

05/14/0009

MR J WADHAM

ERECTION OF A DETACHED DWELLING IN THE GARDEN TO THE SIDE OF 1 SMITHY, BISHOPS HULL

Location: 1 SMITHY, BISHOPS HULL, TAUNTON, TA1 5DT

Grid Reference: 320799.124582 Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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:

(A3) DrNo 2014004 001 Rev A Location and Site Plans
(A3) DrNo 2014004 002 Existing Site Plan
(A3) DrNo 2014004 005 Proposed Site Plan
(A3) DrNo 2014004 004 Proposed Floor Plans and Elevations
(A3) DrNo 2014004 003 Existing Street Elevations
(A3) DrNo 2014004 008 Proposed Street Elevations
(A3) DrNo 2014004 007 West Elevation and Site Plan

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

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the building and surrounding area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor window to serve the ensuite, to be installed in the rear elevation, and the bathroom window to be installed in the front elevation, of the proposed dwelling shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1 (E) of the Taunton Deane Core Strategy.

5. Notwithstanding the details shown on the plans hereby permitted, prior to the occupation of the dwelling hereby permitted, full details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling and shall thereafter be maintained as such.

Regards: To protect the amenities of existing neighbouring dwellings and the visual amenities of the area.

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 and has imposed planning conditions to enable the grant of planning permission.
2. For the avoidance of doubt, when providing details pursuant to condition 5, the provision of a close boarded fence to the front of the property is not considered appropriate.

PROPOSAL

The proposal comprises the erection of a two storey dwelling, with single storey lean-to the rear, to the side of 1 Smithy, within the existing garden. The plot for the dwelling will provide a front and rear garden with sufficient space for bin and cycle storage. No car parking is provided.

The dwelling provides 3 bedrooms at first floor and will be finished in brick and a tiled roof to match the existing dwelling.

SITE DESCRIPTION AND HISTORY

1 Smithy is located to the rear of Mountway Road and is a semi-detached dwelling. There is a large garden to the side/rear and the dwellings are set back from a footpath at the front of the dwellings, creating large front gardens. The footpath is the only access to the dwellings from Smithy and it also leads to a garage block

where 1 Smithy has an allocated parking space.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS HULL PARISH COUNCIL - Objects: -

- No parking has been allocated. Adjacent road is very narrow and often experiences congestion, particularly when chip shop/takeaway is open.
- Foul water sewer looks too close to the proposed extension.

SCC - TRANSPORT DEVELOPMENT GROUP – Comments as follows:

From the submitted information it is understood that the proposal is for a three bed roomed dwelling with no parking provision. The applicant has argued that due to the proximity of the site alternative modes of transport i.e. bus and cycle routes and the sites proximity to the town centre they don't need to make any provision for parking within the site.

On sustainability the Highway Authority has no policy to back this up now that the Structure Plan has been revoked as such it is solely down to the LPA to comment on the suitability of the site in sustainable terms.

Somerset County Council's Parking Strategy requires that three bed room units should provide two parking spaces. These standards are optimum as a consequence they should be provided unless there is specific local circumstances that can justify deviating from them. Developments in more sustainable locations can also be considered appropriate for lower levels of parking provision. As discussed previously in this case the applicant has made a strong argument over their justification for the lack of parking in this location, it is true that there alternative modes of transportation in close proximity to the site. As a consequence it would be hard to argue against a reduction of parking in this location. However whether it should be car free is another matter.

Having visited the site the Smithy is below the standard carriageway widths with residential car parking bays on one side of the carriageway. At the time of my visit these spaces were empty but I appreciate that at peak time i.e. morning and evenings this can become quite congested.

From visiting the site it was not apparent whether there is permit holder parking enforced in this location. If not then it is likely that this proposal would result in a vehicles parking on the highway. The introduction of additional parking on the Smithy might result in parked cars spilling onto Mount Way, which in the local vicinity to the Smithy is double yellow lined.

Vehicles parking on the highway would cause obstruction to other road users and interrupt the free flow of traffic however it is the opinion of the Highway Authority that the increase in parking would not be substantive enough to warrant an objection.

Therefore based on the above information the Highway Authority raises no objection to this proposal.

WESSEX WATER - None received.

DRAINAGE ENGINEER - No observations.

Representations

THREE LETTERS OF OBJECTION: -

- Loss of light to second bedroom (87 Mountway Road).
- Future residents complaining about fumes/smell from takeaway.
- Loss of privacy and overlooking from rear elevation.
- Against Human Rights, Article 1 - right to peaceful enjoyment of all their possessions which includes home and other land - proposal would have dominating impact.
- Human Rights, Article 8 - person has the substantive right to respect private and family life.
- Inaccuracy as northern boundary is 1.5m high, not 1.8m and would not adequately address concerns with respect to privacy.
- Inadequate parking - would harm amenity of local residents; exacerbate existing parking problems.
- Access during construction and access of public footpath being maintained.
- Loss of light.
- Visually overbearing; detriment to quality, character and amenity value of the area.
- Non compliance with Government Guidance PPS1 and PPS3 - regarding amenity, character, design.

PLANNING POLICIES

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
M4 - TDBCLP - Residential Parking Provision,
M5 - TDBCLP - Cycling,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development in Bishops Hull, within the settlement limits of Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £6000.

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) £1079

Somerset County Council (Upper Tier Authority) £270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £6474

Somerset County Council (Upper Tier Authority) £1619

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the settlement limit for Taunton. The development is, therefore, considered to be acceptable in principle. The main issues in the consideration of this application are the impact on the character of the area, the impact on the local highway network and the impact on neighbouring residents.

Character of the area

The site at 1 Smithy is an isolated group of a pair of semi-detached dwellings to the rear of older properties that front onto Mountway Road, and surrounding area has a further mix of residential properties, with modern flats to the front of 1 Smithy. There is also a detached property to the side that is used as a takeaway on the ground floor with residential use above. As such, it is considered that given the location of the proposal, a dwelling could be sited without harm to the overall character of the area.

Furthermore, the design of the dwelling, including roof pitch and materials, reflects 1 Smithy and as such does not harm the street scene or visual amenity of the area.

Neighbours

Three first floor windows are proposed on the rear elevation and will serve one bedroom, an en-suite and a stairwell; these windows will look directly towards the proposed garden. The dwelling would be sited 9m from the boundary of the rear garden of Holyoake House that lies at an angle to the rear boundary, with a distance of 15.5m to the neighbour, at the closest point. Whilst this distance is closer than sometimes suggested, in this case only one window would serve a habitable room. Furthermore, 1 Smithy is sited only 17m from the rear of Holyoake House and also has a distance of 9m to the rear boundary that adjoins 6 Mountway Road and Holyoake House. As such, the first floor bedroom window is not considered to cause any undue overlooking or loss of privacy beyond the existing circumstances to warrant refusal of the application.

As the proposed dwelling is sited to the south of the neighbouring property, there maybe some loss of light, but given the distance to the boundary of the property, this again is not considered sufficient to warrant refusal of the application.

Details of boundaries will be made a condition of this approval. As there is an existing fence of 1.5m that serves the garden of 1 Smithy, without harm to privacy, the continued use of this fence is considered acceptable. A replacement fence of 1.8m would provide additional privacy and would also be considered acceptable

given that a 2m fence could be erected on site without the need for planning permission.

With regard to the neighbouring to the side of the site, 87 Mountway Road, the first bedroom window within their side elevation would not be blocked by the two storey dwelling, as shown on the submitted section drawing. As such, there is no detrimental loss of light or outlook from this window.

There is a small ground floor window within the side of 87 Mountway Road that currently has a restrictive opening onto the garden of 1 Smithy; this window has obscure glazing and a mesh fixed internally and may be part of a food preparation area. Notwithstanding this, there is sufficient space between the side of the neighbouring property and the proposed dwelling (1.3m) as not to affect this window.

87 Mountway Road also has a glazed section that provides light into a stairwell running along the side elevation of the property. There is limited loss of light to the stairwell as the majority of the stairwell is set back from the proposed dwelling.

The flats opposite the proposed dwelling are sited 15.5m away from the proposed dwelling, currently 18.5m from 1 Smithy and 18m from 87 Mountway Road. Given the existing close proximity of the dwellings within this immediate area, the proposed dwelling is not considered to cause any detrimental loss of privacy to the occupiers of the flats.

Highways

The main consideration on highway grounds is that the proposal does not provide any parking spaces. The Somerset Parking Strategy would normally require an optimum level of parking of 2 spaces for the proposed size of dwelling, though lower levels of parking provision can be considered in sustainable locations. The Highway Authority has agreed that there could be a reduction in this location though has not indicated whether car free development would be appropriate. As the site is within close proximity of public transport and cycle paths, education (primary, secondary and further), employments, facilities (shops and post office), all of which are accessible by foot, cycle or public transport, car free development is considered acceptable in this location.

Providing car free development may have impacts on surrounding areas. In this case the Highway Authority does conclude that there maybe some overspill into Smithy which may interrupt the free flow of traffic, though not to the extent as to warrant refusal of the application.

Other matters

Any future occupiers would be aware of the close proximity of the takeaway and as the flue is sited on the opposite side of the 87 Mountway Road, away from the new dwelling, any detrimental harm to amenity from the fumes would be unlikely.

Government Guidance PPS1 and PPS3 no longer exist and have been replaced with the National Planning Policy Framework (NPPF). The report has addressed issues raised with regard to amenity, design and character.

Building within proximity to a foul sewer are matters for Wessex Water and Building Regulations.

Conclusion

It has been shown that the development of the site is acceptable and would not have any unacceptable impact upon the character of the area, local highway network or the amenities of neighbouring property as to warrant refusal. As such, it is considered to be acceptable and 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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