of the area and setting of the nearby Listed Almshouses.

The single storey nature of the dwelling, distance from neighbouring properties, screening from trees, existing planting and stone walls mean that the proposal will not result in any windows overlooking neighbouring properties. Whilst it is recognised that there is a small difference in levels between the garden of 10 Church Street, the proposal is still not considered to unduly overlook the neighbouring properties. The only windows facing the rear of 10 Church Street would be located some 40 m away. The remaining windows are at oblique angles to neighbouring properties. Coupled with an abundance of screening it is not considered necessary to use obscurely glazed glass. A large proportion of the proposed dwelling is some 8 m from the south boundary, only the furthest part of the dwelling is 1 m from the boundary. Considering the latter and that the proposed dwelling would be a modest 5.5 m in height the proposal is not considered to cause an overbearing affect on neighbouring properties nor cause a detrimental loss of light. The proposal is therefore not considered to detrimentally affect the residential amenity of the area.

The previous outline application revealed that slow worms are present on the site. This proposal was accompanied by a wildlife species survey and further mitigation measures to translocate any slow worms found. The latter details have been approved by the Nature Conservation and Reserves Officer.

With regard to other issues raised, Wessex Water has invited the developer to agree connection to its infrastructure prior to commencement. Conditions are also proposed to agree the position of soakaways and the construction of the turning area so as not to affect tree roots. Any damage caused to boundary walls during construction is considered a civil issue.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, landscaping, walls and fences, turning space, parking, services underground, hard landscaping, removal of Permitted Development rights for extensions, outbuildings, windows and fencing, surface water drainage. Notes re connection to Wessex Water infrastructure, energy conservation, water conservation, surface water drainage and implementation of slow worm mitigation measures.

**REASON(S) FOR RECOMMENDATION:-** The proposal for residential development, is located within defined settlement limits where new housing is encouraged. The proposed access would be satisfactory and the development would not have a detrimental impact upon visual amenity, residential amenity, or the character and appearance of the Conservation Area and the setting of adjacent listed buildings. As such the proposal accords with Taunton Deane Local Plan Policies S1, S2, H2, EN14, EN16 and M4.

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

**CONTACT OFFICER: 356469 MR R UPTON**

NOTES: