

06/2005/021

THE PERSONAL REPRESENTATIVES OF MRS P L M WEBBER

ERECTION OF DWELLING AND GARAGE AT LAND TO REAR OF 9 CHURCH STREET, BISHOPS LYDEARD.

16903/29803

OUTLINE APPLICATION

PROPOSAL

The proposal comprises the erection of a dwelling in the rear garden area 9 Church Street, Bishops Lydeard that is surrounded by a stone boundary wall. Matters relating to siting, design, external appearance and landscaping are reserved for future approval, although an indicative location plan has been submitted showing how a dwelling could be accommodated on the site. The site area measures 450 sq m and utilises the existing access from Church Street.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections subject to conditions. WESSEX WATER no objections. SOMERSET ENVIRONMENTAL RECORDS CENTRE 1 or more legally protected species found on site, 1 or more legally protected species located within 1 km of site.

CONSERVATION OFFICER no changes in circumstances to warrant refusal. WILDLIFE SPECIES CO-ORDINATOR comments awaited. DRAINAGE OFFICER no objections. Recommend an advisory note re surface water discharge to soakaways.

PARISH COUNCIL the Council does not support this application. Egress of vehicles from the existing access, adjacent to 9 Church Street, onto the highway would present a hazard to pedestrians and other vehicular traffic through the extremely limited visibility; close proximity of a flight of footway steps leading onto the Almshouses; legal parking of vehicles on the highway in the immediate vicinity; hazard created by other vehicles utilising the nearby junction of West Street with Church Street as a turning circle. Specific policies and guidelines within the Taunton Deane Local Plan, conservation areas (EN14) and Bishops Lydeard chapter (10.7) would indicate such planning applications should be resisted.

TWO LETTERS OF OBJECTION have been received raising the following issues: traffic danger at an already excessively busy junction; any additional traffic using the driveway of No. 9 will inevitably worsen this situation; more danger to children who use the pavement; also ambulances and service vehicles often have to park across the driveway of No. 9 because there is no where else to park; backland development not considered to be infill contrary to policy; poor visibility; detrimental impact upon the conservation area and setting of the listed almshouses; insufficient parking and turning within the plot without turning the whole area garden into tarmac; to comply with building regulation a dwelling must be located far enough away to avoid possible damage to the mature eucalyptus tree in the garden.

POLICY CONTEXT

Policies S1 (general requirements), S2 (design), H2 (housing), M4 (parking), EN14 (Conservation Areas) and EN16 (Listed Buildings) of the Taunton Deane Local Plan are relevant to this application.

ASSESSMENT

The site is located within the defined settlement limits of Bishops Lydeard and therefore there is a presumption in favour of development unless material considerations indicate otherwise. The dwelling and garage shown is for illustrative purposes only and the granting of this permission would not bind the development to the positions shown. The proposal relates to the siting of a dwelling in the applicants rear garden with access derived from Church Street with an existing drive passing by the applicants property.

The site could be described as a backland position. However this is not a reason on its own to refuse planning permission. Opportunities do exist in areas of low or medium density housing, where backland development could be accommodated without undue visual intrusion and where residential standards of space and privacy could be maintained at an acceptable level. Any proposal and ultimately the detailed design must be sympathetic to the character of the area. The Parish Council have commented that the policy BL4 precludes this form of development. Policy BL4 prohibits development in designated Urban Open Spaces. The site is not located in a designated Urban Open Space and therefore policy BL4 is not considered relevant to the proposal. Furthermore dwellings do exist in the locality in this backland position, namely the Almshouses wardens house and the Rectory.

The overall area of the existing garden to be assigned as residential curtilage for the dwelling is 450 sq m. It is considered that a dwelling could be comfortably accommodated on the plot, affording an appropriate area of amenity/garden area for any future occupants. The indicative plan shows a dwelling sited some 20 m from the applicants property (the nearest property). There would therefore appear to be sufficient distance between the proposed site and neighbouring properties not to cause a detrimental loss of residential amenity.

Turning to the history of the site, planning permission was granted in 1986 (application 06/1986/015) within the Conservation Area as its designation exists today. Since the previous proposal was approved there have been no changes in planning circumstances that would result in a different recommendation being made. The proposal is also not considered to harm the setting of the neighbouring listed Almshouses.

At the time of writing a slow worm survey is being carried out as they have been found on the site. Subject to appropriate mitigation measures to be submitted, the proposal is considered not to detrimentally harm this protected species.

In terms of the objections received regarding the access to the site, no objections have been received from the Highway Authority. Two parking spaces are required that would negate on-street parking and a turning spaces within the site is required to prevent reversing of vehicles onto the highway. The proposal is therefore not considered to be prejudicial to highway safety.

RECOMMENDATION

Subject to the receipt of no adverse comments from the Nature Conservation Officer, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of outline-details to be submitted, time limit, commencement, materials, landscaping, boundary treatments, services located underground, hard landscaping, turning space, parking, no extensions, no outbuildings, no fences and single storey only. Notes re connection to Wessex Water infrastructure, energy, water conservation, high standard of development and soakaways.

REASON(S) FOR RECOMMENDATION:- The proposal, for residential development, is located within defined settlement limits where new housing is encouraged. The proposed access would be satisfactory and the development would not have a detrimental impact upon visual amenity, residential amenity or the character and appearance of the Conservation Area and setting of the neighbouring Listed Building and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1, S2, H2, EN14, EN16 and M4.

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

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NOTES: