

**DEMOLITION OF BUNGALOW AND ERECTION OF REPLACEMENT DWELLING
AND GARAGE AT 28 MOUNTWAY ROAD, BISHOPS HULL**

Grid Reference: 321186.124593

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

RECOMMENDED CONDITION(S) (if applicable)

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Location Plan
(A3) DrNo 199/L2 Block plan
(A2) DrNo 199/L3 Site layout plan
(A3) DrNo 199/G1 Rev A Lower Ground Floor Plan
(A3) DrNo 199/G2 Rev A Upper Ground Floor Plan
(A3) DrNo 199/G3 Rev A Elevations Sheet 1
(A3) DrNo 199/G4 Rev A Elevations Sheet 2
(A3) DrNo 199/G5 Rev A Typical Sections
(A3) DrNo 199/G6 Garage general arrangement
(A3) DrNo 199/G7 Site sections

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

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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. The access and area allocated for parking and turning shall be hard surfaced before the dwelling hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling hereby approved, details of which shall be submitted to and approved in writing by the Local Planning Authority beforehand.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

6. The area allocated for access, parking and turning on the submitted plan (Drawing: 199/L2 and L3) shall be kept clear shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. The windows in the north elevation shall be glazed with obscure glass in

accordance with details that shall first have been agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Taunton Deane Local Plan Policy S1.

8. 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), no window/dormer windows shall be installed in the North and South elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents in accordance with Policy S1(E) of the Taunton Deane Local Plan.

9. 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, addition or outbuilding, including alterations to the roof, other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: Unique reason example: to prevent over development in an area of housing at unusually high density; to protect the character of the area in accordance with Policy S1(D) of the Taunton Deane Local Plan.

10. 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 the advice of David F Wills submitted report, dated February 2011 and include:
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.

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 and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law in accordance with PPS9.

Notes for compliance

1. 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.

PROPOSAL

The proposal comprises the demolition of an existing bungalow, being replaced with a two storey dwelling. The proposal also includes a new double garage with parking and turning area within the site.

The proposed dwelling has been designed with a low pitched sloping roof and with non-opening windows, allowing the property to be mechanically ventilated with heat recovery. The garage has a similar design as the proposed dwelling, with a low pitched sloping roof and solar panels are proposed on the roof of the garage to heat water for the property.

The dwelling and garage will be finished in a smooth render, painted or self coloured with a metal or single ply membrane. The windows and doors will be constructed in aluminium.

The submitted application has been amended, removing a proposed balcony on the West elevation.

SITE DESCRIPTION AND HISTORY

The site is located off Mountway Road via a private lane that leads to 28 Mountway Road and a garage block. The site is adjoined by a detached pitched roof bungalow to the south and shares the northern boundary with the rear gardens of properties on Mountway Lane, these dwellings are also bungalows.

Timber fencing forms the majority of the boundary treatment, with some hedging. Small trees (apple) and conifers are found within the site.

The southern/eastern end of the site is higher than the land to the west of the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection raised:

- Direct replacement of existing dwelling, vehicular movements would remain unchanged.
- Dwelling is located on private road. At point of private road joining Mountway Road I am satisfied that suitability visibility can be achieved in either direction.
- Internal layout in keeping with parking standards and site will also provide a

- turning area to allow vehicles to leave in forward gear.
- Suggested conditions for consolidated surface, surface water, limit use of garage.

BISHOPS HULL PARISH COUNCIL - Objection raised:

- Design not sympathetic to surrounding houses, out of keeping.
- Loss of privacy, 'upside down' nature of the design, will mean living room and balcony will overlook surrounding gardens.
- Neighbours concerned about access difficulties during demolition and reconstruction.

NATURE CONSERVATION & RESERVES OFFICER -

- Precautionary approach in demolition of building; support suggested enhancement proposals for bats.
- Slow worms may use garden; support recommendation to make refuge for reptiles along northern boundary of garden.
- No sign of birds in building, but is likely that garden offers potential for nesting birds.
- No badger setts found on site; surveyor aware of badger activity within the vicinity.

Representations

TWELVE LETTERS OF OBJECTION: -

- Damage to private road to be made good by developer, not by members of the Trust.
- Would require written confirmation that any damage to lane was made good as lane not designed for heavy goods access. Previous planning condition that area of lane joining junction of Mountway Road to our property (24 A Mountway Road) was made good.
- How are they going to get access with lorries and heavy machinery.
- Trustees grant permission to let occupiers pass over property and park on their own land and object to moving of the entrance. Deeds state that no commercial or trade vehicles are allowed to park in area outside of dwelling.
- Loss of privacy, as balcony planned, overlooking rear gardens.
- Two storey dwelling would affect privacy; Loss of privacy from first floor kitchen/lounge windows.
- North elevation of bungalow has no windows; proposed dwelling contains 6 windows and 1 door, and will impact on privacy.
- Single storey dwelling more in keeping with area.
- Not in keeping with the surrounding area.
- Footprint of dwelling skewed so North corner of proposed dwelling closer to boundary of 6 Mountway road.
- Nature of 'box' shape would dominate garden; more visually intrusive
- Loss of southern light.
- Loss of outlook.
- Object to additional waste flow to main sewer that runs through my property, 4 Mountway Lane. There have been continuous problems which on several occasions have resulted in raw sewage spilling into the gardens; also runs through back/front garden of 5 Mountway Lane, while present family have lived at 28 Mountway Road have had sewage people out on several occasions to unblock drains, hope problem does not arise with new building.
- Disruption and impact on elderly neighbours, causing anxiety to community.

- More eco-friendly to upgrade and extend existing bungalow.
- Plot higher than some adjoining neighbouring properties.
- Removal of apple tree will remove some existing screening and reduce privacy.
- What will happen to existing hedge?

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 M4 - TDBCLP - Residential Parking Provision,
 STR4 - Development in Towns,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 PPS3 - Housing,
 PPS9 - Biodiversity and Geological Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations of this application are the design of the proposal, the impact on residential amenity and the use of the private access track.

Design

The dwelling has a modern design, with a sloping low pitched roof, the use of smooth render and fixed windows to make the house energy efficient. Though this design does not replicate the adjoining bungalows, it does not make it unacceptable. The surrounding area of Mountway Road, Mountway Lane, and the private lane leading to the site has a variety of two storey and single storey dwellings. The dwelling is sited at the end of a private lane, not visible to the public. The dwelling is not considered to harm the character of the area and provides some interest.

Residential amenity

Objections have not been directly made with the regard of the design of the dwelling, but more to do with the impact of a two storey dwelling and being out of keeping with the adjoining properties.

The levels of the site have been lowered, particularly at the eastern end, this allows the dwelling to sit lower into the site, and sits lower than the adjoining dwelling (no 26). Lowering the site also allows the height of some parts of the proposed dwelling to be kept at the same height of the ridge of the existing bungalow.

The northern elevation is closest to the boundary of the properties in Mountway Lane. In this case the proposed dwelling is sited between No 5 and No 6.

Though the corner of the dwelling will be closer to the boundary of No 6 (2m), the dwelling does not project as far as the existing bungalow, a reduction of 2m. Furthermore, the new dwelling will be approx 14m away from the bungalow. It is recognised that the outlook from the property of No 6 will differ as the sloping roof of the bungalow will be replaced with a wall. However, over half of the width of their garden will remain with no development in front. Given the distance from the bungalow to the new dwelling and the positioning of the new dwelling, there is considered to be sufficient light to enter the garden and property.

As with No 6 Mountway Lane, only part of the rear garden on No 5 Mountway Lane will look directly onto the proposed dwelling. The proposed dwelling, at its closest will be 11m from this neighbouring dwelling. Though towards the eastern end of the site the new dwelling is slightly higher than the existing bungalow, this section of the dwelling is set a further 4m away. As above, it is recognised that the outlook of this property will be affected, though a proportion of their garden will still allow light to enter into the dwelling and garden.

The proposed garage is sited near to the existing garage block to the rear of 4 Mountway Lane. Given the distance from the garage to the dwelling (17m) and the low pitched roof, the garage is not considered to harm residential amenity.

On balance, the proposal is not considered to have a detrimental impact on the amenity of the neighbouring properties.

Overlooking

One of the main concerns of this dwelling was the proposed first floor balcony that would have caused a loss of privacy to the adjoining properties. As stated within the description, the balcony has now been deleted from the proposal and will no longer cause any loss of privacy.

There have been some other concerns regarding windows within other elevations.

Northern elevation has two ground floor windows serving a bedroom and a en-suite; there is also a door to an utility room. When taking into account the boundary fence (1.8m) there is not considered to be any overlooking. The two first floor windows serve a dressing room and bedroom (second window for light), the agent has confirmed that these two windows will be fitted with obscure glazing.

Southern elevation has three ground floor windows; these windows will also be obscured by the boundary fence. The three first floor windows face onto the gable of the neighbouring dwelling (no 26) and serve the kitchen, living room and stairwell. There is a window within the gable elevation of No 26. The agent has confirmed that the cill height of this gable window is approx 400mm above the head height of the proposed windows within the new dwelling. As such, it is considered that these windows would not cause any detrimental loss of privacy to the neighbouring property.

Western elevation. As amended, removing the balcony, any windows within this elevation is not considered to cause any undue loss of privacy. This elevation would look onto the garden and would not be different to other residential properties within the area. At an angle, the property of No 7 Mountway Lane would be approx 17m away from the proposed dwelling, and this distance is considered acceptable.

Eastern elevation, this elevation looks onto the garage block and does not overlook any properties.

Highways

The Highway Authority have not objected to this proposal and recognise that there will be no increase in traffic movements. Furthermore, the site can provide sufficient parking and turning within the site. Some conditions requested by the Highway

Authority are reasonable and are recommended to be attached to any grant of permission.

The main issue arising is with regard to the use of the private lane and the use of the lane to allow commercial/trade vehicles to park and the repair of the lane, if damaged. As the lane is private, and managed by a Trust, it is considered their responsibility as to whether access is allowed, and is a civil/legal matter that is not material to this decision.

In any case, the agent has responded to the concerns raised by the Trust who manage the lane and has confirmed the following:-

- Contractor to be aware that parking is not allowed on site or access lane.
- Contractor to work closely with neighbours that access is not impeded and construction traffic has clear and safe passage as required.
- Full written and photographic condition survey of access taken at beginning and end and any damage to be made good under terms of building contract.
- Intention to invite interested parties to a meeting with design team and contractor prior to start.

However, as noted above, it is not considered that this could be the subject of planning conditions.

Landscape

The site has some existing apple trees and conifers, as well as some hedging. The application form states that alongside the proposed timber boundary fence, the hedging would be retained. Trees to the west of the site will be retained and four smaller apple trees would have to be removed. The loss of the trees are not considered to harm the visual amenity of the area. Furthermore, a condition is recommended for a new landscaping scheme that may be able to identify sites for some replacement planting.

Drainage

As some concern has been raised with regard to drainage. It is not considered that the replacement dwelling will significantly increase demand on the mains sewer. Wessex Water would be responsible for the sewer

Wildlife

A wildlife survey has been submitted as part of the application. The survey indicates the past use, and occasional summer use, of the bungalow roof by bats (no licence required); the possibility of slow worms; potential for nesting birds within the garden; no badger setts within the site, though aware of activity within the vicinity. The report has suggested a number of recommendations, including the provision of new bat roosts and a habitat for slow worms. The Nature Conservation Officer has suggested a condition to ensure the recommendations of the report are undertaken.

As such, it is considered that implementing the suggested recommendations and by providing mitigation for the bats, the proposal can be constructed without any undue harm to protected species.

Conclusion

The proposed replacement dwelling is not considered to have a detrimental impact on the amenity of the neighbouring properties or surrounding area. The dwelling has been designed, and amended, to minimise the buildings impact within the surroundings. Any potential wildlife within the site can be accommodated by implementing recommendations from within the wildlife survey and additional tree planting will be welcomed within the site. The proposal is therefore considered acceptable.

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

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