

07/11/0023

MR HUGH PHILLIPS

OUTLINE APPLICATION FOR THE ERECTION OF A DWELLING AND SHARED GARAGE IN THE GARDEN OF 1 GARDENERS CLOSE, BRADFORD ON TONE

Grid Reference: 317414.122866

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity, the character of the area or the local highway network and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design); or Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 (Transport Requirements of New Development).

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

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

(A4) DrNo 11-248/PA-001 Location Plan and Site Layout

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Details of all boundary treatment shall be submitted to and approved by the Local Planning Authority as part of the details submitted pursuant to condition (1). The agreed details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

Reason: In the interests of protecting the amenities of neighbouring residents and the visual amenities of the area, in accordance with Policy S1 of the Taunton Deane Local Plan.

4. Details of the means of disposal of surface water shall be submitted to and approved by the Local Planning Authority as part of the details submitted pursuant to condition (1). The agreed details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

Reason: To ensure that the development makes adequate provision for the disposal of surface water, to prevent off site flooding in accordance with Planning Policy Statement 25.

5. The detailed layout submitted pursuant to condition (1) shall show parking sufficient facilities for the parking of two cars for the proposed dwelling and two cars for the existing dwelling. The parking facilities approved shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

Reason: To ensure that adequate facilities are available for the traffic likely to be attracted to the site in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Notes for compliance

PROPOSAL

This application seeks outline planning permission for the erection of a dwelling on land to the side (north) of 1 Gardeners Close. Indicative plans have been submitted, which show that the dwelling could be sited set back behind the existing dwelling, with a parking area provided to the front. A new garage could be provided in the northeast corner of the site.

Access is shown as being shared with the existing 1 Gardeners Close, over a length of private drive (which is partly shared with Glenelg to the west) following the demolition of an existing garage to the north of the dwelling. A new parking area for 1 Gardeners Close would be provided alongside the existing dwelling.

SITE DESCRIPTION AND HISTORY

The site comprises part of the garden area and existing garage for 1 Gardeners

Close. The site is largely laid to lawn although there are some small trees and domestic planting/garden landscaping and hedges within the site.

The northern and eastern boundaries are formed of hedging with some post and rail fencing. To the north the site borders the neighbouring gardens of adjoining dwellings Lutleys on the eastern end and The Old School House on the western end. The western site boundary comprises trees and a post and rail fence which separates the site from the rear gardens of dwellings that front Back Lane.

The existing vehicular access to 1 Gardeners Close is from the corner of the cul-de-sac and partly over a private area shared with Glenelg (which fronts Back Lane) to the west. Glenelg has a garage accessed from Gardeners Close and uses this shared area alongside the northern edge of the turning head to facilitate manoeuvring into the garage.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BRADFORD ON TONE PARISH COUNCIL – Objects to the application for the following reasons:

- Unable to define boundary adjacent to The Old School House.
- Land is higher than the existing buildings which surround it.

The PC query whether there was a limit to the number of properties that could be built on the site when planning permission was given for the original development.

SCC - TRANSPORT DEVELOPMENT GROUP - Whilst I believe that the site does not present many difficulties from the highway perspective, I do have some concerns regarding the submitted detail.

In terms of detail, the main highway concern relates to vehicular access to the site and associated parking areas to prevent parking on the highway (in the turning area of the cul-de-sac). Vehicular access is to be provided through a narrow corridor between 1 Gardeners Close and the neighbouring boundary wall. Whilst this does raise some concern, the likely volume of traffic using this narrow access will be limited and therefore it may be unreasonable for the highway authority to refuse on these grounds.

However, the current County Parking Strategy recommends that 2-3 bedroom dwellings should provide 2 car parking spaces, it goes on to state that “... in areas without access to public transport and with little or no on-street parking, the maximum level should be implemented”.

The submitted proposal seeks to replace an existing double garage for the existing dwelling, with a shared double garage for both the new and existing dwellings. In terms of the double garage, this will result with the loss of at least one parking space for the existing dwelling, and an under provision of parking for the new dwelling.

It is also noted from the Site Layout Plan, that there is a possible location for a single garage for the existing dwelling to retain the existing levels of parking. However, as this does not form part of this current application it cannot be considered and there remains an under provision of parking for the existing dwelling.

The layout of the garages (both proposed double and potential single), against the car parking turning area appears confined and difficult at best. This could result in parking on the adjacent highway, which is a small cul-de-sac (and a turning head) and would be inappropriate.

Therefore, to consider the application further please could you request the Applicant confirms all of the proposed parking for the site (both in garages and any proposed on a drive for instance, to enable an assessment against the County Parking Strategy). Also, a plan depicting vehicle turning movements and access into the garages would prove useful, to ensure that these can be easily made.

HERITAGE LEAD – No observations to make on this application.

WESSEX WATER – new waste water and supply connections will be required to serve the development.

Representations

5 letters of OBJECTION have been received making the following points:

- There would be additional traffic between the neighbouring Glenelg and No1 which would restrict access to Glenelg's garage. The area is shared between these two properties.
- There would be too much additional traffic in Gardener's Close a near 20% increase.
- There would be a temporary loss and obstruction to around half of the area shared with Glenelg.
- The submitted details are basic, do not appear to be to scale and are misleading. None of the plans show the 2m wide retained strip between the northern boundary of the proposed dwelling and Lutleys and the Old School House.
- The Outline application makes it impossible to assess scale, massing, form, height, appearance or materials.
- The majority of the rear gardens of No's 1 and 2 are outside the settlement limit and, therefore, in the open countryside. It is beyond the existing building line and would overlook surrounding properties. Therefore, the proposed dwelling is contrary to policy. If the property were moved west into the Settlement limit, it would appear cramped and would be closer to neighbouring residents.
- No windows should be allowed on the north elevation to prevent overlooking of the Old School House or Lutleys.
- Surface water must be properly dealt with and not allowed to drain onto neighbouring property.
- There is no public access allowed over the shared driveway area.
- It does not appear that the narrow gap between the corner of the house and the garden wall of Shortlanesend would be wide enough to support the extra traffic for another house.
- Understand that the developer originally wanted to build 7 houses in Gardeners Close but this was reduced to 5 by the Local Planning Authority. Building another house would be overdevelopment of the close.

PLANNING POLICIES

S5 - TDBCLP - North Curry Settlement Limits,
AHAP - Areas of High Archaeological Potential,
EN12 - TDBCLP - Landscape Character Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,
EN14 - TDBCLP - Conservation Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the settlement limit for Bradford on Tone. The development is, therefore, considered to be acceptable in principle. The main issues in the consideration of this application are the impact on the character of the area, the impact on the local highway network and the impact on neighbouring residents.

Character of the area

The site is somewhat 'backland' in nature having no direct road frontage and being tucked into the corner of Gardeners Close. However, the construction of Gardner's Close in the 1990s, together with the loose positioning of the bungalows to the north and further backland development to the south has created a somewhat fragmented urban form in this part of the village. As such, the character of Back Lane and its immediate environs is no longer of a linear development or close relationship with the historic street. As such, it is considered that introducing further development of this style is compatible with the existing character of this part of Bradford on Tone. In addition, the proposed siting of the dwelling, effectively behind the existing dwelling would mean that it is barely visible from the public realm. It is outside the designated conservation area and, therefore, is not considered to cause undue harm to the area's character.

Highways

The Local Highway Authority have suggested that the site 'does not present many difficulties from the highway perspective'. They do not have any concern regarding the principle of a further dwelling in this location and, therefore, the impact on Gardener's Close itself and its junction with Back Lane is considered to be acceptable.

The Highway Authority has raised some concerns about a lack of parking provision and cramped nature of the site in terms of turning. However, the alleged lack of parking is not borne out by the submitted plans. The Taunton Deane Local Plan imposes a maximum parking standard of 1.5 spaces per dwelling across the development, which would indicate a need for three spaces. The Somerset Parking Strategy, a material consideration and referred to by the Highway Authority would require two spaces per dwelling. The application is in outline and the detailed layout is reserved for subsequent consideration. In any case, the layout indicates that a large garage would be provided within the application site – providing at least two parking spaces – together with a substantial forecourt area that could easily accommodate more. Further, additional areas of hardstanding and the potential for a future garage for the existing dwelling (providing at least two parking spaces) is also indicated.

The on-site turning facilities may be cramped, but the Highway Authority have verbally confirmed that they would not require on site turning to make the proposal acceptable in this cul-de-sac location. It is, therefore, considered that the proposal is acceptable in terms of its impact on the highway network and final details of layout would be provided with any reserved matters application.

Neighbours

Neighbouring dwellings to the north of the site – The Old School House and Lutleys are located some distance beyond the site boundaries, the Old School House being 10m off the northwest corner, with windows facing west along a plane parallel to the site boundary; and Lutleys around 30m to the north with windows facing south towards the site.

The proposed dwelling, however, would be close to the boundary with these two dwellings' amenity spaces. The concerns that these residents have about potential windows in the north elevation are, therefore, justified and control can be exercised over this at reserved matters stage. In the future, permitted development rights for new first floor windows in a side elevation could only be exercised if the window were obscure glazed and, therefore, there is no need to specifically withdraw these rights by condition.

On the basis of the indicative layout, and assuming a conventional approach where windows were provided in the east and west elevations of the proposed dwelling, windows in the new dwelling would be around 25m from the rear elevation of the Old School House. There is also a significant angle between the windows and, therefore, the separation is considered sufficient to prevent any unacceptable overlooking.

Given the size of the neighbouring amenity spaces to the north and the distance from the actual dwellings themselves, it is considered that that proposed dwelling would not be unreasonably overbearing upon the neighbouring dwellings.

To the west of the site are four further dwellings on Back Lane. It is not considered that Glenelg, the southernmost one would be unacceptably affected by the dwelling itself – its concerns are more with the access arrangements. Moving north, at its closest, Shortlanesend is around 20m from the site boundary. The two dwellings further to the north are in excess of 30m from the site boundary. It is suggested that the proposed dwelling would be in excess of 14m from the boundary with these dwellings and it is, therefore, considered that they would not be unacceptably overlooked by the proposal, nor would it be overbearing upon them. In any case, final details can be controlled at the reserved matters stage.

The existing 1 Gardeners Close would lose a substantial part of its amenity space as a result of the development. However, the area is large and it is considered that both it and the proposed dwelling would have adequate amenity space remaining. The proposed dwelling would be sited behind 1 Gardeners Close and would, therefore, form a dominant feature on its northern boundary. However, being to the north, it would not result in any overshadowing as such and the open outlook to the east and for the majority of the northern boundary would be retained. With some weight given to the fact that the proposal is advanced by the current owners/occupiers of this site, is considered that the impact on this existing dwelling is acceptable.

Other matters

One of the neighbouring residents has raised concern over surface water drainage. It is recommended that a condition is imposed to ensure that this is satisfactorily dealt with.

A number of comments have been raised about the original planning permission for Gardeners Hall having a restriction on the number of properties allowed to be built and it is suggested that the Local Planning Authority required the number to be reduced from 7 to 5. Gardeners Close was permitted under application 07/90/0007 and there does not appear to be any reference to reducing numbers on the application file. In any case, the terms of a previous permission cannot influence this proposal which must be determined on its own merits based upon the situation today.

There has been some concern raised that increasing the amount of traffic using the private drive area shared with Glenelg, together with the construction activity, may hamper access to Glenelg's garage. However, it has been shown that the proposal would not adversely affect highway safety and matters of obstruction of a private access are a civil matter between the two parties.

Conclusion

It has been shown that the development of the site is acceptable in principle and would not have any unacceptable impact upon the character of the area, local highway network or the amenities of neighbouring property. As such, it is considered to be acceptable and it is, therefore, recommended that planning permission is granted.

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

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