

08/09/0010

GLENMILL HOMES

ERECTION OF SINGLE STOREY DWELLING ON LAND TO THE NORTH OF THE FORMER MAIDENBROOK FARMHOUSE, CHEDDON FITZPAINE

324611.126467

Full Planning Permission

PROPOSAL

The proposal is for the erection of a detached single storey dwelling with attached garage on land to the north of Maidenbrook Farmhouse, a Grade 2 listed building. The proposed building is in the form of an "L" shape and would provide 4 bed rooms, lounge and kitchen/dinning room. The eaves height would be 3m and the apex height 6m above ground level. There would be 3 roof lights on the south elevation and 2 on the north elevation. These would provide lighting to the ground floor lounge, hall and bathroom. The proposed materials were to be brick and tile but, following concerns on their compatibility with the listed farmhouse these would now be stone and clay tile. The access would be from the existing drive which gains access from the turning head of the internal access road. There is a listed pond to the north of the site and it is proposed to clear and reinstate this feature as part of the proposal.

SITE DESCRIPTION AND HISTORY

The site lies within the settlement limits of Taunton in the parish of Cheddon Fitzpaine to the north of the listed Maidenbrook Farmhouse and to the south of the main A3259 road that links Taunton and Monkton Heathfield. The western boundary comprises a hedgerow The building would be located in the western and southern portion of the site with the garden area being formed to the east. There is a listed pond to the north of the site.

08//01/0015 Conversion of farmhouse and outbuildings to form 7 residential units with associated site works at Maidenbrook Farm. Conditional Approval 05/05/2001

08/01/0016LB Division of main dwelling into two units, conversion and reconstruction of existing barns, stables and outbuildings to dwellings at Maidenbrook Farm. Conditional approval 04/03/2002

08/05/0012 Erection of 5 dwellings and garages at Tudor Park, Priorswood. Conditional approval 10/10/2005

08/05/0014 Erection of a dwelling on land to the west of Maidenbrook Farmhouse, Cheddon Fitzpaine. Permission refused 3/11/2005 and dismissed on appeal on 28/01/2006.

08/05/0022 Erection of higher roof and conversion of barn to dwelling at The waggon House, Tudor Park, Priorswood. Conditional approval 10/11/2005

08/2005/0034

Erection of dwelling and garage on domestic land to the north of Maidenbrook Farmhouse, Cheddon Fitzpaine refused on 28th January 2006 and dismissed on appeal.

INSPECTORS' COMMENTS FROM APPEAL -

Appeal Decisions APP/D33 151A105/l 194299, A105/1 194297 & A105/1 194562 preserve the special architectural character of the listed building and its setting, contrary to the advice in Planning Policy Guidance Note 15 Planning and the Historic Environment (PPG15) and in conflict with Policy EN16 of the Taunton Dean Local Plan (2004). I note that the Council considers that the proposal would require a new access that would be harmful to the character and setting of the listed building. However, the submitted drawings show access being gained from the existing access serving the parking area at the rear of The Tudor. While the layout shown on drawing 5403/3 9 does not reflect the alignment of the approved access shown on 5403/47, I am satisfied that a satisfactory means of access could be obtained by means of appropriate planning conditions, were I minded to allow the appeal. Under these circumstances I consider that in this respect the proposal would not conflict with either PPG15 or Policy EN16.

Appeal B: Dwelling to the north of the Listed Building . To the north of the listed building the appeal site is dominated by a line of substantial evergreen Leylandii trees set inside the pond that forms part of the boundary with the road. To the east, a row of coppiced elms separates the site from the pond, while the western boundary is a substantial hedgerow that formed the western side of the original entrance drive to the listed building. The site has planning permission for a double garage to serve The Tudor and accessed via the previously approved access. I saw that the mature boundary trees play an important part in acting as a transition zone between the development to the south of the road and the open countryside to the north. My attention was drawn to Condition 8 attached to the outline permission Ref.08/96/021, which required the provision of landscape buffers of between 5m and 12m in width along the A3259 boundary, and around the boundaries of the listed building and its curtilage. This reinforces my view that any diminution of the tree cover would significantly harm the character and appearance of the area.

The siting of the proposed house would necessitate the removal of the row of Leylandii to allow daylight into the kitchen and bedrooms 2 and 5 of the proposed house, since they cannot be sufficiently reduced in height or trimmed far enough back without seriously harming their vitality. Because of the size of the proposed house, the space remaining for replacement tree planting would be restricted, limiting the scale of trees that could be planted in relatively close proximity to the proposed house. Consequently, I consider that the proposed development would result in a loss of important landscape features that could not be overcome by subsequent planting. I therefore conclude that the proposed development would be detrimental to the landscape character of the area and thus contrary to Policy EN12.

The proposed house would be similar in design to The Gate House. It would have a double garage adjacent to the pond, a tall windowless southfacing façade and the windows of the principal rooms facing west towards the boundary hedgerow situated some 5m 7m away. To my mind, the scale of the proposed house in relation to the listed building and its insensitive siting in respect to the surrounding natural and historic features would result in it appearing as an incongruous intrusion into the setting of the listed building. Also, the resulting repetitive design of houses to the north of the listed building would result in the suburbanisation of its existing semi-rural setting. I therefore conclude that the proposed house would fail to preserve the setting of the listed building, contrary to the guidance in PPG15 and in conflict with Policy EN16.

Appeal C: Access Road to the north of the Listed Building

The plans submitted in support of the application for full planning permission show a 5m wide roadway, with a further im strip indicated on either side but lying outside the application boundary. The proposed road would run west from the existing spur serving The Tudor and The Gate House and extend past the protected walnut tree, but at such a distance that the Council consider that it would not present a significant risk to its vitality. I have no reason to disagree with this view.

However, the scale of the proposed road and the visual impact of opening up of the view along it would radically transform the existing setting of the listed building and the character of the open area to the north and west of the listed building. There would also be a new crossing over the leet, with a reduction in the size of the pond to accommodate the greater width of the proposed road compared to the existing informal access way. To my mind these historic features are significant parts of the setting of the listed building and are closely integrated with the building itself.

Although the appellant argues that the surfacing and design of the road and associated works could be the subject of planning conditions requiring the submission and approval of such details, I consider that the impact of the proposed road would be of such fundamental significance to the setting of the listed building that full details of the proposal need to be considered in order to assess its impact, and not just the outline drawing that is before me. From the information provided I am not satisfied that the setting and character of the listed building would be preserved and therefore must conclude that the proposed development would conflict with the guidance in PP615 and with Policy EN16.

The appellant argued that access to the wedge of land to the west would enable residential development that would assist in meeting pressing housing needs in the area. However, the Council argued that adequate land had been allocated for residential development via the Local Plan process. Notwithstanding these divergent views, I consider any benefit arising from the relatively limited contribution towards meeting local need that the development of this awkwardly shaped piece of land would make would not be sufficient to outweigh the significant risk of harm to the setting of the listed building that I have identified above.

Conclusions

The surroundings of Maidenbrook Farm have changed dramatically in recent years. However, the significant visual impact of these changes serves to highlight the importance of preserving what remains of the setting of the listed building and I have found that these three proposals fail to do so, for the reasons given above.

In addition, as a result of the piecemeal approach to the development of the area to the north and west of the listed building there are inconsistencies between the proposals, such as the conflict between the turning head on proposed road and layout of proposed dwelling to the north. The proposed road would also prevent adequate space being allocated in front of the approved garage extension to The Tudor to allow a vehicle to draw off the roadway to allow the garage door to be opened.

Appeal Decisions APP/D33 15/A105/1 194299, A105/1 194297 & A10511 194562
To my mind, details such as these demonstrate the need for a comprehensive design for the area to the north and west of the listed building that adequately addresses the complex problems created by the listed building, nearby structures and existing landscape features, I have taken all other matters into consideration, including the Council's suggested conditions but, for the reasons given above, I conclude that the appeals should not succeed.

Formal Decisions

Appeal A: Ref: APP/D3315/A/05/1194299

I dismiss the appeal.

Appeal B: Ref: APP/D3315/A/05/1194297

I dismiss the appeal.

Appeal C: Ref: APF/D3315/A10511194562

I dismiss the appeal.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP - no objection subject to conditions including the provision of visibility splays of 4.5 x 22m in either direction at the junction with the estate road; no obstruction to visibility greater than 300mm within the splays

CHEDDON FITZPAINE PARISH COUNCIL - support the proposal as the building would be in keeping with the area; would finish off the development and enhance the visual amenity of the environment, including the reinstatement of the pond.

HERITAGE AND LANDSCAPE OFFICER - I am concerned regarding the impact of the development on the setting of the listed building.

NATURE CONSERVATION & RESERVES OFFICER - no objection subject to conditions for the provision of a strategy to protect and enhance the development for great crested newts; bats and nesting birds.

ENVIRONMENT AGENCY - no observations

CONSERVATION OFFICER -

General Comments

I acknowledge that, as submitted, the setting of the Listed Maidenbrook Farmhouse has already been compromised. This said, I am of the opinion that the proposal will only compound / exacerbate the situation.

It is regretted that the subject site has variously declined in appearance and former enclosure, such that I can understand why neighbours and other supportive representations perceive a new dwelling as a "solution" to an extant untidy and exposed area.

Specific Observations

A main criticism of the Local Planning Authority, to the previously appealed application (which was dismissed), was the fact that an historical evaluation of the site and the effects of any proposal on the setting of the Farmhouse had not been adequately provided. The accompanying submission by Sue Warren is therefore welcomed.

With respect, I cannot interpret I come to the same conclusions as the submitted

statements in relation to the 1837 Tithe Map (Appendix 1) i.e. the map reproduction is poor quality and I therefore cannot identify the stated elements / structures. The copy 1880 OS map (Appendix 2), is much clearer and the submitted comments / advice here, not disputed, with the exception of the assertion regarding paths to the west of the Farmhouse and the associated pond i.e. I cannot recognise / identify these.

Reference to the 1900 OS map is made in the text but a copy not submitted. This is needed in order to substantiate the assertion that the former domestic driveway to the west of the Farmhouse was indeed a C20 feature

It would be extremely helpful, if the 'conclusions arrived at, were presented in the form of a site plan, depicting the factually based, chronological development of the site. As noted above, this is not entirely clear from the submission.

'Conclusions' para 6: the statement here regarding the formal garden area of the late C19 is not entirely correct, as the formal garden area also extended to the north.

It is clear from the submitted historic plans that, there is NO evidence of buildings having ever existed on the application site, therefore the principle of a new structure here is unjustified in historic terms and will inevitably impact on the setting of the Farmhouse, thus compounding its already degraded setting, as noted above.

Clearly the existing proposals have a very different impact on the setting of the Farmhouse, compared to that dismissed at Appeal, due to revised siting, scale, height and massing.

The above said, given the information and advice provided by Sue Warren's report, I am more than surprised to see that the agent is proposing the use of alien brick, rather than the promoted, more appropriate use of the local shillet stone. In my opinion, should permission be granted, local shillet is the ONLY acceptable material. Whilst sourcing is very likely to be an issue, this is one for the applicant / agent to resolve.

As noted above, as there is no historic evidence of buildings having existed on the application site, the promoted design philosophy is considered flawed / unjustified and deemed not 'honest' i.e. purporting to be a converted extant 'stable' building and 'designed' so as to hopefully secure permission and minimise objection.

'Brown stained timber windows and doors are NOT deemed appropriate.

Whilst the application form states the use of nature stone for boundaries, such is not evident / clear from the submitted plans. Clarification is required in this respect, regarding location and heights, in order that an assessment as to the appropriateness of the same and, equally, the potential further impact on the setting of the Farmhouse, can be assessed i.e. walls or soft landscaping could well 'isolate the purported 'stable conversion and make the design concept meaningless.

Summary

The Inspector to the previously dismissed Appeal, unfortunately did not specify or offer the parameters that should be assessed / were critical to, the determination of any future proposals for development of the site.

I consider the requirements for additional information, as noted above, to be essential before a decision is made.

The above said, you will see from my comments that I have an in-principle objection, and as such you may deem the requirement for the requested information unnecessary at this stage, should you decide to recommend refusal.

Please advise on your intended course of action, as I would wish to have an input to conditions, should permission be recommended and likewise offer further comments, if the additional information is received.

PS The additional information listed above was requested on 22nd September 2009

but to date has not been received from the agent.

REPRESENTATIONS

5 letters of support have been received including one from the ward Councillor, Cllr Waymouth, raising the following points:- The proposed development would improve the overall appearance of the site and would be appropriate and complementary to the listed farmhouse and the new adjoining property, as one single storey dwelling with matching materials. Importantly it would also enhance the security for existing residents which is a cause for concern at present; there is a demand for additional houses in the area; the proposal would offer security, noise reduction and better views from the existing farmhouse and would enhance the area

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S&ENPP9 - S&ENP - The Built Historic Environment,
PPG15 - Planning and the Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

The "Maidenbrook Farm" site has always divided itself into two distinct areas, the working farm and buildings, which lay to the east and south of the farmhouse and the quiet, private domestic gardens located to the north and west of the farmhouse. The historic evaluation of the site, submitted with this application, has established that there are no records of any buildings ever being positioned on the application site to the north of the farmhouse. (This report is available to view in full on the Taunton Deane web site). When planning permission was granted in March 2002, for the conversion of the farmhouse into two dwellings and the conversion of the adjacent barns into dwellings. The setting of the listed building was taken into account and the conversion scheme designed to retain the character of the farmhouse with its private and domestic curtilage. Subsequent permissions for residential development of the site has allowed additional residential units to be built to the west but the Local Planning Authority has consistently resisted new development of the private garden areas to the north and west.

The applicant has completed the conversion of the farmhouse and barns and new dwellings for which planning permission was granted but chose to retain part of the historic domestic garden area of the farmhouse. In 2005 two applications were submitted for new dwellings to the west and north of the farmhouse and these were both refused and subsequently dismissed on appeal when the inspector was concerned regarding 1) condition 08 of planning permission 08/1996/0021 requiring a landscape buffer between 5 and 12 m in width along the A3259 boundary in order to retain the function of the area as a transition zone between the developed land to the south and open countryside to the north, 2) the loss of the landscape boundary (leylandii) adjacent to the A3259 in order to provide light to the new dwelling and the inability to provide adequate replacement planting in order to compensate for that loss 3) the insensitive scale and siting of the proposed 2 storey dwelling in respect of the surrounding natural and historic features would make it an incongruous intrusion into the setting of the listed building; 4) the repetition of the design resulting in the urbanization of the semi rural site; 5) the opening up of the site to views due to the provision of a new, wider access's drive and 6) the reduction in the size of the listed

pond to accommodate the new drive.

Since the dismissal of the appeal, the land to the east of the farmhouse has been sold to the occupiers of the farmhouse but the area to the north has been retained by the applicant. The Leylandii trees have been removed from the north of the site and opening up the site to views and noise from the A3259 and the applicant has chosen not to erect any new boundary treatment in order to secure the site, reduce noise from the A3259, which has resulted in problems for the current occupiers of the site. In addition, in spite of the recognition of the positive function of a landscaped boundary to the A3259 by the Inspector, the applicant has chosen not to replant the boundary trees in this area. The effect of the removal of the trees is to open up views of the listed farmhouse from the A3259 and increase the importance of the undeveloped nature of the intervening land to the setting of the listed building. In my opinion the proposed dwelling would have a permanent and detrimental impact on the setting of the Listed Building contrary to Central Government advice and Local Plan policies. In addition to this, when the original planning permission was granted for the development at Maidenbrook Farm, it was considered essential to provide a landscaped edge to the A3259 between 5m and 12m wide and especially around the Listed Farmhouse and its curtilage in order to protect its setting and future viability. The proposed dwelling would project within that 12m zone.

In contrast to the appeal scheme the current proposal is for a single storey building of a “stables” design and would be constructed of local stone and tile and would not, in my opinion result in the repetitive urban design of the previous scheme. However its location between the A3259 and Maidenbrook Farmhouse would maximise its visual impact on the setting of the listed building and would completely alter and be detrimental to the historic context of the land and its relationship to the listed farmhouse.

The dwelling would have an “L” shape form which has been situated to the west of the site running parallel to the boundary hedge (this would be retained by the applicant and not form part of this application), with the garage running east across the site. Whilst this would limit the impact of views from the A3259 to the farmhouse its domestic curtilage would be between the proposed dwelling and the A3259 and this is likely to result in domestic paraphernalia that would also have a detrimental impact on the setting of the listed building.

The applicant has proposed a 1.8m high stone wall along the boundary with the A3259 and I have two serious concerns regarding this proposal. Firstly the wall is proposed immediately adjacent to a historic pond which is to be dredged as part of this proposal and reinstated. I am concerned that the foundations of any wall in that location would be likely to have a detrimental impact on the structure of the listed pond and may result in its loss. There have been no details submitted to establish the situation; secondly the boundary of the A3259 is generally landscaped with the only section of wall, lower than 1.8m, located further to the east where the new dwelling replaced an old farm building. This wall is much lower and the owner has agreed to plant hedging on the inside to soften the visual appearance and recreate a landscaped boundary to the road. In my opinion the proposed 1.8m stone wall would be out of keeping with the character of the area.

The proposed access would be formed by utilising the existing turning head of the internal access road and private drive to the farmhouse. There are no proposed alterations to this access in order to gain access to the site and therefore the

proposal would not have a detrimental impact on the listed pond over which the access drive runs. (The applicant will need to ensure that the existing drive is structurally sound to support additional traffic movements).

In summary I consider that the proposed dwelling would be situated on undeveloped land associated with the domestic curtilage of the listed farmhouse and its development would be detrimental to the setting and historic context of the Listed Building contrary to Central Government advice, Structure and Local Plan policies. Furthermore I consider that the development of the site would be detrimental to the transitional character of the area and visual amenity of the A3259 and I consider the proposal unacceptable.

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed dwelling by reason of its juxtaposition with the A3259, the adjacent farmhouse and barn conversions would be out of keeping with the character of the area and detrimental to the setting of the Listed Building. Furthermore there is no evidence of any previous buildings on this land and therefore no historic Justification for the resultant intrusion and harm to the setting of the listed Farmhouse. The proposal is therefore considered to be contrary to Taunton Deane Local Plan saved polices S1(D) and S2(A), Somerset and Exmoor National Park Joint Structure Plan policy 9 and Planning Policy Guidance Note 15 Planning and the Historic Environment, and Section 6.6 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The proposed dwelling would be located on land considered to be important to maintain the rural character of the transition zone between the developed land to the south and the open countryside to the north of the A3259 and it is considered that the proposed dwelling would result in an urbanisation of the area out of keeping with and detrimental to the character and appearance of the area and contrary to Taunton Deane Local Plan polices S1 (D) and S2 (A)

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

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

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