

06/10/0008

MR B BURKE

ERECTION OF DWELLING AND GARAGE IN GARDEN OF FROG HOUSE, 43 MOUNT STREET, BISHOPS LYDEARD

316872.129272

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The development would be accessed via a private drive that does not afford adequate visibility from or of vehicles emerging onto the public highway. It does not incorporate the necessary visibility splays which are essential in highway safety and it is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.
- 2 The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and S1 of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

This application seeks full planning permission for the erection of a dwelling. It would be two storey, with half dormer windows, such that the first floor rooms were set partly into the roof. The windows would be of timber, set in stone elevations (except the rear which would be rendered) under a natural slate roof. A garage would be provided to the northeast of the main dwelling, linked via a single storey utility room. Access would be provided from the existing private drive from Mill Lane, providing a parking/turning area that would give way to a new drive leading up to Frog House. The existing garage would be demolished to form the new access and a number of small trees surrounding the garage would be felled. A mature tree on the eastern site boundary would also be felled to make way for the access. The site would be separated from Frog House by a new timber fence.

SITE DESCRIPTION AND HISTORY

The site, in the centre of Bishops Lydeard, comprises part of the gardens and

existing garage belonging to Frog House. Frog House itself is a large detached dwelling that fronts Mount Street, with a front door accessed from a private layby/hardstanding area between it and the public highway to the west. Its south elevation has a number of large windows facing the garden and application site.

The garden itself is generally flat, although it does slope up to the south to meet Mill Lane, which is at a higher level than the main garden. It contains some small trees, within the site, but the main planting and mature trees are along the site boundaries. The garage is a stone built structure with a corrugated sheet roof. The eastern site boundary is a low timber fence and conifer hedging, which separates the site from the neighbouring dwellings of Mill Lodge and Foxs Barn. Foxs Barn has a gable end window/door facing the site with steps down from first floor level. The southern and western boundaries are formed by a stone wall which provides a clear hard edge between the public realm and application site. There is a small arched gateway in the south western corner, at the junction with Mount Street and Mill Lane. To the west, over the public highway, a further neighbouring property, the listed Warre House faces the site, with first floor windows visible above its stone boundary wall. To the south, across Mill Lane is the end wall of the listed 44 Mount Street.

There is an existing vehicular access to the garage at the south of the site, via a private drive that also serves Mill Lodge and Foxs Barn.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Initially objected to the application raising concerns that the parking and turning area does not meet SCC standards noting that the erection of a wooden fence separating the new dwelling from the driveway for the existing dwelling does not help the situation. The Highway Authority also consider that the private access road runs at an angle to Mill Lane and is not perpendicular. This substandard alignment results in a lack of visibility for vehicles emerging from the private road onto Mill Lane to see and be seen. In addition, there is a pinch point on the private access road, whereby it would be difficult for two vehicles to pass each other and could lead to reversing onto the highway close to the junction.

In addition, the private access is located in close proximity to the junction of Mill Lane and Mount Street, whereby the visibility of vehicles emerging from the private lane and forward visibility of vehicles turning left from Mount Street into Mill Lane is restricted. It is, therefore, considered that an additional dwelling and its associated traffic movements would lead to additional conflicting traffic movements and further exacerbate a substandard arrangement to the detriment of highway safety for all road users.

Whilst it is appreciated that this is an existing situation, the Highway Authority would not welcome new development that seeks to utilise substandard points of access onto/from the public highway, unless suitable improvements can be made.

Following the receipt of these comments, the applicant appointed a highway consultant to provide a rebuttal to the Highway Authority's comments. The main

points raised are:

- There is sufficient forward visibility along Mill Lane for vehicles approaching to take evasive action should a vehicle emerge from the site.
- The users of Mill Lane will likely be familiar with the situation.
- Traffic using the Mill Lane/Mount Street junction will be low in number and will be travelling slowly.
- There are no recorded accidents at this junction.
- The turning area can be enlarged through the removal of the dividing fence between it and the access drive for Frog House.
- There is sufficient space on the access drive for vehicles to be able to stop before the pinch point and sufficient forward visibility to see them approaching.

The Highway Authority have further responded to these comments stating that a great deal of emphasis has been made to the reliance of other the drivers on the highway driving with due care and attention and having sufficient forward visibility and time to see vehicles emerging and stopping in the event of conflict. However the Highway Authority considers that highway safety should not be solely dependent upon forward visibility if emerging visibility is substandard. There is also a need for emerging traffic to see approaching vehicles, pedestrians, cyclists and horses etc.

Irrespective of the number of vehicles that currently use Mill Lane and the junction of Mill Lane onto Mount Street, and the speed of these vehicles, the fact remains that visibility for vehicles emerging is extremely substandard and new development which results in additional/new traffic movements should not be permitted unless improvements commensurate with the speed of traffic can be incorporated.

Just because there are no personal injury accidents reported in connection with the access, this does not deem that it is safe and doesn't mean that accidents or near misses have not occurred which due to their minor nature may not have been reported. In any event, an additional dwelling and its associated traffic movement would increase the likelihood of an accident occurring, without appropriate improvements being made to the access, which is unacceptable to the Highway Authority in terms of highway safety.

Therefore, the concerns of the Highway Authority remain relevant and the recommendation of refusal still applies.

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL – Objects to the application:

- The proposal is out of keeping with the character of the Conservation Area, which the Parish Council strongly wishes to preserve.
- The proposed access, both vehicular and pedestrian, is located on a dangerous blind corner.
- The Council has concerns over the increased volume of traffic onto Mount Street, which is already busy especially during peak hours.
- There appears to be a lack of adequate parking and turning space on the proposed site.
- The existing foul drain cannot sustain increased capacity from another dwelling.
- The loss of green space would not only be detrimental to the character of the conservation area, but would have a detrimental impact on wildlife in the area.
- The Council feels it is not possible to assess the visual impact of the proposal

- accurately from the plans provided, especially in respect of the roofline.
- The Council feels that the Conservation Officer's conclusion that the proposal would not have an impact on the Conservation Area contradicts the earlier statements in the report stating that the proposal would not enhance the character of the area.
 - Clause 7.2 in the conservation area appraisal stresses the importance of Green spaces in forming the character of the village.
 - Clause 8.4 of the conservation area appraisal states that the avoidance of development on remaining open spaces is important.

WESSEX WATER – The development is located within a sewered area, with foul and surface water sewers. The developer has proposed to dispose of surface water to a soakaway.

It will be necessary, if required, for the developer to agree points of connection to Wessex Water systems. This can be agreed at the detailed design stage.

CONSERVATION OFFICERS – Has the following observations:

Demolition of existing garage – The current garage occupies the site of a building shown on the late-19th Century OS maps and incorporates stonework likely to be from this period or earlier; it is therefore very likely that this building is the one shown on the maps, albeit adapted. The application does not address the potential significance of this building (i.e. does it have any historic value) or include sufficient information to calculate its volume – if it is over 115 cubic metres then conservation area consent is required for its demolition. My feeling is that the building is of insufficient importance to ask for a recording condition but would suggest that the applicant provides sufficient information for this to be assessed.

Setting of conservation area – This is a prominent and sensitive site within the conservation area, identified in the 2007 appraisal as an 'important green space'. Historically, this does not appear to have been a building plot and in character it appears to be a private garden. The proposed development will not add to this character.

Setting of the listed buildings (2 and 44 Mount Street) – The proposed development is set back off the street frontage. I do not consider that this will interfere with the setting of 2 Mount Street (opposite) or the view of No. 44 looking south along the street.

Design and materials – Overall the design does reflect other houses in the conservation area. There are two elements I am less keen on: the utility/lobby 'extension' which creates the garage link (I would have preferred a detached garage); and the east elevation rooflight, why is this required?

The materials are all in-keeping but I am not sure why the east elevation is to be rendered, unless to keep costs down. I would suggest that, if approved, conditions are added for samples of the materials; particularly the exposed stone work.

Summary – The proposed dwelling would not adversely affect the setting of the listed buildings or have a negative effect on the character and appearance of the Conservation Area. Provided satisfactory confirmation of the status of the existing

'garage' is forthcoming, I would not object on conservation grounds if a recommendation for approval, subject to conditions, is made.

HERITAGE AND LANDSCAPE OFFICER – My concerns are that the proposed new access way to the rear of the property will significantly damage tree roots to the detriment of the character of the conservation area. I recommend a full tree survey be undertaken to assess the health and amenity of trees.

Representations

Letter from Ward Member (Cllr Lewin-Harris): Does not support this application because of the impact on the conservation area. This stretch of Mount Street is one of the few parts of the village which has not been affected by 20th century development and this development would, without doubt, have a negative impact on this prominent and sensitive site which is highly visible as you walk or drive along the main route throughout the village. The site falls within zone 2 of the conservation area where open garden space is identified by the 2007 conservation area appraisal as being particularly notable. The appraisal also states that the avoidance of development on remaining open spaces forming the setting of the conservation area is important.

FOUR letters of OBJECTION has been received, raising the following issues:

- The loss of significant green space in a conservation area. The 2007 conservation area appraisal designated the site as a prominent and sensitive site. Development of this site will adversely affect the surroundings and the conservation area. Conservation is about the space between the buildings as well as the buildings themselves. The existing garden areas in this part of the conservation area are integral to its character and are a significant factor in the setting of the listed building. There seems to be little point in conservation area designation if the approach to infill is no more rigorous than outside.
- The proposal does not respect the character of the area. Surrounding properties enjoy reasonably sized gardens. The gardens for the plot and what is left for Frog House will be minimal in comparison.
- The design does not reflect the scale and character of houses in the area. It bears no resemblance to any one of the houses which adjoin it. In view of its proximity to Mount Street it would be intrusive in the street scene. The application is deficient in level information and full site sections are required if the impact of the development is to be fully assessed.
- The internal layout may not be achievable due to the limited head height at first floor level.
- It is accepted that the form and materials follow the local vernacular and that it is set back so as not to impede views of 44 Mount Street. However, this does not outweigh other concerns.
- It is stated that 2 Mount Street is at a higher level, which is not true.
- The Conservation Officer's comments are inconsistent.
- The loss of garden space across the country is deplorable from a visual and environmental perspective.
- Access to the site is difficult, in close proximity to the Mill Lane and Mount Street junction. The access lane is narrow and cannot accommodate the additional traffic that would be generated – the access would have to serve 4 properties in total.

- The proposed development has limited parking space and the turning area would appear to be too narrow for visitors and delivery
- The proposed pedestrian access on the corner of Mill Lane will encourage unsafe parking and visitors to stop.
- There will be overlooking from the first floor window to the private courtyard/garden of Foxs Barn. The impact on the outlook from Warre House (2 Mount Street) is enormous compared to the current view over the beautiful garden.
- The connection to the foul sewer has not been shown and the existing drainage connection across the site may not be adequate.
- There is a covenant preventing the indicated access to a new dwelling. If the access cannot be achieved, then a new access directly to Mount Street would be undesirable in terms of the visibility splays and alterations to the stone wall that would be required.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
 EN24 - TDBCLP - Urban Open Space,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 EN14 - TDBCLP - Conservation Areas,
 M4 - TDBCLP - Residential Parking Provision,
 STR1 - Sustainable Development,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 PPS 5 - PPS5 Planning for the Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the settlement limit of Bishops Lydeard and is, therefore, considered to be acceptable in principle. The main issues in the consideration of this application are the impact on the conservation area – including the design, siting and landscaping of the site – and the impact on highway safety. The impact on the setting of nearby listed buildings and the amenities of neighbouring residents must also be considered.

Conservation Area (including design, siting, layout and landscaping)

The site is within the Bishops Lydeard conservation area, set behind a stone wall with mature trees along the Mount Street boundary. The 2007 Conservation Area Appraisal identifies the site as an important green space, commenting that this part of the conservation area is characterised by an informal building layout brought about by the more frequent occurrence of large detached houses in spaces, with a greater use of brick, render and thatch in buildings.

It could, therefore, be argued that the site should not be developed as to do so would undermine its function as an important green space. However, it must be noted that the site is not readily visible from the public realm, being surrounded by stone walls and mature trees. It is clear from Mount Street that it is not built upon, but it is considered that the contribution that the site makes to the conservation area is essentially derived from the stone wall and trees. The proposed dwelling would be set behind the wall and the trees along Mount Street would be retained. Access would be derived from the existing driveway at the junction of Mount Street and Mill

Lane and the external characteristics of the site would, therefore, not be changed. It is considered that the features that warrant the designation as important open space would be unaffected by the development.

The dwelling itself is considered to be acceptably designed, being relatively low in height, with the first floor partly set into the roof space. The use of stone and natural slate picks up on the local palette of materials and, through the use of conditions, it could be ensured that a high quality finish with balanced timber casement windows and a good quality slate could be achieved. The Conservation Officer feels that the design and site layout is generally acceptable. He has raised some concerns about the rooflight in the rear elevation and the single storey linking section between the garage and the main dwelling. However, the rooflight is to the rear and would not be readily visible from the public domain, and the single storey section would be barely visible over the boundary wall. In any case, it is clearly subservient to the remainder of the structure and is not considered to harm the proportions of the proposed building.

The loss of the existing garage building is regrettable, since it may well be of 19th century origin. However, despite its age, it is a neutral building that is not fundamental to the character and appearance of the conservation area.

The Landscape Officer has raised some concern about the loss of trees on the site and has commented that a full tree survey should be submitted to allow this to be properly assessed. In actual fact, the proposal would only result in the loss of one large tree and this is to the rear (east) of the site. It is not considered that this loss would be detrimental to the amenity of the area and regardless of the findings of a tree survey, it would be acceptable in the context of the proposed development, since all trees along the site frontage would be retained. Other trees within the site that would be lost are small and make little contribution to the amenity of the area outside the site boundaries.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to ensure that any application is assessed with regard to the desirability of preserving or enhancing the character and appearance of the conservation area. As noted, the site is designated as important open space, but it is not considered that its development would be detrimental to the character and appearance of the area, as the wall and trees would be retained along the site frontages. Despite the apparent conflict with the appraisal, therefore, it is not considered that the conservation area would be harmed. Accordingly, it would be preserved in accordance with the above duty and as required by planning policy.

Nearby listed buildings

There are listed buildings adjacent to the site to the west and south. As with the character of the conservation area at this point, the setting of the listed buildings is generally derived from the relationship of the buildings to the streets and public spaces. As noted above, it is not considered that the character and appearance of the conservation area would be harmed and so it follows that the setting of the listed buildings would also be preserved, in accordance with the duty at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance in Planning Policy Statement 5.

Highways

The Local Highway Authority originally raised objection to the proposal on the grounds that additional traffic utilising the access would be detrimental to highway safety. Indeed, the access provides poor visibility in close proximity to the junction of Mount Street and Mill Lane and additional traffic could result in vehicles having to reverse back onto the carriageway if one was entering whilst another was leaving. Alterations to the access would affect the important boundary walls, which would be detrimental to the conservation area and not acceptable.

There has subsequently followed a series of discussions with the Local Highway Authority and applicant. In the first instance, the applicant proposed that Frog House be serviced by an existing layby on Mount Street, although the Highway Authority do not consider that this situation is acceptable, due to its insufficient dimensions.

Subsequently, the applicant has commissioned a further 'rebuttal' to the Highway Authority's recommendation. Interestingly, this makes no reference to the layby, so presumably the applicant's highway consultant is in agreement with the Highway Authority over the unsuitability of this proposal. Rather, the statement focuses on the original proposal to access both the existing and new properties from the existing junction onto Mill Lane. In commenting on this statement, the Highway Authority considers that too much emphasis is placed upon the need for other drivers already on the highway to drive with due care and attention, claiming that forward visibility is sufficient for them to stop should somebody emerge without warning from the access.

The applicant's highway consultant has not, however, addressed the deficiencies in visibility afforded to vehicles exiting the site. Your officers agree with the Highway Authority's contention that highway safety should not be solely dependent upon forward visibility if emerging visibility is substandard. There is also a need for emerging traffic to see approaching vehicles, pedestrians, cyclists and horses etc. even in a lightly trafficked situation such as this. In light of the above, the proposal is not considered to afford sufficient visibility to vehicles exiting from the site and a refusal on this basis is recommended.

The Highway Authority also raised concerns about a pinch point on the private access drive and shortcomings in the available turning space. The applicant's highway consultant has shown how there is sufficient space either side of the pinch point to prevent vehicles stopping or reversing onto Mill Lane when others are approaching. The Highway Authority still feel that this is substandard, and although refusal is not recommended on this ground alone, it adds weight to the unacceptability of the situation as a whole. An amended plan was submitted with the highway statement removing the dividing fence between the access drives to enlarge the available turning space. It is not, therefore, recommended that permission is refused on this ground.

Neighbouring property

The proposed dwelling would be sited approximately 15m from the front face of the dwelling to the west, the listed Warre House. It has already been explained why it is not considered that the proposal would adversely affect the setting of the listed building, but consideration must also be given to residential amenity. It is accepted that the separation distance falls short of the generally accepted minimum back to

back distance, but the relationship here is between front elevations, where there is already a degree of intervisibility from the street. The high boundary wall around the site means that intervisibility will not be possible between ground floor windows and given that the properties are separated by the street and this separation distance is greater than many other situations within the village, the relationship is considered to be acceptable.

To the rear, the first floor windows have the potential to overlook the private gardens of Mill Lodge and Foxs Barn, but windows are in excess of 11m from these boundaries and this is considered to be an acceptable distance. Foxs Barn has first floor access steps and a doorway in the gable end facing the site around 24m from the rear of the proposed dwelling. Other first floor windows are considerably further away. Windows in Mill Lodge face to the south and not towards the application site. With regard to these matters, it is not considered that there would be any unacceptable loss of privacy to these existing neighbours to the rear and the proposed dwelling would not be overbearing upon them.

The proposal does not show any windows in the north or south elevations. Therefore, there would be no loss of privacy to the existing Frog House to the north or 44 Mount Street to the South. Again, the proposal is sufficiently distanced from these properties not to be overbearing on them.

No other nearby property is considered to be unreasonably affected by the proposal and, with regard to these matters, the proposal is considered to have an acceptable impact upon neighbouring property.

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

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