

07/10/0016

MR RICHARD ADAMS

ERECTION OF TWO 4/5 BEDROOMED DWELLINGS IN THE GARDEN TO THE REAR OF GARDENERS HALL, BACK LANE, BRADFORD ON TONE

Grid Reference: 317413.12276

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed development would derive access via a track which does not afford sufficient visibility from or of vehicles exiting the site at its junction with Back Lane. It would, therefore, be detrimental to highway safety, contrary to Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.
- 2 The proposed development would derive access via a track which is of insufficient width to allow two vehicles to pass and would, therefore, lead to vehicles entering the site having to wait or reverse onto the highway in the event that a vehicle was leaving simultaneously. Such a situation would be detrimental to highway safety for all users of the road, contrary to Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

SITE DESCRIPTION AND HISTORY

The site comprises a rear garden area to a large detached house, Gardeners Hall. The area extends beyond a number of other residential properties, which lie to the east and southeast of the site. The 4 dwellings to the south of Gardeners Hall are bungalows, but Green Hedges beyond them, Centuries opposite the access track and The Nursery to the south of the site are all two-storey detached properties.

The site itself is a large, relatively flat area laid to lawn. There is a concrete block constructed out building in the northeastern corner. The eastern site boundary is formed by a post and wire fence, although there are some trees along this boundary, which separates the site from an adjoining agricultural field, farm buildings and a converted barn 'The Barton'. To the north, the boundary is a hedge, again separating the site from agricultural land, continuing across the boundary of 3 Gardeners Close, which borders the land proposed to be retained as garden to Gardeners Hall. Most of the eastern boundary of the site is presently open to the remainder of the Gardeners Hall curtilage, although hedges and some fencing form the boundary to the residential properties of Oxbarton, and Linden Lea at the southern end of this boundary.

The southern boundary is formed of a post and wire fence, which separates the site

from an access track. The boundary includes a metal gate, which gives an existing access into the site from this location. This track would give vehicular access to the site, it rises up from Back Lane at its western extent and is surfaced with loose stone/gravel as far as Linden Lea, from where it becomes a grass track serving the site and field to the east. Visibility from the track onto Back Lane is severely restricted, especially to the north, where Back Lane bends backwards slightly against the access.

There is no planning history relating directly to this site. However, land to the north of Gardeners Hall has previously been developed for housing and an attached building has been converted to a dwelling.

PROPOSAL

This application seeks full planning permission for the erection of two 4/5 bedroom two-storey detached dwellings. The dwellings would be sited such that plot 1 faced east, backing onto the neighbouring bungalows and plot 2 facing south, towards the access. Large garden areas would be located to the rear of each dwelling, with attached double garages provided alongside. The dwellings would be finished with natural stone and painted render, with clay tiled roofs and timber casement windows.

The application form suggests that a tarmac drive would be laid to the highway, but the full length of the access is not included within the application site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BRADFORD ON TONE PARISH COUNCIL – No objection in principle, but there are objections to the access, which is believed to be within the conservation area.

The current access and visibility splays are totally inadequate to accept any further traffic onto a narrow lane, which is used as a rat run. The property known as 'Centuries' which lies opposite the access to the proposed new properties is continually being damaged, particularly by heavy vehicles. Further development off Back Lane will only exacerbate this situation.

There is currently only one drain serving surface water from the properties along the access in question.

The property known as 'Green hedges' has a boundary abutting the access. At the present time, this is an 'open boundary, but the owners will consider reinstating their boundary wall, which would make access even more difficult.

SCC - TRANSPORT DEVELOPMENT GROUP – Details need to be denoted on the plan how access is derived from the public highway. Note that Bradford on Tone is deficient in services and is, therefore, not sustainable in transport terms. However, accept that the site is within the settlement limits and, as such, it would appear that there is a presumption in favour of small scale development. In terms of the detail:

"Back Lane is an unclassified highway and is subject to a 30mph speed restriction. From personal observations and experience, it is likely that the majority of through traffic would opt to take the route via Regent Street, rather than use Back Lane, however it is a well utilised Lane, given the number of properties that are located

here.

Back Lane is narrow (down to 3m in places), with a lack of designated passing places and no footways. This is not a location where the Highway Authority would welcome new development, which would generate significant additional traffic.

The existing access with Back Lane, for vehicles emerging is substandard and whilst I am aware it is already being utilised this is an historical arrangement, and it is imperative, in the interests of highway safety for all road users, that any new development is served by a suitable means of access from/onto the adjoining public highway.

The access onto the highway, will serve in excess of two and it should have a minimum width of 5m, to enable vehicles entering the exiting the site to pass each other and to avoid waiting or reversing onto the adjoining public highway, particularly given the constraints of Back Lane. It would appear that the access is not within the ownership of the Applicant to enable these improvements to be incorporated. It should also be noted this deficiency will mean that this access road is not considered appropriate for adoption by SCC.

...It is imperative, in the interests of highway safety, that adequate visibility is incorporated to serve any new development being proposed.

Visibility splays, as set out in "Manual for Streets", based on co-ordinates of 2.4m x 43m in each direction to the nearside carriageway edge would be appropriate in this location, with no obstruction greater than 900mm. Having visited the site, I am not convinced these splays can be provided as this will be dependent upon what land is owned/controlled by [the applicant].

Maximum parking levels [3 spaces] should be applied in this location, given the village is considered to be unsustainable in transport terms... There is sufficient space within the site for the parking and turning of vehicles to be incorporated.

Taking the above points into consideration if the required visibility splays cannot be provided that are considered essential in the interests of highway safety, a recommendation of refusal will be forthcoming by the Highway Authority".

HERITAGE AND LANDSCAPE OFFICER – Subject to the strengthening of the eastern boundary hedgerow and retention of the existing trees, the wider landscape impacts will be reduced.

WESSEX WATER – The development is located within a sewered area. It is recommended that the Council should be satisfied that the proposal to dispose of surface water to a soakaway is satisfactory.

In terms of water supply, there are mains within the vicinity of the site, although there are on-going low pressure problems and only a minimum standard domestic provision can be made.

CONSERVATION OFFICERS – The proposed development would be approximately 60m east of the Bradford-on Tone conservation area. It would not be visible from within the Conservation Area and would, therefore, have no impact on its setting.

Representations

4 letters have been received objecting to the proposal, raising the following issues:

- The track has dangerous access. Visibility is poor on egress and there have been 2 accidents, including between a car and motorcycle, and a number of near misses. The development could produce 6-8 additional vehicles. There are currently 5 dwellings served from the track, so there will be a 50% increase in traffic.
- Previous applications for development from this access have been refused.
- The access point on Back Lane is the narrowest part of the lane – turning into the access is difficult. There are no footways, so accidents could involve pedestrians.
- The development is likely to increase flooding in Back Lane – the track is already a torrent in heavy rain.
- The track cannot take construction vehicles or refuse lorries being only 4m wide.
- A private sewer runs through plot 1. Linden Lea and Southay have access rights for maintenance. Mains services are not readily available on the site.
- There will be further erosion of the countryside – this was once a Greenfield site and only became part of the settlement boundary when Gardeners hall purchased it as Garden land.
- The development would require the removal of an 11,000 Volt transformer, which supplies power to the eastern part of the village.
- Question whether the mains sewer is adequate.

1 Letter of comment has been received raising the following points:

- The applicant does have a right of access to the site, but it is not owned by the applicant and has been included in the application site.
- The traffic statement does not account for continued access into the field beyond the site and may be flawed.

8 Letters of support has been received, raising the following points:

- The proposal is in no way detrimental to the surrounding properties or countryside.
- The houses shown are of a high quality, in keeping with the village as a whole and would compliment the site and surroundings.
- It is not an overdevelopment of the site.
- The additional traffic in Back Lane would be minimal.
- Bradford on Tone needs more good sized houses to help meet a need and encourage more families into the village.
- Additional dwellings will help to maintain the village pub, which struggles to survive.
- They would not overlook or impose on any adjoining/nearby property.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,
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,
PPG13 - Transport,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the determination of this application are considered to be the principle of the development, the impact on highway safety, the impact on neighbouring residents and the impact on the character of the area.

Principle

The site is within the settlement limit of Bradford on Tone. As noted by the Highway Authority, the settlement is deficient in basic services, which suggests that the development may not be 'sustainable' in transport terms. However, it is considered that the presence of the settlement limit gives a presumption in favour of development and, on that basis, it is considered to be acceptable in principle.

Highway Safety

The site is accessed from Back Lane via a narrow private track which already serves 5 dwellings and a field. The access has poor visibility at its junction with Back Lane in terms of emerging and forward visibility. Indeed, when travelling south down Back Lane, it is almost entirely concealed from view.

Back Lane itself is narrow and has no footways. However, it already serves a significant number of dwellings. It is not considered that the minimal increase in traffic along Back Lane would cause a detriment to highway safety. However, there will be a significant increase in the amount of traffic using the access point onto the Lane – the track currently serves 5 dwellings and a further two dwellings would see an increase of 40% taking the number of dwellings alone, and not accounting for the Highway Authority's recommendation that 3 parking spaces should be provided per dwelling for properties of this size. As noted, visibility is limited, and is constrained by neighbouring residential development. It seems, therefore, that there is no opportunity to improve the visibility due to land ownership constraints, notwithstanding that this would be undesirable given the detriment that may be caused to the visual amenities of the area and the character and appearance of the conservation area, the border of which is along Back Lane. The applicant has suggested that the small increase in traffic arising from the development would not cause a detriment to highway safety, but the Highway Authority does not concur, and your officers feel that there is no reason to disagree with that professional advice from the County Council.

In support of their application, the applicant refers to planning permission 07/06/0028 for a dwelling at The Old Nursery, accessed from the same point on Back Lane. However, this was a proposal for a replacement dwelling and so does not carry any weight in terms of its impact upon the highway network.

Neighbouring residents

The dwellings have been designed in such a way that minimises overlooking to the

neighbouring residents. Plot 1 is sited adjacent to Linden Lea, the closest neighbour, in the southern part of the site, but the main dwelling will face down its own private garden, some 33m from that rear boundary, at right angles to this existing neighbour. It is considered, therefore, that there would not be any unreasonable overlooking of this dwelling. Similarly, the proposed dwelling is sufficiently distanced from the established neighbouring boundaries not to cause any overbearing impact upon those existing dwellings. Similarly, the proposed dwelling on plot 2 is in excess of 30m and at an angle to 3 Gardeners Close to the northwest.

Character of the area and design

Bradford on Tone is characteristic of a settlement that has steadily evolved over many centuries, always attracting fairly modest amounts of development at any given time. Therefore, there is no prevailing style or vernacular from which to draw inspiration for new development. Render and stone, however, are probably the most common facing materials in this part of the village and the development is, therefore, considered to respect this context.

The design of the dwellings themselves are considered to be well proportioned and, although large and fairly bulky, are not out of place, given the proposed plot sizes. The choice of materials and finishes appears to indicate a development of a high quality and, therefore, it is considered to be acceptable. Whilst external chimney stacks are not particularly characteristic of this part of Somerset, there are other examples of these within the village.

Whilst Back Lane is within the conservation area, the site itself is not. The conservation officer considers that the development would not adversely affect the character and appearance of the conservation area and, given that no alterations are proposed to the access and the site itself is behind other development in respect of the conservation area boundary, this view is accepted.

When viewing from the open countryside, the site already forms the residential boundary of the village with surrounding agricultural land. This boundary is currently weak in terms of soft landscaping, and the proposal would offer the potential for additional landscaping. Provided that this was secured, the landscape officer is satisfied that the proposal would be acceptable in terms of its landscape impact.

In light of these considerations, the proposal is considered to be acceptably designed, not impacting unreasonably upon the character of the area.

Other matters

The application is accompanied by a wildlife survey, which indicates that there is no notable presence of protected species on site. Neighbouring land owners have noted the need to retain access to the adjoining field, the presence of sewers on site and the difficulty of getting services to the site. It is also noted that an electricity cable and transformer would have to be relocated if development were to proceed. However, these are civil matters that any developer would have to resolve outside the planning system. Wessex Water has confirmed that sewerage and water supply infrastructure is adequate for the proposed development.

Conclusion

The proposed development is considered to be acceptable in principle and would not impact unreasonably upon other nearby property or the visual amenities of the area. However, the access to the site is considered to be substandard in terms of its width and visibility at the junction with Back Lane. It is, therefore, considered to be detrimental to highway safety. There are no other material considerations which outweigh this objection and a refusal on this basis is, therefore, recommended.

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

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