

49/12/0030

MR HORTON

ERECTION OF A DWELLING WITH ADJOINING GARAGE, PARKING AND FORMATION OF ACCESS AT LAND ON CROFT WAY, WIVELISCOMBE (RESUBMISSION OF WITHDRAWN APPLICATION 49/12/0016)

Grid Reference: 307868.127742

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

It is considered that the proposal would not have an adverse impact upon neighbouring residents or the highway network. It is also considered that the proposal would not adversely impact upon the visual amenities of the area, the landscape setting of Wiveliscombe or the character and appearance of the conservation area. Given that the proposal would not cause harm to these interests and is located in a sustainable location close to the centre of Wiveliscombe, and with regard to the previous grant of outline planning permission, it is considered that the proposal is acceptable despite being sited outside the settlement limit, in accordance with Policies S1 (General Principles), S2 (Design), M4 (Parking Provision) and EN14 (Conservation Areas) of the Taunton Deane Local Plan, Policies STR1 (Sustainable Development), 9 (The Built Historic Environment) and 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy DM1 of the emerging Taunton Deane Core Strategy, the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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) DrNo 01 Location Plan

(A3) DrNo 02 Block Plan

(A1) DrNo 04 Rev A Existing Topographical Survey with Entrance Visibility Splay and Foul Sewer Drainage

(A3) DrNo 08 Rev A Proposed Block Plan
(A1) DrNo 09 Rev A Proposed Site Plan, Ground and First Floor Plans
(A1) DrNo 10 Rev A Existing and Proposed Site Sections, Section A-A and Elevations SK02

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

3. Full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The approved details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that the development does not give rise to off-site flooding, in accordance with the National Planning Policy Framework.

4. The 'CellWeb' root protection system shall be installed to a depth of 100mm within the area indicated on drawing 1141/09 rev A prior to the commencement of any other works on the site.

Reason: To ensure that the trees are protected from the development, in the interests of the visual amenities of the area and the character and appearance of the conservation area in accordance with Policies S1 and EN14 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling and access drive 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 protect the character and appearance of the conservation area in accordance with Policy S2 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to the occupation of the dwelling hereby permitted, a 2m close boarded timber fence (or other such screen that may otherwise be agreed in writing by the Local Planning Authority) shall be erected along the line of the existing post and wire fence at the southern site boundary in a position and for a length that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent overlooking of the neighbouring garden from occupiers of the proposed development in accordance with Policy S1 of the Taunton Deane Local Plan and Policy DM1 of the emerging Taunton Deane Core Strategy.

7. The windows hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. No service trenches shall be dug within the root protection areas of the trees on the northern site boundary as identified in the submitted arboricultural report prepared by Sam Manton, submitted with the application, without the prior written agreement of the Local Planning Authority.

Reason: To ensure that the trees are not damaged during the course of the development in the interests of preserving the character and appearance of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes for compliance

1. The Local Planning Authority expects that the fence required by condition 6 will be located to the east of a point to the south of the eastern sitting room wall and extending for at least 15m.

PROPOSAL

This application seeks full planning permission for the erection of a dwelling. The dwelling would be a 1.5 storey dwelling, accessed via a new private drive directly from the B3227, Croft Way. It would face the recreation ground, with a forward projecting gable and two dormer windows. A small gabled porch would be provided to the front and a brick chimney constructed on the southern side. A further projecting gable and dormer windows would be provided on the rear (east) elevation and the dwelling would have an attached garage on the northern side. The application forms indicate that the dwelling would be finished in brick and render under a slate roof. The plans appear to indicate that some timber boarding may be employed on the projecting gable ends, but this is not detailed in the application forms.

SITE DESCRIPTION AND HISTORY

The site sits to the south of the B3227 Croft Way, Wiveliscombe. It is currently an open area of land, accessed by a field gate from the B3227. The access point is opposite the junction of West Street and the B3227.

There is a mature line of trees along the roadside northern boundary of the site, which largely screen the site from the B3227. The site slopes down from the road to the south and east, such that to the south, an adjoining dwelling sits at a lower level, separated from the site by a low hedge, including some trees. The neighbouring

dwelling has some windows facing the site at ground floor level, and some rooflights. The access to the neighbouring dwelling runs along the western edge of the application site.

Planning permission was refused in 1989, 1990 and 1999 for the erection of two dwellings on this site. The latter was also dismissed at appeal on the basis that the two-storey dwellings facing north and south were detrimental to the amenities of the neighbouring dwelling to the south.

Outline planning permission was granted last year for a single dwelling under application number 49/11/0034. Illustrative plans submitted with that application indicated that a single storey dwelling could be constructed and dug into the site so that it were no higher than the neighbouring dwelling to the south.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE PARISH COUNCIL – Supports, standing by their previous observations, with nothing to add to their previous comments. Previously the PC commented that, even though the site is outside the designated development area, they supported the application because it is in keeping with the surrounding buildings.

SCC - TRANSPORT DEVELOPMENT GROUP – Previous comments apply equally to this application. In summary, the site is close to the centre of Wiveliscombe and is considered to be sustainable in transport terms. Although the development would derive access from the B3227 County Route, the access is of good geometry and its use should not be detrimental to highway safety. Sufficient space is provided on site for turning and parking.

The Highway Authority therefore raises no objection, subject to conditions that the parking and turning areas are kept clear and used only in connection with the development, that visibility splays are provided and maintained at the access, that the first 5 metres should be properly consolidated and surfaced, the garage should not be used for any business purposes.

DRAINAGE ENGINEER – Satisfied that no changes to the ground levels at the existing access will occur and, therefore, existing culverts and sewers are unlikely to be affected.

HERITAGE – No objections subject to conditions regarding external materials in keeping with conservation area – i.e. windows not UPVC.

LANDSCAPE – Subject to:

- Protection of trees during construction;
- No service trenches within RPAs without written agreement of LPA;
- Tree works carried out as recommended;
- Details of CellWeb surfacing as agreed

The proposals are acceptable.

Representations

8 letters of SUPPORT have been received making the following comments:

- The building will be a positive addition to the area and will compliment the surroundings.
- The property appears to make use of outlook to the recreation ground where the applicant is heavily involved with the local rugby club. He will be able to attend the rugby club on foot reducing his carbon footprint.
- The development is in keeping with the area and house next door as it is the same size.
- The development will enhance the area and improve social behaviour in the recreation ground, especially at night.

It should be noted that 3 of the letters of support have been received from residents of Wiveliscombe, with others from Milverton, Bridgwater, Taunton, Norton Fitzwarren and Hillcommon.

7 letters of OBJECTION have been received making the following comments:

- This application will form the base for development on the lower side of the B3227.
- The proposal will change the look of this part of the town significantly.
- The dwelling should be in line with the dwelling at Croft Way Bungalow and should definitely be lower than the plans show.
- Walls seen from the main road should be stone to be in keeping with the neighbouring dwelling.
- The already approved outline permission is far more appropriate for this site in terms of its height and position. Previous concerns were addressed and appeared to result in an appropriate development. The current application seeks to return to the type of development that has been refused permission in the past.
- The new application does not take account of the conditions established when the outline permission was originally granted, particularly regarding the height of the dwelling.
- The dwelling would overlook Croft Way Bungalow and be overbearing on it. There are double doors and an elevated patio facing toward the neighbour.
- There is insufficient information to determine whether surface water can be adequately disposed of without causing flooding at Croft Way Bungalow.
- The proposal is too large for the site and completely different to the outline originally approved. It is too great an intrusion into the landscape and would dominate the adjoining property.

It should be noted that 3 of the letters of objection are from residents of Wiveliscombe, with others from Taunton, Exford and Staffordshire.

Comments from Ward Member, Cllr E Gaines – “I have lived in the Wiveliscombe area for over 22 years and am very familiar with the area of land proposed to be built on and adjoining properties to this land.

I understand that outline planning permission was granted within the last year on this land, which already had an extensive list of planning applications since the late

1990's – which were rejected mostly on the grounds of each proposal building properties “to be overbearing” on the adjoining bungalow, as well as excessive development beyond the natural lines of town development. I believe that after much planning effort by the previous owners, a suitable planning solution was determined in granting the “Outline permission” in 2011 and that was also deemed to be a good compromise for those neighbours – the Buckingham's, who were going to be directly affected by any development on this land. Despite this, the land (with outline development permission) was sold and new owners are now opening up the planning history again – which is their right – however, I do not feel the proposed building which is 1.8M (about 6ft) higher at roof ridge and no longer in line with the neighbouring bungalow will be at all sympathetic to this area which is now – by way of the main town road through Wiveliscombe will be visible to everyone passing this proposed development property...”. Further comments made regarding the Parish Council meeting and the neighbour's lack of opportunity to make representations to that meeting.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
EN14 - TDBCLP - Conservation Areas,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
S&ENPP49 - S&ENP - Transport Requirements of New Development,

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)	£4,316
Somerset County Council (Upper Tier Authority)	£1,079

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£25,898
Somerset County Council (Upper Tier Authority)	£6,474

DETERMINING ISSUES AND CONSIDERATIONS

The principle of the development and use of the access for a dwelling is established by the previous grant of outline planning permission, which remains extant. A number of representations have been received commenting that the indicative plans submitted with that outline application were more appropriate in terms of the suggested height and positioning of the dwelling. However, this is a full application and it is not bound by the restrictions of that outline permission. It must be determined on its own merits.

The main issues in the consideration of this application are considered to be the design and impact on the conservation area, and the impact on the amenity of the neighbouring Croft Way Bungalow to the south of the site.

Design and impact on conservation area

The site is in a prominent location and clearly visible on approach to Wiveliscombe from the west. It will face the open recreation ground, yet at the same time is very closely related to the historic core of Wiveliscombe. This central area is generally characterised by two or 3 storey dwellings, finished in render or stone, with some brick, almost exclusively under slate roofs. This application proposes a 1.5 storey dwelling, with rooms in the roof, with a forward projecting gable. The plans appear to show timber boarding on the projecting gable and also on two smaller dormer windows that are proposed on the roof slope. The result is a slightly incoherent mix of materials, the different treatment of the gable emphasising the dwelling's low height compared to most other rendered properties in the area. The use of dormer windows is similarly not characteristic of the historic core of the town and the external brick chimney adds a further incongruous feature. The design and access statement does not offer any convincing reasons for the design approach chosen.

That said, the neighbouring property, Croft Way Bungalow, is itself a 1.5 storey dwelling, presumed to be a converted barn. As such, a full two-storey dwelling may appear oversized adjacent to this modestly proportioned near neighbour, which is also on lower ground. It is on the other side of Croft Way to most other historic properties and, therefore the scale is considered to be appropriate. There have been concerns raised that the dwelling should be the same height or lower than the neighbour, but it is, as a matter of fact, on higher land and, as such, the greater height (resulting from a higher slab level, rather than a significantly taller building) is considered to be appropriate in this context.

In summary, it is considered that there are features of the design that do not properly respect the local vernacular and that, despite the acceptable scale of the development, there are better ways of conceiving a design within these parameters. However, the conservation officer has raised no objection and, therefore, it would be difficult to argue that the character and appearance of the conservation area was harmed. This is probably due to the detached nature of the site from the main historic core of the Town. Accordingly, the design is considered to be acceptable.

Impact on neighbouring property

The only neighbouring property significantly affected by this proposal is Croft Way Bungalow, immediately to the south. The dwelling has been set back further on the site than the indicative plans for the previous outline permission indicated and this means that it would be more visible to the occupiers of Croft Way Bungalow. The reason for the set back is to allow a turning head to be constructed to the front of the dwelling, and although the dwelling may be able to be pushed forward, with just the garage set back, it is not considered that the bulk of the dwelling in this location, set to the north of Croft Way Bungalow, would be unacceptably overbearing on the neighbour.

Of greater concern is a raised patio area in the southeast corner of the dwelling. This would be accessed from both the dining and living rooms in the proposed dwelling and, due to the slope of the site, would be elevated to approximately the

same level as the boundary hedge. This area would clearly be the most heavily used external area of the dwelling at a distance of between 6 and 10m from the site boundary is considered to lead to unacceptable overlooking of that garden. It must, therefore, be considered whether that impact can be mitigated.

The application drawings indicate a 0.9m high post and wire fence on the northern side of the hedge. It is considered that replacing a length of this to the south of the raised patio with a 2m high timber fence would obstruct the view over the neighbouring garden. The presence of such a timber fence would be at odds with the surrounding semi-rural setting of the site, but such a fence could be erected under permitted development rights. It is, therefore, considered that it would be an appropriate mechanism to prevent overlooking. With a fence in place, the harm to the neighbouring dwelling would be overcome.

Other matters

The means of access was considered under the previous outline permission. The Local Highway Authority have replicated their previous advice that the proposal is acceptable in highways terms, subject to conditions. It was previously considered that it was unnecessary to impose conditions relating to visibility as the required splays are entirely within Highway owned land. Similarly, conditions preventing use as business premises are not necessary as such would require planning permission. The surfacing details for the driveway should be sought by condition.

The trees along the northern site boundary are also within the control of the highway authority. Conditions are, therefore, not required to protect them during the course of the development. However, the use of a 'CellWeb' root protection system is required to ensure that the access does not cause damage to tree roots and this should also be controlled by condition.

Concern has been raised from the neighbouring residents that their position at a lower level to the site could result in increased surface water run-off and flooding to their property. The Drainage Engineer is satisfied that the site can be adequately drained with soakaways and full details of the surface water drainage system should be sought by condition. He is also satisfied that existing culverts and sewers should not be affected by the development.

The receipt of the New Homes Bonus is noted, however, your officers consider that this matter carries very limited weight in this case.

Conclusion

By virtue of the planning history, the proposed dwelling is considered to be acceptable in principle. Whilst containing features that do not respect the local vernacular, on balance, the design is not considered to cause harm to the character and appearance of the conservation area. A condition requiring the provision of a new fence would overcome the overlooking harm to the neighbouring dwelling and, accordingly, the development is considered to be acceptable. It is, therefore, recommended that planning permission is 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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