

06/2007/031

H W BACK & SONS LTD

ERECTION OF DWELLING AND GARAGE FOLLOWING DEMOLITION OF STORAGE BUILDING AT LAND AT BUILDERS YARD, VICARAGE LANE, BISHOPS LYDEARD (RESUBMISSION OF 06/2007/005), AS AMENDED BY DRAWING NO. 05/B RECEIVED 18TH JULY 2007.

316887/129719

FULL

PROPOSAL

The proposal is to demolish a builder's store and replace with a dwelling. The 4 bed dwelling is to be two storey with windows facing north towards a new double garage, with bathroom and landing windows facing south, and a window on the west elevation to bed 2. The proposed materials are rendered walls, concrete tiled roof and timber windows. There is a significant change in level with the builder's yard being approximately 1.2 m above the adjoining residential property. The properties to the west, east and south of the proposal are bungalows, with the dwellings on the frontage to Church Street being two storey cottages. In respect of the bungalows, there are windows within Lambrook which face the site, windows in Radlet facing the site, and both these properties along with Tantonsfield have gardens adjacent to the site. There is a breeze block wall on two sides forming boundaries with Tantonsfield and Radlet, this wall is approximately 3 to 4 m in height on the bungalow's side, but appears lower on the application site. The nearest point to Tantonsfield is 16 m to the boundary wall, with the approximately 1 m to the new dwelling, which will be a blank wall. Radlet to the south is approximately 6.5 m to the boundary, with approximately 7.3 m to the southern boundary of the proposal. Lambrook is an existing bungalow which is surrounded on three sides by the yard and joint access, there is one proposed ground floor window partly facing its rear garden and the living room and bed three windows face the entrance towards Vicarage Lane. A previous application on this site was refused in April due to potential overlooking and loss of privacy. Amended plans have deleted the west facing window and has 2 rooflights to bed 2 and written agreement to have obscure glass to the landing window.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY has considered the previous/current use as a builder's yard, is aware of the parked cars on Church Street and in the lane, but could not justify a recommendation of refusal on the basis of parked cars blocking the visibility or the splay. It is considered that there would not be a significant increase over and above the movement which currently occur on Old Vicarage Lane, so unreasonable to raise a highway objection. Suggests conditions. COUNTY ARCHAEOLOGIST in area of high archaeological interest, close to church etc., likely that there are remains from medieval occupation, so requires a condition for programme of work. WESSEX WATER in foul sewer and water mains area, points of connection to be agreed, notes to applicants.

CONSERVATION OFFICER no objection. ENVIRONMENTAL HEALTH OFFICER suggests contaminated land condition. DRAINAGE OFFICER surface water to be to soakaways to specified standard.

PARISH COUNCIL objects as the building overlooks neighbouring properties, resulting in a loss of privacy, overbearing on adjacent properties, but support the principle of development on site.

12 LETTERS OF OBJECTION (4 being from the same person) but in respect to the amended plans) have been received raising the following issues:- bed 2 will overlook Lambrook; property will be overlooked when diesel tank is removed; concern about parking and traffic; the Parish Council's view for a bungalow has been ignored; there will be no turning or lay-bys when the site is developed; should be a bungalow not a two storey dwelling; the revised plans do not overcome the reasons for refusal; windows are still in the elevation facing south with consequent loss of privacy; frosted glass can be changed to clear; developer is ignoring Parish Council and Local Planning Authority and not proposing a bungalow; amended plans do not overcome the objections; the proposal will still be in an elevated position above the surrounding buildings; the Council is going against previous 'rules' for bungalows only; all recent buildings have been bungalows.

POLICY CONTEXT

The site is within the settlement boundary, and a small part is within the Conservation Area with most of the rest adjacent to the Conservation Area, the following Taunton Deane Borough Council Policies apply:- S1 General Requirements, S2 Design, S4 Rural Centres, H2 Housing within Classified Settlements, EC9 Loss of Employment Land, EN14 Conservation Areas, EN15 Demolition Affecting Conservation Areas, EN23 Areas of High Archaeological Potential. It has been proposed that the Conservation Area boundary be altered to include Old Vicarage Lane itself but not this Application site; the consultation period on the proposed amendments is still ongoing.

ASSESSMENT

The site is within settlement limits and the County Highway Authority does not object to the proposal in terms of traffic generation and parking issues. The Conservation Officer would not consider the aspect of privacy, the concern is generally whether a building is acceptable. It is not considered that the site makes an ideal employment site, albeit that the existing use is employment, previously the Local Plan section has indicated that this is not an issue. The main concerns are the relative heights given the change in levels between the application site and the adjoining sites along with the very well established high walls with the potential loss of privacy. The current proposal is mainly changed from the one previously refused by reason of the retention of the surrounding boundary walls to a height of approx. 2m and amendment to the south facing windows. By reason of the walls, the relative positioning of the buildings and the blank east wall and obscure glass windows in the southern elevation of the proposal, it is not considered that there will be any overlooking to habitable windows, although some overlooking may be possible from the north facing upper windows to part of the garden to Tantonsfield. Such potential

overlooking is not considered to be significant enough to warrant refusal. Any development adjacent to Lambrook is bound to have some impact, however in terms of overlooking, there is no direct overlooking. It is not considered that here would be any other overlooking which would be detrimental to the amenities of local residents. It is not considered that the proposed development will be overbearing on any of the adjacent properties. Government advice to Local Planning Authorities is to increase residential density, thus a two storey dwelling in this location is considered to be acceptable. The proposal as amended is considered to be acceptable and to meet the criteria in the Taunton Deane Local Plan for new residential development.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, materials, garage only, parking retained, no extensions, no further windows, obscure glass only, retain boundary walls to at least 2m in height or if higher as shown on the plans, access to land, landscaping, contaminated land. Notes re Wessex Water, Drainage Officer, Environmental Health Officer, Asbestos.

REASON(S) FOR RECOMMENDATION:- The site is within Village limits, outside the Conservation Area, provides a dwelling with garage and parking, and is considered to be a development which has no detrimental effect on the character of the area and without detriment to the amenities of the locality and is considered to meet Taunton Deane Local Plan Policies S1, S2, S4, H2 and EN23.

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

CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)

NOTES: