

MR G PHIPPEN

Demolition of dwelling and outbuildings and erection of replacement dwelling with detached triple garage and detached stable block at Torrington, Goosenford

Location: TORRINGTON, CHEDDON FITZPAINE ROAD, GOOSENFORD,
CHEDDON FITZPAINE, TAUNTON, TA2 8LH

Grid Reference: 324817.127781 Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed replacement dwelling would be substantially larger in size than the existing dwelling and it is unclear from the detail submitted as to whether it would be uneconomic to bring the existing dwelling to an acceptable state of repair. In particular, the size of the replacement dwelling proposed within the submitted Economic Justification Statement does not appear to correlate with the actual size of the dwelling shown on the submitted plans. Furthermore, the estimated financial details contained within the report appear to be based on proposed extension works rather than solely relating to estimated renovation/repair costs. The development is therefore contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.
- 2 The proposed development, by virtue of the overall size and scale proposed, would constitute a new built form that is far larger than any other dwelling within the immediate area. This would create a visually over-dominant form of development, which would not be commensurate with the character or appearance of the area or its setting and would be overbearing to the neighbour causing overshadowing. Furthermore, the extent of the proposed curtilage area is unclear, as the application 'red-line' extends the full length of the plot beyond that of adjoining neighbours into the open countryside to the south. The development is therefore considered to be contrary to Policies DM1 and DM2 of the Taunton Deane Core Strategy and Policy D7 of the Site Allocations and Development Management Plan.
- 3 An Ecology report has been submitted to accompany the application, which identified the presence of bats on site. However, it is unclear as to whether additional bat surveys were carried out between June-August 2016 (during the bat maternity period), in accordance with the recommendations of the report. As such, it is not known whether a bat maternity colony resides on site, which means it is not possible to ascertain whether the development would have a detrimental impact upon protected species. In the absence of additional survey works being conducted, the information submitted to accompany the application is deemed to be insufficient. The development would therefore be contrary to Policies CP8 and DM1 of the Taunton Deane

Core Strategy.

Recommended Conditions (if applicable)

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 looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

Permission is sought to demolish an existing dwelling (bungalow) and outbuildings to erect a new detached (4-bed) two-storey replacement dwelling, along with a detached triple garage and stable block.

The proposed replacement dwelling would measure approximately 27m in length by 11m in width, with a larger single-storey rear extension to the eastern end of the building to provide an enlarged 'drawing room', approximately 6.5m in length beyond the proposed rear building line. The property would measure approximately 11m in height to the roof ridge and 6m to eaves. The dwelling would utilise a mixed render and stone finish to the walls and slate tiles to the roof. Windows and doors would utilise a UPVC finish.

A new detached triple garage is proposed to the front (north) of the property, measuring approximately 12m by 6.7m. The garage would measure approximately 6.5m in height to the roof ridge (3.5m to eaves). It would utilise materials to match the house.

A replacement stable block would be provided approximately 85m to the south of the house within the existing paddock.

Site Description

The application site concerns an existing residential property situated within the hamlet of Goosenford, which lies approximately 1km to the north-east of Taunton. The site is accessible via an existing public highway to the north of the site, which connects Cheddon Fitzpaine to West Monkton.

The site is approximately 1.5 hectares in size and comprises a detached bungalow of render and brick construction with associated garage and stables to the western boundary. There is a large front garden area, split by two vehicular access points either side. The land to the rear (south) consists of additional domestic garden space, along with a long and narrow paddock area that stretches out to the open countryside.

The property lies centrally within a linear cluster of other residential properties, which front the road. The properties adopt a mixed character, consisting of a mix of detached and semi-detached two-storey and single-storey bungalow developments.

An existing public footpath extends along the western edge of the paddock within the

site.

Relevant Planning History

There is no relevant planning history associated with the site.

Consultation Responses

WEST MONKTON PARISH COUNCIL - Parish Council supports this application.

The Council would wish to see obscured glass used in the upstairs windows of the east and west elevations to avoid loss of amenity through overlooking for the neighbours on either side of the proposed building. The recently planted hedge that runs north/south on the western side of the garden of the proposed application should be restricted to a height (6ft) that prevents it becoming overbearing and creating loss of light/outlook for the neighbour.

CHEDDON FITZPAINE PARISH COUNCIL - No response received at time of writing.

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice.

SCC - RIGHTS OF WAY - No response received at time of writing.

BIODIVERSITY - Comments as follows:

The site lies within 2km of Hestercombe SAC.

Jh Ecology carried out an updated Species Survey Report of the site dated June 2016 Findings were as follows:

Bats

The surveyor undertook one dusk emergence survey and 1 week of automatic monitoring in May/June 2016.

Droppings were found of brown long eared bat, serotine and whiskered bats in the roof void of the existing bungalow.

Bats appear to access the roof void through a hole in the roof.

Six species of bat were recorded during the emergence survey.

The surveyor concluded that the bungalow offers potential as a minor hibernation site for common/rarer bat species. The garage is considered unsuitable for bats and the stables offer low potential.

The single emergence survey undertaken has not confirmed the presence (or absence) of a maternity colony of brown long eared, or other bats.

Officer supports the recommendation to carry out further bat survey between June and August 2016 (during the bat maternity period) to confirm the status of the bat roost and to inform the scale of impact. Further automated monitoring should also be undertaken.

As the proposal will involve a criminal act an EPS licence will be required from

Natural England in advance of demolition of the bungalow.

The surveyor has suggested mitigation in the form of a replacement bat loft over the new garage. THIS MUST BE SHOWN ON ARCHITECTS DRAWINGS, along with the other proposed roost provision.

The hedgerows could potentially support foraging bats.

Any new lighting should be kept to a minimum.

Badgers

A possible badger sett entrance was found on site, although it appeared to be disused at the time of survey.

Amphibians and reptiles

Habitats within the site, particularly the hedgerows and hedgebanks, the tussocky grassland and mature shrubs offer some potential for amphibians and reptiles. Precautionary measures are supported to minimise any harm to amphibians or reptiles. Any scrub and cuttings should be piled away from the working area to provide suitable habitat for reptiles.

Birds

Several birds' nests were noted in the stable block (old swallow and old robin or blackbird). Therefore the relocation of the stable block should not take place during the bird nesting season.

The Officer supports the erection of bird boxes on site.

LANDSCAPE - Comments as follows:

The replacement dwelling is very large. It may appear out of scale with neighbouring properties.

The submitted plan does not differentiate between existing and proposed trees and shrubs.

WESSEX WATER - No response received at time of writing.

DRAINAGE ENGINEER - Comments as follows:

The application falls below the requirement for LLFA statutory consultation.

Somerset County Council does not provide drainage engineering support to the Local Planning Authority.

DIVERSIONS ORDER OFFICER - Mr Edwards - No response received at time of writing.

Representations Received

A site notice was erected 29th June 2016 and neighbours notified 28th June 2016.

Comments from two local councillors have been received, their comments as

follows:

Cllr N Cavill: I write in support of this planning application.

Such a house will improve the character of the area and is in keeping with the large houses to the east and the north, whilst property to the west was two semi's, which have now been put together and further extended to the rear.

In addition the plan shows considerable planting to the north/front of the proposed house that is between the proposed house and the road, providing additional screening. Both the west and east elevations have been design carefully to minimise the impact on the adjoining properties. The proposed triple garage is a replacement for the existing triple garage and the stable block is being re-sited to a more appropriate location.

Cllr S Parrish: I am aware of the application to build the proposed house and will support this.

Two letters of support and one neutral response has been received, their comments summarised as follows:

Support

- Whilst the proposed new house is very large, it is certainly much better than the existing, tired looking bungalow which also appears quite small relative to the size of the plot.
- From the plans, it appears that the new property would overlook the rear garden of Hilltop more than the existing house but the proposed opaque windows on the western side and existing mature trees should ensure privacy is maintained both ways.
- The proposed garage block would be more visible from the side of Hilltop and the new location of the stables will be in line of sight from the rear of Dunelm, but these should not be overly intrusive.
- The proposed property would enhance the general image of the area.
- The development would replace a rundown bungalow in a poor state of repair.
- The development would greatly improve the character of the area and be in-keeping with the large houses to the east and the north. The property to the west was until developed, two semi's, which have now been put together and further extended to the rear making a large residence.
- Design includes considerable planting, which would screen the house from the road.
- Design would have minimal impact on neighbours.

Neutral

- The previous occupants had a stable block but there was no acceptable provision for the storage and disposal of horse manure nor was there any

proper facility to control the liquids (urine) and wash away water.

- The manure dump could result in strong smells and increased numbers of horse flies (as was the case previously).
- Details for the storage and disposal of horse waste should be confirmed on plan. If it were some 300m to the south of the dwelling, that would be acceptable.

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.

SD1 - Presumption in favour of sustainable development,
CP8 - Environment,
SP1 - Sustainable development locations,
DM1 - General requirements,
DM2 - Development in the countryside,
D7 - Design quality,

Local finance considerations

Community Infrastructure Levy

The new dwelling, garage and stables measure approximately 815m².

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £102,000.00. With index linking this increases to approximately £120,000.00.

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	£1,079
Somerset County Council	£270

6 Year Payment

Determining issues and considerations

The main issues in the consideration of this application are the principle of development, impact upon visual amenity/design, impact upon residential amenity, impact upon highways and impact upon biodiversity.

Principle of development

Although the development would be situated amongst a linear cluster of existing residential development, which runs alongside the main road, Policy SP1 of the Taunton Deane Core Strategy (TDCS) identifies the application site as being situated outside defined settlement limits. As such, in accordance with the Policy requirements of SP1, the development is situated in an area identified as 'open countryside', where the policy requirements of DM2 (TDCS) apply.

Whilst new development would usually be resisted in such locations on sustainability grounds, Policy DM2 does support replacement dwellings outside defined settlement limits subject to certain criteria being met. In particular, it must be demonstrated that the existing building has not been abandoned, it is a one-for-one replacement, it is uneconomic to bring the dwelling to an acceptable state of repair, and it is not substantially larger than the existing dwelling.

Whilst the dwelling is currently unoccupied, having visited the site, it is evident that the property has not been abandoned. Furthermore, although the dwelling proposed is rather large, it is apparent from the details submitted, that the new dwelling would be a one-for-one replacement.

The existing dwelling is of a single-storey construction with brick walls topped with a pitched and tiled roof erected c.1920, with an extension added to the east at a later date. The existing detached bungalow is proposed to be demolished in order to construct a new two-storey residential property. It is therefore necessary, in accordance with the Policy requirements of DM2, for the applicants to demonstrate that there is an economic case to erect a new dwelling rather than renovate and/or repair the existing dwelling. In particular, it should be clearly demonstrated that it is economically unviable to bring the existing dwelling to an acceptable state of repair.

The submitted Economic Justification Statement has identified that the existing dwelling falls below what would normally be expected of current Building Regulation standards and the report details the works that would be required to meet such standards. As this is a separate procedure to planning, it is difficult to know whether this is the case, however, it is acknowledged that a degree of renovation and repair works would be required in order to bring the property back to more modern day residential standards. That said, the report does indicate that should the existing dwelling remain, the existing structure could remain without the need to comply with current Building Regulation standards (in respect of insulation for heat loss and fuel conservation). This is because the property has an existing residential use, whereby Building Regulations would not be applied retrospectively. Any new development, such as extension to the dwelling, would be expected to meet Building Regulations

and whilst it may be desirable to ensure the whole building complies with modern Building Regulation requirements, this is not necessarily a sufficient reason to justify the replacement of an existing dwelling in this location.

The submitted report indicates that the cost of renovation works would be typically 20% higher than the costs associated with new build. However, the financial details contained within the report appear to have been estimated on the basis of works which do not solely relate to repair/renovation works. Instead, it is apparent that the estimated monetary figures have taken into account the costs involved of constructing a new extension through that permissible under householder permitted development (development that is permissible without the need for planning consent as contained within the General Permitted Development Order). Whilst no consideration has been given as to whether any extension works would be permissible without planning consent, ultimately, the report should demonstrate why it is economically unviable to bring the existing dwelling to an acceptable state of repair. The costs of any extension works are therefore considered to be irrelevant in this respect.

Taking the above information into account, the report indicates that the cost to demolish and erect a new build development would be approximately £210,000 cheaper than the cost of renovation and extension works to the existing dwelling. However, the report does not clearly demonstrate the actual costs associated with repair/renovation works over the costs associated with any extension works that may or may not be permissible under permitted development. As the estimated costs for renovation and extension works have been grouped together, the report does not give a true reflection of the financial estimates associated solely with repair/renovation works to the existing dwelling. Furthermore, the costings associated with the existing dwelling seem to have been established on the basis of a 1st floor extension being added. Again, it is considered unreasonable to use this as an argument to justify the uneconomic viability of repair works, as it is unclear how much relates solely to repair costs. In any event, the addition of a first floor to the property would require planning consent.

On the basis of the above, it is evident from the details submitted that the applicant has been unable to clearly demonstrate that it is uneconomic to bring the existing dwelling to an acceptable state of repair. Instead, the costings associated with repair works have been inflated with the financial estimates associated with extending the property. Even then, the figures quoted appear to be excessive, with an estimate of nearly £700,000 given for extension and repair works; however, it is unclear how much of this figure relates solely to the repair works. The development therefore fails one of the key test requirements of Policy DM2, and the principle of development is considered to be unacceptable in this respect.

Consideration also needs to be given to the proposed size of the dwelling to ensure it is not substantially larger than the size of the existing dwelling. Policy DM2 does allow for the provision of larger replacement dwellings and in this respect the Local Planning Authority would not object to a two-storey replacement over a single-storey (provided it would be in-keeping with the character and appearance of the area). However, in allowing an additional storey, the overall footprint of the replacement dwelling should not be substantially larger than the existing footprint.

Having measured the floor area from the plans submitted, the existing floor area of the dwelling measures approximately 152m². The size of the replacement dwelling proposed measures approximately 356m² at ground level, which over two-storeys would provide approximately 712sm² of floor space. In this respect, it is clear that the proposed replacement dwelling would be substantially larger (over 300%) than the existing dwelling, to an extent that is considered unreasonable in planning terms. The development is therefore again considered to be in direct conflict with the requirements of Policy DM2.

It should be noted that the size of the existing/proposed dwelling (as derived from the submitted plans to accompany the application) is significantly larger than the size indicated within the submitted financial report. It is therefore apparent that the financial details provided do not correlate with the size of the dwelling. For this and the reasons outlined above, the development is considered to be contrary to the policy requirements of DM2 of the Taunton Deane Core Strategy, where there is an 'in principle' policy reason for refusal. The development is clearly in conflict with the development plan and it is therefore recommended that permission be refused on these grounds.

Visual amenity/design

The application site consists of a large plot, which stretches some 300m to the south of the existing dwelling. It is set amongst a linear cluster of residential development that runs parallel to the road; the main road through Goosenford. Although the existing residential built form follows a reasonably well established building line, the houses themselves do not adopt a set character or appearance. Instead, the houses consist of a mix of detached/semi-detached two-storey and single-storey bungalows.

The plot itself is particularly large and much wider than the other domestic plots along the street. On this basis, there is certainly scope to accommodate a large dwelling on site. However, it is apparent that the size and scale of the dwelling proposed is far larger than any other, which would make it a very prominent and dominant feature from the street scene. Whilst there is a reasonably large detached two-storey property to the east, the overall mass and bulk of the dwelling proposed is not commensurate with any other development along the road.

It is also noted that the application 'red-line' extends the full length of the plot and the extent of the proposed domestic curtilage is unclear. On the basis of the red-line, the curtilage area identified far exceeds that of any other residential property to an extent that is considered unacceptable in planning terms, particularly given its setting within an area of defined 'open countryside'.

Whilst it is acknowledged a large dwelling would be suitable for the plot, the overall size and scale of the dwelling proposed, in addition to the proposed garage block and stables is considered to be too excessive. The development would appear as a dominant feature along the street scene, which is not in-keeping with the character and appearance of the area. It is therefore recommended that permission be refused on these grounds.

Residential amenity

The application site houses an existing dwelling with neighbouring occupiers

situated both sides to the east and west. Consideration must therefore be given as to whether the proposed replacement dwelling would have an increased impact upon the amenity of neighbours over or above existing arrangements.

Due to the overall size and scale of development proposed, along with the proposed additional storey, the overall height of the development would be far greater than existing, with the proposed replacement dwelling measuring approximately 11m in height to the roof ridge. As a result of this, the development would give rise to an increased impact by way of overbearance, as it would far exceed the height of adjoining neighbouring dwellings, particularly the bungalow to the west. Furthermore, as the proposed dwelling would be set-back approximately 7m behind the existing front building line of the original house, the impact by way of overbearance is considered to be exacerbated further, as the development would further enclose the sense of openness to the rear gardens of adjoining neighbours.

The plot itself is south facing. As such, there would be some increased overshadowing impact to neighbouring gardens during early morning and late afternoon periods. Whilst it is acknowledged that there would already be some degree of overshadowing impact by existing tree and other planting situated along the boundary, the proposed height of the replacement dwelling is considered to increase the impact to an unacceptable level.

As it is proposed to provide a new two-storey dwelling, any impact by way of overlooking/loss of privacy would be from the proposed first floor windows on the eastern and western elevations. However, it is considered that a condition could be attached to any permission to ensure the first floor side windows are obscurely glazed. On this basis, it is considered unreasonable to refuse the application on these grounds.

For the reasons outlined above, it is recommended that the application be refused on residential amenity grounds, as the development would give rise to increased impact by way of overshadowing and overbearing sense of enclosure.

Highways

The existing property currently has two vehicular access points either side of the front garden area. It is proposed to close the existing accesses to create a single new access to be situated centrally within the frontage. There are considered to be no significant issues associated with the new access point, as suitable highways conditions could be attached to any permission to ensure the access meets necessary visibility splay requirements, widths etc.

There is considered to be ample space available within the site for the parking and turning of vehicles and subject to relevant highways conditions being attached to any permission, the development is not considered to give rise to any significant highways impact.

Biodiversity

An ecology report has been submitted to accompany the application and the TDBC Biodiversity Officer has been consulted.

A dusk emergence survey and bat monitoring took place in May/June 2016. Six

species of bat were recorded during the survey and it was evident that bats appear to access the existing roof void through a hole in the roof and the surveyor concluded that the bungalow offers potential as a minor hibernation site for common/rarer bat species.

The single emergence survey undertaken did not confirm the presence (or absence) of a maternity colony of brown long eared bats, or other bats. Whilst the submitted ecology report did recommend that a further bat survey be carried out between June and August 2016 (during the bat maternity period to confirm the status of the bat roost and to inform the scale of impact), there is no evidence submitted to accompany the application to indicate whether such surveys were carried out. Without this information, it is not possible to ascertain whether the proposed development would have any significant impact upon protected species.

It is considered that such surveys would need to be carried out before any permission could be granted, to ensure appropriate mitigation measures could be incorporated into any approved scheme. As such, in the absence of sufficient information to confirm whether a bat maternity roost is present on site, it is recommended that permission be refused.

Conclusion

The site is situated outside defined settlement limits, where Policy DM2 of the Taunton Deane Core Strategy allows for the replacement of a dwelling subject to certain criteria being met. In this case, the applicant has been unable to clearly demonstrate that it would be uneconomic to bring the existing dwelling to an acceptable state of repair and it is evident that the proposed replacement dwelling would be substantially larger than the existing dwelling. The proposal would therefore be in conflict with policy requirements of DM2, where the principle of development is considered to be unacceptable on these grounds.

Although the built form and layout of Goosenford is mixed, the size of dwelling proposed is considered to be far larger than any other neighbouring dwelling. As such, it is considered that the development would appear overly dominant within the street scene, to a degree that would harm the character and appearance of the area and its setting. Furthermore, the extent of the proposed curtilage area is unclear, as the application 'red-line' extends the full length of the plot beyond that of adjoining neighbours into the open countryside to the south.

The proposed size and scale of the development, with an overall height of 11m to the roof ridge, is considered to be too large to an extent that would cause harm to the residential amenity of neighbouring occupiers. In particular, the development would give rise to increased overshadowing impact and lead to an overbearing sense of enclosure.

In the absence of sufficient additional wildlife surveys being conducted, it is not possible to ascertain whether the development would cause any significant harm to any protected species that may reside on site. In particular, it is not known whether the existing dwelling accommodates a bat maternity roost, and it is unclear whether mitigation measures would be necessary to allow for a development of this nature.

For the reasons outlined above, and assessed in detail within the report, it is

considered that the development would be in direct conflict with the development plan. It is therefore recommended that permission be refused.

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

Contact Officer: James Culshaw