

42/12/0058

MRS M R KEYSELL

ERECTION OF DWELLING IN REAR GARDEN AND FORMATION OF NEW ACCESS AT ASHRIDGE, HONITON ROAD, TRULL (AMENDED SCHEME TO APPLICATION 42/12/0039)

Grid Reference: 321304.121971

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and is therefore considered acceptable. Therefore, the scheme accords with Policies DM1 (General Requirements) and SP1 (Sustainable Development Locations) of the Taunton Deane Core Strategy and retained Policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

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:

(A3) DrNo 5312/12 Floor Plan
(A3) DrNo 5312/13 Elevations
(A4) DrNo 5312/1 Site Plan as Existing
(A4) DrNo 5312/14 Site Plan
(A4) Location Plan
(A4) DrNo 5312/10 Sketch Elevations
(A4) DrNo 5312/9 Sketch Floor Plan
(A4) DrNo 5312/11 Sketch Elevations

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

3. No development 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, unless otherwise agreed in writing by the Local Planning Authority.

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. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the **building is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority** and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy DM1(E) of the Taunton Deane Core Strategy.

5.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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.

6. There shall be no obstruction to visibility greater than 900 millimetres above the adjoining road level forward of a line drawn 2.0 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed before it is brought into use. It shall be made of porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the **dwelling hereby approved or within the curtilage of Ashridge. Details of which shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

8. The car parking spaces and turning area shall be provided in accordance with approved plan drg no 5312/14 and shall thereafter remain available to the development hereby permitted at all times and the turning space shall be kept clear from obstruction at all times.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Retained Policy M4 of The Taunton Deane Local Plan.

9. Notwithstanding the provisions of Article 3 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 extensions or curtilage structures of the types described in Schedule 2 Part **1** Classes **A and B** of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: In order to protect the amenities of neighbouring dwellings, in accordance with Policy DM1 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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. 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.
3. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

The proposal comprises the erection of a single storey dwelling to the rear of Ashridge, with a plot size approximately 21m x 19m. The dwelling has been designed with two 'wings', connected by an entrance hall, one 'wing' accommodates the living, dining and kitchen space while the other provides three bedrooms.

The two wings of the dwelling measures 13m x 6.5m and 12.5m x 4m and has a maximum ridge height of 4m. Materials for the dwelling are to be submitted and agreed.

Within the site there is sufficient space to provide an amenity area, car parking, cycle and bin storage.

A new access is proposed to serve Ashridge and the application site.

SITE DESCRIPTION AND HISTORY

Ashridge is sited on Honiton road in Trull, which is within close proximity of Taunton. The site forms part of the garden of Ashridge and is bound by high mature hedgerows and the gable end of a neighbouring property. One side of the site adjoins open space that fronts onto a private road that leads to some properties sited off Honiton Road. There is an existing access/parking area that serves Ashridge.

An application for a larger dwelling (42/12/0039) was submitted and refused last year as the dwelling would "result in a cramped form of single storey development out of keeping with and detrimental to the character of the area".

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Following observations: -

- Visibility splay can be reduced to 2m x 43m; substantially improved access from existing; condition visibility.
- Previous comments from 42/12/0039 suggested conditions for surfacing, surface water and use of garage.

TRULL PARISH COUNCIL - Following observations: -

- Object - overdevelopment of site, leaving little outside space and making maintenance of existing hedge impossible.
- Design is out of keeping with others in the vicinity.

WESSEX WATER - Following observations: -

- New water and waste water connections will be required from Wessex Water to serve this proposed development.
- Advise survey of site and plot any unrecorded former private sewers.

Representations

Letter of objection from Ward Councillor: -

- Not satisfied with Highway comments; personally concerned with safety of entrance of proposed development and impact on highways and neighbours; safety concerns.
- Backland development; gardens removed as brownfield under NPPF, giving more control to Local Authorities.
- Precedent it may set in other parts of the village.
- Too close to boundaries of other properties, impacting on them more than is acceptable.
- Space left for proposed and existing would reduce garden amenity to an unacceptable level, out of keeping with surrounding properties.

25 Letters of objection from within Taunton Deane and 7 letters of objection from outside of Taunton Deane raising the following: -

- Garden grabbing
- Undermine Trull Action Plan Review 2010 by undermining essential character of the village.
- Access cramped.
- Impact of new access on busy stretch of road, could be hazardous.
- Out of keeping and character with the area.
- Cramped development.
- Contrary to Local and National planning policy.
- Backland development.
- Proposed dwelling has limited windows and would be dark.
- Sets a precedent.
- Proposed bungalow not attractive.
- Little garden/amenity space.
- Loss of privacy, further if hedgerows were removed.
- Cannot achieve visibility splay.
- Hedges may be reduced, making development more prominent.

- Garage removed from previous application so no storage.
- Loss of natural habitat.
- Wildlife survey should be done again.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 CP8 - TD CORE STRATEGY- ENVIRONMENT,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 M4 - TDBCLP - Residential Parking Provision,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6474
Somerset County Council (Upper Tier Authority)	£1619

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are the impact on the character of the area, visual and residential amenity and highway safety.

Character

Whilst the single storey dwelling is surrounded by two storey dwellings, single storey dwellings are found within the immediate area and within Trull. Single storey dwellings are sited on the opposite side of Honiton Road, a distance of 40m away from the boundary of Ashridge.

Ashridge and Dunsmuir form a group of two dwellings that are two storey, are sited onto Honiton Road and have large garden plots. This is not characteristic of the area and does not follow a distinctive or descriptive pattern of development. The rear garden is not 'land locked' as access can be provided to the side of the site where the boundary is adjacent to a private road, with the next dwelling sited along Honiton Road a distance of 26m away.

Due to the size of the plot and the proposed access and drive, the proposal is not considered to be 'garden grabbing' in the negative sense, as put forward by objectors to the proposal.

Residential amenity

The proposed bungalow is set 17m away from Ashridge and a new high fence is proposed between the two properties, and given the low ridge height of the proposed dwelling there is not considered to be any harm to the amenity of Ashridge.

The proposed dwelling is sited approximately 15m away the neighbouring property of Dunsmuir. As there is an existing high hedge and the proposed dwelling has a low ridge height, the proposed dwelling is not considered to harm the residential amenity of this property. As the hedge is higher than the proposed dwelling the proposal will not cause any loss of light or cause any overshadowing.

Due to the proposed dwelling being single storey, any windows within the proposed dwelling will not cause any overlooking or loss of privacy.

A distance of 2m has been maintained between the boundaries of Dunsmuir and Blackdown House to allow for any maintenance.

Visual amenity

The proposed dwelling is bound on three sides by residential properties and their boundaries. One boundary of the site is adjoined to open space adjacent to a private road, this hedgerow boundary is visible to users of Honiton Road. As the hedgerow is greater in height than the proposal, the proposed dwelling would not be visible to the public and is therefore not considered to harm the visual amenity of the area. Furthermore, the gable end of the proposed dwelling is set back approximately 7m from this boundary, further reducing any impact the proposal would have.

If the hedgerow was removed at any point in the future, a 2m high boundary would screen the majority of the dwelling.

Highways

The proposal includes a new access into the site, shared with Ashridge, stopping up the existing access into Ashridge. The Highway Authority considered the new access will be substantially improved over the existing access and have agreed that the visibility splay to be reduced from 2.4 x 43m to 2.0m x 43, which would appear within the applicants control. The visibility splay, surfacing and surface water disposal will form conditions to this decision.

Pre-application discussions with the Highway Authority concluded that "On balance, it is considered that the improvement to the visibility would outweigh any concerns regarding the proximity of the private accesses".

Parking/turning within the site have been shown on the submitted drawings and there is sufficient space to accommodate cycle storage.

Ecology

The application has been accompanied with a wildlife survey that has concluded there are no signs of badger activity within the site. Having regard to comments submitted by neighbouring properties, advisory notes will be attached to this approval.

Landscape

The existing boundary hedgerows are to be maintained with some trees to be felled within the garden. Additional tree planting is shown on the submitted plans and landscaping will be conditioned on this application.

Conclusion

Though the adjoining properties, including Ashridge are two storey, this is not characteristic for the whole of the immediate area where single storey dwellings can be found. Furthermore, the proposed dwelling can be sited without harm to visual or residential amenity whilst improving the access for Ashridge onto Honiton Road. The proposed dwelling has been reduced in size, allowing more space around the dwelling and a larger amenity area whilst still providing off road parking and a turning area. As such, the proposal is no longer considered to be cramped and the proposed dwelling is therefore considered acceptable.

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

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