

43/14/0101

MR & MRS N MILLETT

**ERECTION OF 1 NO. DETACHED DWELLING IN THE GARDEN TO THE SIDE OF
9 OLDWAY PARK, WELLINGTON**

Location: 9 OLDWAY PARK, WELLINGTON TA21 8EB

Grid Reference: 3147543.119962 Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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 Z18/3 Site Plan
(A3) DrNo Z18/2 Location Plan
(A3) DrNoZ18/1 Floor Plans and Elevations

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

3. Prior to their installation, samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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. (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.

- 5. The building shall not be occupied until the vehicular access, parking and turning areas have been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority. The access shall be made of a porous material (not loose stone or gravel) or otherwise drained within the site.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 6. 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), there shall be no extension to the dwelling hereby permitted without the further grant of planning permission.

Reason: To prevent over development of the site and to protect the amenity of neighbouring properties, 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 and has imposed planning conditions to enable the grant of planning permission.
- 2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

PROPOSAL

The application seeks planning permission for the erection of a detached dwelling on land within the curtilage of 9 Oldway Park, Wellington.

The proposed dwelling will be located immediately North of the existing property. It will be accessed via a new driveway leading onto turning head and single garage space. The dwelling will have enclosed gardens to the North and South.

With regard to accommodation, the dwelling will have three bedrooms, two within the roof space and one at ground floor level. A family bathroom will be located at first floor level whilst at ground floor there will be a WC, kitchen and open plan dining and living area.

The dwelling is of a dormer bungalow design, with two pitched roof dormer windows positioned within the North facing roof slope. The building will be finished with facing brick, concrete roof tiles and white uPVC fenestration. The site will be bound with a combination of timber panel fencing and brick walls.

SITE DESCRIPTION AND HISTORY

The application site comprises the Northern section of garden associated to 9 Oldway Park, Wellington. The site is bound by timber panel fencing and brick walls.

The site would be bound by residential properties to the South and West; to the North there would be open fields, at present. To the East at Jurston Farm, land is allocated for the development of around 650 dwellings and associated infrastructure. The site is accessed by a private driveway which leads to a group of residential properties.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL - Recommended that the application be refused for the following reasons:

- The development is out of keeping with and would adversely affect the character of Oldway Park
- The proposal would result in an overdevelopment of the site.
- Inappropriate backland development of this nature would set an undesirable precedent.
- The provision of a further property in this location would have an adverse effect on existing public utilities such as electricity and telephones and would therefore cause problems to the existing infrastructure in the area.
- The proposal would result in an increase in vehicular traffic would add to access problems that already exist at Blackmoor Road and Pyles Throne Road.
- The development would result in the loss of mature trees and ancient hedgerow

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies and

requires:

- Provision of adequate drainage so that surface water does not drain from the site onto the highway or vice versa.
- The access should have a minimum width of 3m with a minimum of 5m over a minimum 6m length where more than 1 dwelling is served.
- The access should be properly consolidated for the first 5m and must not exceed a gradient of 1 in 10 for the first 6m from the edge of the adopted highway.
- Vehicular entrance gates should be set back a minimum distance of 6m from the carriageway edge and should open inwards. Pedestrian gates should open inwards.
- On site turning space should be provided where the proposal derives access from a classified road.

WESSEX WATER - Standard guidance notes provided.

DRAINAGE ENGINEER - Surface water construction note provided.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - Zero Charge for Wellington.

Representations

8 letters of objection received raising the following planning related comments:

- Inadequate access over a private drive that already serves 8 properties and more flats; use by additional property would require approval of all other users that contribute to its upkeep;
- Road is unsuitable for additional vehicle movements;
- Access onto highway is substandard;
- Virtually no visibility into Oldway Park from Pyles Thorne Road;
- Proposed bungalow will overlook no.8 garden;
- Overdevelopment of the site leaving inadequate garden to no. 9;
- The proposal upsets the established north elevation building line of 7, 8 and 9 Oldway Park.
- Proposal would adversely affect the character of Oldway Park;
- Proposal is contrary to Government announcement over garden grabbing;
- Could encourage more people to do the same, spoiling the character of the area further;
- Wellington already has large areas being developed so there is no need to overdevelop this site;
- If allowed this may make way for developing the grounds of Oldway House, affecting its historic beauty and natural wildlife;
- Approval would be at total variance to the density of the original permission for Oldway Park;
- An additional dwelling with associated vehicles would compromise the quiet enjoyment of the area by the residents of Oldway House

- This is an opportunistic venture for personal gain;
- Do not see that cramming a dwelling in will meet the design and development planned for land at Jurston Farm.
- The siting of the dwelling would impact upon the current proposals for the Jurston Farm layout and would create a window to window distance of 17m and an overbearing impact on another plot.
- The proposal will require access over the private drive to Oldway House and access rights will not be granted.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 CP4 - TD CORE STRATEGY - HOUSING,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

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 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

Community Infrastructure Levy

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

DETERMINING ISSUES AND CONSIDERATIONS

The site is located within the defined settlement limit of Wellington, where Taunton Deane Core Strategy Policies SP1 and CP4 support the principle of new residential development. As a result, the pertinent issues to consider are the design, scale, form and layout of the proposed scheme and its impact upon visual amenity; together with its impact upon residential amenity, access and highway safety.

Visual amenity, Design, Scale and Layout

Objections have been received raising concern over the impact upon the character and appearance of the area. The residential area is generally characterised by detached single storey dwelling houses, positioned centrally within modest size plots, with a regular pattern to their layout around the access drive. The area has a medium build density, there is a degree of openness along the drive, with landscape planting softening the appearance of the area. The dwellings sit within the former grounds of Oldway House, a striking Victorian red brick dwelling, now subdivided into flats. The large trees are characteristic of this parkland setting and this defines the character of the area. Notwithstanding this character, however, with the exception of Oldway House itself, the existing more recently developed properties themselves are of no significant character.

The proposed dwelling will be positioned to the side of both numbers 8 and 9. The plot is set slightly backward of these properties, being within the corner of no. 9's curtilage. The proposed dwelling is generally reflective of the design, scale and appearance of the existing properties in the area. The site layout is also acceptable and makes best use of the land available; with the exception of one or two larger properties, the plot size is generally reflective of other dwellings within the area. The dwelling will be set back from the highway and as a result it is not considered to have an adverse impact upon visual amenity within the street scene or damage the character of the area in which these dwellings are set. The site is located away from the historic core of the cul-de-sac, Oldway House, and will not impact upon its character or setting.

Having regard to the above matters, the proposed development is considered to be of an acceptable design, scale, layout and appearance.

Residential amenity

The application site will have residential properties to the South and West. The property to the South is currently occupied by the applicant whilst the property to the West is in separate ownership.

The proposed dwelling will be erected within one metre of the property boundary to the West; the nearest section of the building to the neighbouring property would be the garage, which has a slightly lower ridge height than the main dwelling. The dwelling is positioned so that it will project slightly North of the rear elevation of the neighbouring property. Notwithstanding these matters, the proposed dwelling is not considered to result in any loss of light or outlook, nor would it have an overbearing impact upon neighbouring amenity.

Objection has been received to the development in relation to loss of privacy. The proposed dwelling will have three windows positioned within the roof space; one rooflight to the South elevation that will provide light to the bathroom and two windows within dormer windows each serving one bedroom. The orientation of the dwelling and relationship to the neighbouring property is such that the two bedroom windows will give only a very limited view of a small corner of the neighbouring garden. Such is considered to be very limited in terms of overlooking and the impact not significant enough to warrant refusal.

The proposed access and turning area would be to the side of both neighbouring properties and will not wrap around or along the entire length of the respective rear gardens. Additional noise and nuisance from the track and associated vehicle movements will arise through the development, however the relationship between the adjoining areas of residential curtilage and the proposed driveway is considered to be acceptable and any nuisance will not give rise to a significant loss of amenity.

A further objection has been received from the developers of Jurston Farm, suggesting that the proposed dwelling would overlook dwellings in their current layout. However, this development, although allocated and subject to an adopted development brief does not currently benefit from an outline planning permission, let alone a reserved matters approval for the area in question. Therefore, it is not considered that significant weight can be attached to this matter.

Access and Highway Safety

Access and highway safety appears to be a primary concern of local residents who object to the proposed development. The highway serving Oldway Park is privately owned and maintained by residents and therefore permission to use the driveway is likely to be required. This issue is a civil matter and therefore carries no weight in the determination of this application. The highway serving Oldway Park is lightly trafficked and serves a minimal number of properties. One additional dwelling can be suitably and safely served by the highway without adversely impacting upon safety.

Concern has also be raised with regard to the junctions between Oldway Park, Blackdown Road and Pyles Thorne Road. The junction out onto Blackdown Road provides for good visibility in both directions, although the corner is restricted in forward visibility when entering Oldway Park from the North.

It is accepted that visibility between Oldway Park and Pyles Thorne Road is below standard, however the junction already serves a considerable number of properties and is considered to be capable of supporting vehicle movements from one additional two bedroom dwelling.

The site provides sufficient parking and turning areas and is not considered to represent a risk to highway safety.

Conclusions

The site is within a sustainable location where planning policy supports new residential development in principle. The proposed development is considered to be acceptable in terms of design, scale, layout and appearance, together with access and its impact upon visual and residential amenity.

Having regard to these matters, it is recommended that planning permission be 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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