

32/10/0003

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REMOVAL OR VARIATION OF CONDITION 04 OF PLANNING APPROVAL 32/03/0002 TO ALLOW CONVERSION OF DOUBLE GARAGE AND STORE FOR ANCILLARY RESIDENTIAL USE AT THE FERNS, WHITEBALL, WELLINGTON (AMENDED DESCRIPTION)

Grid Reference: 309909.118961

Removal or Variation of Condition(s)

RECOMMENDATION AND REASON(S)

Recommended Decision: Approval subject to the receipt of a site layout plan that will indicate the provision of at least three parking spaces to be used in connection with the dwelling.

The proposal is considered not to have a detrimental impact upon parking provision serving the dwelling house and will not adversely affect highway safety and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and M4 (Residential Parking Provision).

RECOMMENDED CONDITION(S) (if applicable)

None

Notes for compliance

1. You are advised to seek advice from the Local Planning Authority prior to undertaking any works to the garage so as to ensure that all works undertaken are in accordance with permitted development rights.

PROPOSAL

The application seeks permission for the removal or variation of condition 04 of planning permission 32/03/0002. The application forms state that this is in order to allow the conversion of the detached garage with store above to form additional ancillary accommodation.

Condition 04 reads:

The garage hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles (a motor vehicle) for domestic purposes only.

REASON: In order that satisfactory parking facilities are maintained in accordance

with policy M3a.

SITE DESCRIPTION AND HISTORY

The Ferns is a detached bungalow located on a strip of land between the A38 to the north and an unclassified, unnumbered highway to the south at Whiteball, Wellington. Following the grant of planning permission for an extension (32/03/0002) the dwelling provides for five bedrooms over two floors. The property is surrounded by neighbouring dwelling houses to the south, east and west, all of which have elongated gardens that reach for approximately fifty metres in a northerly direction. The Ferns is accessed off of an unclassified highway to the south and leads onto a steep driveway that runs along the eastern boundary of the site to the northern area of the rear garden where a detached double garage is located.

The dwelling house is believed to have been used for approximately two years as a dwelling for young people requiring an element of care. The agent has confirmed verbally that the property is generally occupied by three young people with one carer living as a single household although there is sufficient space to house up to five people requiring an element of care; it is anticipated that a letter setting out the use and occupation of the building will be received prior to the application is considered by the councils planning committee. The agent has further confirmed that a minimum of four parking spaces will be provided within the site for the parking of vehicles and a plan to this effect is also expected prior to determination.

Planning permission has been granted previously for extensions to the dwelling house, together with the erection of a garage and store (the subject of this application) under planning reference 32/03/0002. The garage within the site is finished externally in horizontal timber cladding and concrete interlocking roof tiles. The roof space of the building, which has been converted from a store into an office is accessed via a staircase to the west elevation. The Building has two parking bays internally accessed through metal garage doors to the south elevation.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection raised. Recommended that details of proposed parking layout plan be submitted and advised as to parking requirements for residential properties. Questioned number of bedrooms within the property and the number that any possible conversion may create. The Somerset Parking Strategy sets out the following parking provision:

C3 Flats and Homes

1 bedroom unit

2-3 bedroom units

4+ bedroom units

1 car space per dwelling

2 car spaces per dwelling

3 car spaces per dwelling

Further advised that the Highway Authority would not support the use of this building as a separate unit of accommodation in what is considered an unsustainable area in transport terms. Acknowledges limited visibility to the existing access and comments that a second dwelling within the site would exacerbate any existing problems.

SAMPFORD ARUNDEL PARISH COUNCIL - Objection to the proposals for the

following reasons:

- Already a lack of on site parking;
- Problems with existing foul waste system - increased accommodation will exacerbate the problem
- Property is no longer a private dwelling but a business premises
- Extra traffic will cause aggravation to neighbours
- Parking on the road is not a safe option

Representations

5 letters of objection to the proposed development, raising the following issues:

- Increased accommodation and cars will lead to parking obstructing the highway
- Use of the building as a separate dwelling is contrary to the local plan
- The septic tank is inadequate and seeps onto the main road - a dwelling would exacerbate this problem
- Cars belonging to carer's are often parked on the highway for several days which is an inconvenience and block access and forms a traffic hazard on a narrow highway - increased carer's/residents will exacerbate this problem.
- Condition should require carer's to park on the considerable parking area available at The Ferns
- Back land development is inappropriate
- Access to the site is inadequate if serving two separate properties
- Allowing an alternative use of the garage would set an undesirable precedent for infilling on quite extensive land to the rear of neighbouring properties
- People already spending the night in the store
- Noise, light pollution and other disturbances will affect neighbouring amenity
- Two recent incidents caused outside the Ferns after carer vehicles parked on highway

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
M4 - TDBCLP - Residential Parking Provision,
PPG13 - Transport,

DETERMINING ISSUES AND CONSIDERATIONS

The application seeks the removal a condition that restricts the use of the garage at The Ferns so as to remain available in perpetuity for the parking of domestic vehicles only. Condition 04 was attached to planning approval 32/03/0002 in order to ensure that "satisfactory parking facilities" were maintained at the property. The reason for attaching the condition does not relate to any possible harm to surrounding amenity or that the site is considered to be an inappropriate location for new buildings. As such, the pertinent issue that requires consideration in determining the proposal is whether or not the removal of condition 04 will have any adverse impact upon parking provision at the dwelling house and whether or not there would be any material harm to highway safety by virtue of the loss of two parking spaces within the garage.

The use of the dwelling house is pertinent in order to establish the necessary level of parking provision required within the site. Currently, the property is being occupied and used for residential purposes with an element of care for young people and

therefore it may be reasonable to believe that the property to fall within class C3(b) of the Use Class Order (a dwelling house). As such, it stands that provision should be made within the application site for the parking of 3 or more motor vehicles as required by the Somerset Parking Strategy for dwellings with 4+ bedrooms. The proposal will in effect result in the loss of two retained parking spaces and representations have been received raising concern as to the impact that this will have in increasing the number of vehicles parking along the highway to the south, from which The Ferns is accessed.

Upon visiting the site, it appeared that the garage was not in use for the parking of vehicles at present; two cars were parked in front of the garage and four to the front/side of the dwelling house. Notwithstanding this, it is important to ensure that sufficient parking is provided within the site with which to serve the level of need. Therefore having regard to the ongoing use of the site, which falls within use class C3 (Dwelling houses), despite the possible loss of two parking spaces, I am of the opinion that there will continue to be sufficient space with which to provide parking for the number of vehicles currently visiting the site; preventing any future encroachment onto the adjoining highway is therefore beyond the scope for control of the local planning authority with sufficient parking available on site. Such is exemplified by the Highway Authority Officer who has not objected to the proposal subject to the receipt of a plan clarifying a proposed parking layout.

Notwithstanding the above, objections have been received from neighbouring residents concerned with the condition of the septic tank serving The Ferns and the exacerbation of the problems if additional accommodation is created within the garage that would need to connect to the existing system. These concerns are noted, however they do not form a significant material consideration in determining the proposal. Issues regarding the septic tank, it's condition and seepage from the tank are being handled by the councils Environmental Health Officer who is aware of the situation and is in the process of handling the matter and has been in correspondence with the owner recently.

Taking into consideration the above issues and having regard to all other matters, subject to the receipt of a site layout plan that will indicate the provision of at least three parking spaces to be used in connection with the dwelling, the proposal is considered to accord with the relevant development plan policies and therefore it is considered acceptable to allow the removal of condition 04 of planning permission 32/03/0002.

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

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