

38/15/0390

MR & MRS D FLETCHER

ERECTION OF DWELLING WITH ASSOCIATED WORKS IN THE GARDEN TO THE REAR OF EUSTON LODGE, 2 MIDDLEWAY, TAUNTON

Location: 2 MIDDLEWAY, TAUNTON, TA1 3QH

Grid Reference: 322297.12388

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Subject to the receipt of comments from the County Archaeologist, permission be granted

Recommended Condition(s) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A4) Location Plan
(A3) DrNo 5.1 Survey Plan
(A3) DrNo 3 Site Plan
(A3) DrNo 1 Ground and First Floor Plan
(A3) DrNo 2 Elevations

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

3. No wall construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. The area allocated for the proposed drive and parking on the submitted plan, drawing number 3, shall be surfaced and made available before the dwelling is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with retained Policy M4 of the Taunton Deane Local Plan.

5. The applicant shall undertake all the recommendations made in jh Ecology's report dated October 2015, and provide mitigation for bats and birds as recommended.

The works shall be implemented in accordance with the approved details and timings of the works. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate wildlife.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order) (with or without modification), no first floor window/dormer windows shall be installed in the development hereby permitted without the further grant of planning permission (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and are fitted with obscure glazing). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of adjoining residents in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. New water and waste connections to Wessex Water are required. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

3. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
4. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

Proposal

The proposal comprises the erection of a dwelling within the rear garden of 2 Middleway and includes the demolition of an existing garage. The size of the site is approx 24m x 19m and would be served by an existing access and track. Within the site there would be space for the parking of two vehicles and a drive that will be utilised as a turning area.

The proposed dwelling comprises three elements; main two storey element with a pitched roof, sloping to the rear; lower ridge two storey projection with dormer window and a conservatory, and will incorporate three bedrooms at first floor.

Materials proposed for the dwelling are brick and a slate roof.

Site Description

The site currently forms part of the garden to 2 Middleway and includes a greenhouse and a large garage, The garage is accessed by an existing track off Broadlands Road that also serves properties in Middleway and Mount Nebo. 2 Middleway is a two storey property with parking to the front and its rear garden is contained by high boundary walls; the dwelling is sited at a lower level than the rear of the garden.

Relevant Planning History

None.

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP -

The proposal relates to the demolition of the existing garage to be replaced by a new dwelling.

I have taken the opportunity to visit the site and have the following observations to make. In terms of traffic impact the average dwelling generates 6-8 movements per day, which would see an increase in the use of the existing access. This is considered to be sub-standard in terms of visibility as this can only be achieved to the extremities of the access whilst the access road does not provide sufficient width for two-way traffic flow.

Based on the above the Highway Authority would normally raise objections. However it should be noted that the application site's existing use is a garage, which can be used on a daily basis and would therefore generate a level of vehicle movements, all be it that it would be less than the average dwelling. However it would mean that the net impact on the access would be lower.

As such to conclude the proposal would result in an increase in vehicle movements however when taking into account the existing use of the site it is felt that the net increase is not considered to be significant enough to be considered severe as per section 4 of the National Planning Policy Framework (NPPF). Therefore the Highway Authority feels that on balance this application can be dealt with under the Standing Advice document.

DRAINAGE ENGINEER - None received.

WESSEX WATER - Comments as follows:

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important

to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

BIODIVERSITY - Applicant to undertake recommendations and mitigation made in jh Ecology's report.

Works implemented in accordance with approved details; development not occupied until scheme for maintenance and provision of new bat and bird boxes implemented; resting places and agreed accesses shall be permanently maintained.

Informative notes to be added to permission.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - None received.

Representations Received

42 letters of **objection** raising the following points:

- No/poor visibility.
- Access onto Broadlands Road - 30mph speed limit and busy with traffic and parked vehicles.
- Difficulty manoeuvring out of lane.
- Lane not wide enough for emergency vehicles.
- No passing spaces.
- Existing users of lane use access for additional places to park, not main or only access to properties.
- Dangerous access; highway safety for pedestrians (including school children and the elderly), cyclists and vehicles.
- Intensification of traffic.
- Previous accidents on Broadlands Road.
- Broadlands Road used as a cut through.
- Concern over construction traffic.
- Construction vehicles should pay damages to any walls/boundaries during construction.
- Disagreement with Access Statement submitted with application regarding traffic movements; use of garage; visibility; definition of town centre.
- New access should be created from 2 Middleway.
- No turning circle.
- Garage not used by previous owners.
- No lighting in lane and if installed would harm amenity of rear gardens.
- Site too small and squeezed in.
- Too high with ridgeline higher than 2 Middleway.
- Out of character with Victorian dwellings.
- Undesirable backland development.
- Beauty of Euston Lodge (2 Middleway) will be spoilt.
- Built in historic walled garden relating to Mount Nebo Estate.
- Back gardens provide passage for mammals and habitat for birds,

- Overlooking and loss of privacy.
- Overshadowing of gardens.
- Precedent.
- Not sustainable.
- Does not accord with Policy DM1 (density and character) or the NPPF.

A Report from Road Safety Audit Ltd has been submitted to counter the claims made by the applicants Highway Consultant. The report has been commissioned by one of the objectors.

Ward Councillor, objects for the following reasons:

- Backland development.
- Safety concerns regarding access arrangements and width of access for emergency vehicles.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 M4 - TDBCLP - Residential Parking Provision,
 M5 - TDBCLP - Cycling,
 EN23 - TDBCLP - Areas of High Archaeological Potential,

Local finance considerations

Community Infrastructure Levy

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £16,000.00 (index linked).

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough/West Somerset Council	£1,079
Somerset County Council	£270

6 Year Payment

Taunton Deane Borough/West Somerset Council	£6,474
Somerset County Council	£1,619

Determining issues and considerations

Principle

The proposed dwelling is located close to the town centre, close to facilities, shops and public transport. As such, this is a suitable location for a new dwelling. The proposal will provide storage areas for bin and cycles and an amenity space. The proposal is therefore considered to provide the necessary amenities and facilities required for the proposal in a sustainable location.

Character

In this case, the use of the garden to erect a dwelling is considered to be acceptable; the site can be directly accessed from the rear track and does not require the creation of a new access. Furthermore, the plot size is considered to be sufficient for the new dwelling and the remaining garden area is considered acceptable for 2 Middleway; properties within close proximity have varying plot sizes and house size/types.

The existing garden of 2 Middleway is surrounded by a high wall; a possible walled garden to either the property or a larger historic house, and whilst 2 Middleway has some architectural merit as an undesignated heritage asset, this itself is not considered to award sufficient weight as to warrant refusing the proposal for any impact it may have on its setting.

The design of the dwelling is also considered to be acceptable. As previously mentioned there are a variety of house types within close proximity of the site with nearby terrace, semi-detached and detached dwellings. Whilst the dwelling has been designed to fit into the plot provided, this does not make the design unacceptable. As well as a variety of building types, the area itself does not have any special designation.

Amenity

The proposed dwelling would be surrounded by existing high boundary walls that exceed 3m in height and a new boundary wall between the proposed dwelling and 2 Middleway. Given the height of these walls, none of the ground floor windows would cause any overlooking.

On the west elevation there are a number of rooflights within the roof slope, there

are no first floor windows within this elevation due to the slope of the roof. The rooflights serve an en-suite, bathroom, bedroom and stairwell. The lowest part of the rooflights would be 1.7m above the first floor level, as such, there is unlikely to be any detrimental overlooking or loss of privacy from these windows. Furthermore, the rooflights face towards an adjoining garage block and the nearest garden would be sited directly to the rear would be 17m away (25m dwelling to dwelling); the rear garden of 29 Mount Nebo, would be closer (approx 15/16m), but at an angle and the nearest serving window on the rear roof slope serves an en-suite.

The East elevation facing towards 2 Middleway has no first floor windows.

The North elevation has one first floor window that serves a bedroom. This window would look onto the garden of 36 Wilton Street/23 Mount Nebo, though the lower panes of the window, that are 1.7m below first floor level, would have obscure glazing and would be fixed shut. As such, there would be no overlooking from this window.

The South elevation has two windows serving bedrooms; one window looks directly onto the drive and access; the second dormer window is set back further and is sited 16m to the boundary of the neighbouring property, at this point the dormer would be looking onto a garage. Given the distance from the dormer window to the neighbouring garden and obscure angle to the neighbouring property, any overlooking is not considered to be detrimental to warrant refusal of the application.

As the dwelling is sited to the rear of existing properties the size of the dwelling is not considered to be overbearing on these properties and would not cause and detrimental loss of light or shadowing. The dwelling will be sited in an elevated position to 2 Middleway, though given the two elements of the dwelling (not including conservatory) would be sited 21m and 26m away from the rear of 2 Middleway, there is no overbearing relationship between the two properties.

Highways

The proposed dwelling provides two parking spaces and a drive/turning area for these vehicles.

There is an existing access and track that is utilised by a number of properties (approx 6 properties in Middleway; garage block serving a property in Mount Nebo; access to garage for 31 Mount Nebo), and is also used to access the garage sited at the rear of 2 Middleway. The garage serving two Middleway is currently rented, though has been used by residents of 2 Middleway in the past, the occupiers of 2 Middleway now have parking at the front of the site.

There has been much concern raised over the use of the access track to serve the proposed dwelling and of the limited visibility splay provided when exiting from the access. The Highway Authority have acknowledged that the access is sub-standard with regards to visibility and that normally the Highway Authority would raise an objection. Though given the use of the existing garage, that could be used by 2 Middleway, the net increase in traffic movements for a new dwelling would be less and as such the net impact on the access would be lower.

The Highway Authority concluded that the *proposal would result in an increase in vehicle movements however when taking into account the existing use of the site it is felt that the net increase is not considered to be significant enough to be considered severe as per section 4 of the National Planning Policy Framework (NPPF).*

The applicants and objectors have both appointed Highway Consultants to submit comments on their behalf. Notwithstanding these comments, I am minded to consider the response from the Highway, and given the existing use of the access by other properties in Mount Nebo, Middleway and the existing garage for 2 Middleway, and comments raised by the Highway Authority, the use of the track and access to serve the proposed dwelling is considered acceptable in this case.

Wildlife

A wildlife survey has been submitted with this application and its findings found no sign of badgers; no evidence of bat activity and the garage was deemed as having low roosting potential though no bats were seen to emerge during the dusk survey; no trees within the site were considered suitable for bats; no evidence of reptiles; potential habitat for nesting birds within trees and shrubs.

As such, no objection is raised with regard to wildlife and the mitigation measures proposed within the report, including bird/bat boxes and no removal of vegetation outside of the bird nesting season, will be made a condition of any approval.

Drainage

The site does not lie within a flood zone and surface water will be disposed to a soakaway; the proposed drive and parking spaces are proposed to be constructed with permeable block paviers. There is therefore not considered to be any risk of localised flooding.

Conclusion

The site is located in a suitable and sustainable location for a new dwelling, that would not harm the amenity of the area or neighbouring properties. The design and siting of the dwelling is acceptable within an area providing varying plot sizes and dwelling designs. The limited number of traffic movements is considered to be acceptable for the existing track. The proposed dwelling is therefore considered acceptable and recommended for approval.

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

Contact Officer: Mr D Addicott