

MAPLE TREE PROPERTIES LTD

**DEMOLITION OF DWELLING AND GARAGE AND ERECTION OF FOUR DWELLINGS GARAGES AND ASSOCIATED EXTERNAL WORKS AT MILANWIL, MOUNTWAY CLOSE, BISHOPS HULL (AS AMENDED)**

Grid Reference: 321109.124618

Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval for the following reason

- 1 The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

**RECOMMENDED CONDITION(S) (if applicable)**

2. 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).

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) DrNo 01 Location Plan  
((A4) DrNo 12 Rev D Block plan  
(A4) DrNo 12 Block Plan  
(A2) DrNo 17 Rev B Setting out plan  
(A2) DrNo 16 Rev A Existing Topography Survey  
(A2) DrNo 08 Rev E Ground floor plan and elevations Plots 3 & 4  
(A2) DrNo 15 Rev C Ground, First floor plans and elevations Plots 1 & 2

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

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby

permitted have been 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 existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

6.
  - (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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. The access and area allocated for parking and turning shall be hard surfaced before the dwellings hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings hereby approved, details of which shall be submitted to and approved in writing by the Local Planning Authority beforehand.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

8. The area allocated for access, parking and turning on the submitted plan

(Drawing: 17 Rev B) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

9. The garage doors shall be of a roller shutter type and permanently retained as such.

Reason: To allow a vehicle to wait off the highway while the doors are opened or closed and thus prevent an obstruction to other vehicles using the Mountway Lane and the access within the site. In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

10. 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, addition or outbuilding, including alterations to the roof, and no incorporation of the garage into the dwellinghouse carried out without the further grant of planning permission.

Reason: To protect the character of the area and residential amenity of neighbouring properties, in accordance with Policy S1(D) of the Taunton Deane Local Plan.

11. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report, dated January 2011 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law in accordance with PPS9.

## Notes for compliance

1. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

## PROPOSAL

The proposal comprises the demolition of an existing bungalow and redeveloping the site with two semi-detached two storey dwellings and two semi-detached bungalows. The two storey dwellings have been designed with a pitched roof to match the adjoining two storey dwellings on Mountway Lane. The bungalows have been designed with a hipped roof to match the existing bungalows within Mountway Close.

The proposed dwellings will be constructed in render and brick with concrete tiles.

The two storey dwellings will have integral garages and a parking space to the front of the dwelling. The bungalows will also have two parking spaces, one bungalow with a garage and space, the other with two spaces.

A new access is proposed to serve the bungalows that will be sited to the rear of the two storey dwellings.

The four properties have enclosed private gardens.

Amended plans have been received: -

- Removing garage for plot 3.
- Providing roller shutter doors to remaining garages.
- Highlighting windows to have obscure glazing in plots 1 & 2.
- Confirmation of boundaries.
- Additional planting to frontage.

## SITE DESCRIPTION AND HISTORY

The site is currently occupied by a bungalow set at the end of Mountway Lane. The dwelling is set back from the two storey dwelling of 11 Mountway Lane and forward of the bungalow at 1 Mountway close. The site has a long rear garden, substantially larger than the bungalows within Mountway Close. Parking is provided to the front of the dwelling. There is an existing 1.8m fence boundary to the rear and side of the site; to the front is a low wall and hedge with some small trees.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*SCC - TRANSPORT DEVELOPMENT GROUP* - No objection: -

- Proposed development located on Mountway Lane, unadopted highway. Applicant should note that there is a designated Right of Way which runs length of the Lane.
- Proposal would see a net increase of three dwellings and increase in use of lane. Do not believe issue significant enough to warrant a reason to object.
- Provision for two parking spaces per residential unit as set out in Local Transport Plan. Garages for plots 1 & 2 would need to be installed with a roller shutter door as drive of insufficient length for swing door. Garage for plot 3 should also be served by roller shutter door.
- Intervisibility concern over turning head provided for plots 3 & 4, would recommend curved section of boundary wall for plot 1 reduced in height to improve visibility.
- Conditions to be attached for consolidated surface; drop kerbs; disposal of surface water; parking and turning kept clear from obstruction; roller shutter doors; garage for domestic needs only.

#### *BISHOPS HULL PARISH COUNCIL -*

- Integral garage design on two front houses inappropriate in relation to overall size of properties.
- With regard to whole scheme, site will be overdeveloped with four dwellings.

*NATURE CONSERVATION & RESERVES OFFICERS* - Site is short distance from River Tone and surrounded by residential properties, many with large properties.

- Bats - no bats or indication of bats in the building. Gaps on wall hanging tiles to gable ends could be potentially exploited by bats as bats have been recorded within the vicinity. Precautionary approach to demolition of building.
- Reptiles - surveyor considered site does not offer suitable habitat for reptiles or amphibians.
- Birds - Common birds observed during survey. Vegetation on boundaries provides nesting sites and should be retained.
- Badgers - no badger setts found on site, surveyor aware of badger activity in vicinity. Precautionary measures recommended.

#### *HERITAGE AND LANDSCAPE OFFICER -*

- Existing vegetation of limited amenity value and major conifer not worthy of TPO.
- Subject to suitable landscaping, proposals are acceptable.

## **Representations**

### **FOURTEEN LETTERS OF OBJECTION: -**

- Mountway Lane and Mountway Close access via single track lane; lane in poor state; additional traffic will make lane worse; lane not public highway but a footpath, uncertain whose responsibility for maintenance; Mountway Lane not resurfaced by Council unlike Mountway Road and Richmond Park; potholes in road.
- Development will significantly reduce amount of off street parking while increasing number of vehicles wanting to park; Larger vehicles being unable to turn safely is increased; Lane is major pedestrian route by Castle School/Somerset College students, increase traffic will cause more risk to safety; Lane regularly blocked by delivery vans, lorries and service trucks, increase in dwellings will exacerbate this; Increase in use of Lane since Nos 17 & 19 Mountway Lane erected; Lane has no passing areas; Lane being used by commercial and builders vehicles during construction, as happened previously.

- Access to bungalows via Mountway Close; Mountway Close owned by 7 groups of residents who exclude possibility of building in cul de sac.
- Access for emergency vehicles worsened by extra traffic, decreasing accessibility to Mountway Lane and Mountway Close; recent publicity highlighting problem the Fire Service is experiencing
- Out of keeping with surrounding area as majority have large gardens, exception of 20 Mountway Lane which already has development in garden.
- Garden-grabbing; object to garden being built on.
- Overlooking all neighbouring properties; Close to boundary of 46 Mountway Road; Window in plot 4 (lounge) lines up with bedroom and bathroom window of Brendon, Mountway Close, alleviating by raising fence we will lose light.
- Groundworks may partially subside garden of 11 Mountway Lane; Difference in levels
- Concern that boundary wall of 11 Mountway Lane may be knocked by contractors, with safety concerns for small children, our property, anyone passing by.
- Water pressure downgraded and sewerage drains will not be able to cope with extra waste.
- Proposal will set precedent.
- Bungalow does not need to be demolished, merely upgrading and tidying.
- Like to see Fir tree replaced with something suitable for the birds and visual impact.
- Agree there should be some development, should be no more than two dwellings.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

M4 - TDBCLP - Residential Parking Provision,

STR4 - Development in Towns,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

PPS3 - Housing,

PPS9 - Biodiversity and Geological Conservation,

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Design

The two storey dwellings adjoining, and facing onto Mountway Lane, have been designed with a traditional pitched roof to reflect the other two storey dwellings in the area. The dwellings have an integral garage within the front elevation and are set back from Mountway Lane to allow for an additional off road parking space. The dwellings are set lower than the adjoining property and have a slightly lower ridge height. Each dwelling has an enclosed rear garden (measuring 10m x 6.5m and 10m x 8.5m). This is considered an acceptable amenity space for the three bedroom properties.

The two semi-detached bungalows have been designed with a hipped roof to reflect the design of the bungalows within Mountway Close. Each bungalow has two parking spaces, an amended plan is awaited that will replace the proposed garage for Plot 3 with a parking space. Both bungalows have an open garden to the front, with enclosed rear gardens. The rear gardens measure approximately 7.5m x 8m (plot 4)

and 8.5m x 8m (plot 3).

### Character and appearance

The layout of the site is considered acceptable. The two storey dwellings continue the frontage of Mountway Lane and the bungalows continue the curved pattern of development within Mountway Close.

The sizes of the gardens are considered comparable with other properties within the area. While the majority of properties sited to the north in Mountway Lane have long rear gardens, other properties have smaller gardens. No 5 and 7 Mountway Lane are set back from the lane with a large off road parking area to the front and smaller rear gardens. Nos 1, 3, and 4 Mountway Close also have comparable sized gardens to the proposed development.

One letter of objection refers to the government's statement to stop 'garden grabbing'. It is noted that the revision to PPS3 now removes gardens from the brownfield definition – Annex B (where priority is given to developing such land). However, this does not introduce a total blanket protection for residential gardens. Furthermore, it should be noted that the proposal is to redevelop the site, not build within the garden of Milanwil.

### Residential Amenity

The two storey dwellings are not considered to harm the residential amenity of the area. Plot 2 will project beyond the neighbouring property (11 Mountway Lane) by 3.4m. As Plot 2 is set away from the boundary at an angle, this projection is not considered to cause any undue harm the neighbour. The two first floor windows within the side elevation of Plot 2 serve a bathroom and a staircase and amended plans have shown these windows to be fitted with obscure glazing. As such, there is also not considered to be any undue overlooking from Plot 2.

Plot 1, at its closest point, would be 17m away from the neighbouring property of 1 Mountway Close. Given the angle of the plot to this neighbour, there is not considered to be any undue loss of privacy. The gardens of both plots would be enclosed by a high boundary, preventing any overlooking from within the gardens and from any ground floor windows.

Plot 3 is sited to the rear of the neighbouring garden of 11 Mountway Lane. Given the distance of the proposed dwelling to the rear of the neighbouring property, there is not considered to be any impact on their amenity. The two windows within the side elevation will serve a bathroom and the sitting room. The boundary fence will partially screen these windows.

Plot 4 is sited 4.2m from the side boundary and 6m from 1 Mountway Close. This property also has two side windows serving the bathroom and the sitting room. Both windows face onto the side of 1 Mountway Close that has windows within the side elevation. Given the distance between the properties and the boundary fence, the sitting room window is not considered to cause any undue overlooking. A replacement boundary fence, or raising the height of the existing fence, is not considered to cause any further harm to the amenity of the neighbouring property.

The garage for Plot 4 is set 2.2m away from the side of 1 Mountway Close and will

project 4m to the rear of this property. The garage is designed with an eaves height of 2.3m with a hipped roof. Though the garage will be visible from the neighbouring property, it is not considered to harm the amenity of the neighbours to such an extent that permission should be refused.

### Wildlife

A wildlife survey has been submitted as part of the application. The survey indicates that there are no bats present on site, but the building does provide opportunities for roosting. As such, a precautionary approach is advised during demolition; no suitable habitat for reptiles or amphibians; common birds observed and vegetation on boundaries provide nesting sites, and should be retained; no badger setts within the site, though aware of activity within the vicinity. The report has suggested a number of recommendations, including the mitigation for nesting birds. The Nature Conservation Officer has suggested a condition to ensure the recommendations of the report are undertaken.

As such, it is considered that implementing the suggested recommendations and by providing mitigation for any nesting birds, the proposal can be constructed without any undue harm to protected species.

### Highways

The Highway Authority has not objected to this proposal. They recognise that there will be an increase in traffic movements from the three additional dwellings, but do not believe this issue significant enough to warrant refusal. Furthermore, the site can provide sufficient parking, as set out in the Local Transport Plan, and turning within the site.

There is a recommendation that lowering the height of the boundary wall to Plot 1 would improve the intervisibility provided at the turning head for Plots 3 & 4. This has not been put forward as a condition or a reason to refuse. Given the limited use of the turning head, and the low speed of vehicles during manoeuvring, the lowering of the wall is not considered essential.

Roller shutter doors have been requested for Plots 1, 2 & 4 to prevent vehicles waiting on the highway and amended details have confirmed this. Amended plans have also removed the garage that served Plot 3.

Though the lane is an unadopted highway, conditions requested by the Highway Authority are reasonable and are recommended to be attached to any grant of permission.

The main issue arising is with regard to the use of the private lane and the use of the lane to allow commercial/trade vehicles to park and the repair of the lane, if damaged.

As access to Plots 3 & 4 is off Mountway Close, which is private, and managed, by seven groups of residents, it is considered their responsibility as to whether access is allowed, and is a civil/legal matter that is not material to this decision.

### Landscape



The existing Fir tree and planting within the site is considered to have limited amenity value and is not worthy of a Tree Preservation Order. Notwithstanding the above comments, a landscaping scheme should be provided to compensate any loss and to provide/retain suitable nesting sites for birds.

Amended plans have shown additional planting to the frontage of Plots 1 & 2.

### Drainage

One objection has been raised with regard to drainage. It is not considered that the additional three dwellings will significantly increase demand on the mains sewer or reduce water pressure. Wessex water would be responsible for the sewer and mains water.

Surface water is proposed to be discharged to a soakaway.

### Conclusion

The proposed development can be accommodated within the site without harming the character and appearance of the area or residential amenity. Car parking can be provided within the site preventing vehicles from parking on the highway and increase risk to users of the Lane. Wildlife and landscaping have been assessed and conditions are recommended. The proposal is therefore considered acceptable.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**