

**ERECTION OF A DWELLING AT LAND TO THE WEST OF THE COACH HOUSE,
CHURCH ROAD, FITZHEAD**

Grid Reference: 311917.128322

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed development by reason of its design, form, layout and appearance is considered to intrude visually within an attractive area of the village; consequently the proposals are considered to have a detrimental impact upon the visual amenity, character and appearance of the area. The application site is considered to be of insufficient size and of an awkward layout as to satisfactorily accommodate a dwelling house. The development, if allowed, would result in a cramped form of development with insufficient private amenity space, detrimental to the visual amenities of the area and the amenity of any future occupant. By extension the proposals will detract from the positive contribution that is made by the Coach House to the setting of Fitzhead Conservation Area to the detriment of the heritage asset. The proposals are therefore considered to conflict with Taunton Deane Local Plan Policies S1 (D), S2 (A) and EN14, Policy DM1 of the emerging Taunton Deane Core Strategy and guidance contained within the National Planning Policy Framework.
- 2 The proposed development will result in a dwelling house being located close to the boundary of the plot and neighbouring properties to the East and West. By virtue of its siting, scale and design the proposals would result in the significant loss of privacy and outlook to neighbouring properties, detrimental to their amenity. The proposals are therefore considered to conflict with Taunton Deane Local Plan Policy S1 (E) and Policy DM1 of the emerging Taunton Deane Core Strategy.
- 3 The proposed development will interfere with the Definitive Line of Public Right of Way number WG 5/9. It is considered that the proposed route does not constitute a suitable alternative route virtue of its insufficient width and the enclosed corridor effect that would result where the path runs between the side of the proposed dwelling and the existing boundary wall to the East. The proposals would make the use of the Public Right of Way less convenient for its users whilst also detracting from the enjoyment that the footpath provides for the members of the public. The proposals are therefore considered to be contrary to Taunton Deane Local Plan Policy S1 (E) and Policy DM1 of the emerging Taunton Deane Core Strategy.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

The application seeks planning permission for the erection of a two storey detached dwelling house on land between the Coach House and no's 1-4 Church Road, Fitzhead. The proposed dwelling will provide for open plan kitchen, dining and living space together with a hall way and WC at ground floor level. Above at first floor level there will be three bedrooms (one en suite), a family bath room and storage space off a landing area.

In terms of scale, the dwelling will measure approximately 8.7m x 5.6m and have a height to eaves and ridge level of 5.1m and 7.5m respectively. Externally, the dwelling will be finished in natural sandstone up to ground floor window head height and roughcast render above, the roof will be of a natural slate and fenestration will be of timber throughout. A small canopy porch is proposed to the north elevation of the dwelling over the main principle doorway into the property. The boundaries will retain existing chain link fencing to the West, stone wall and new timber fencing to the East and a hedgerow and fencing to the south. A small section of timber fence and a gate will be erected adjacent to the new parking spaces.

The proposals will make use of the existing vehicular access to the north off the highway; new gates are proposed across the northern boundary access. A drive way will be formed leading to two parking spaces and a turning head. Private amenity space is proposed to the rear of the dwelling and will measure 2.0m in depth with a width of 8.0 metres (approx) across the breadth of the application site. Access along the PROW through the site is proposed to the East of the new dwelling house.

SITE DESCRIPTION AND HISTORY

The application site is an agricultural access track off the highway to the north, leading to a small timber frame and steel sheet covered building, together with fields to the south. It is also understood that an informal agreement allows neighbouring residents to use the track in order to access the rear of some properties along Church Road. In terms of scale the site varies in width between 3.2m across the access point to the north, to 8.6m across the southern boundary that adjoins open fields. At present there is a timber field gate with post and rail fencing across the northern boundary.

The site sits between existing residential properties, with the Coach House and Clere to the East and 1 to 4 Church Road to the West. The site is bound by a stone wall to the East and chain link fencing with a small element of stone wall and informal planting to the West. In general the site is level although there is a gentle gradient that descends towards the highway to the North. The stone wall to the East forms the boundary line of the Fitzhead Conservation Area.

A Public Right of Way, footpath number WG 5/9 runs through the application site along a north-south axis. At present the Definitive Line of the footpath is blocked by an oil tank and the existing storage building within the site. An informal route is available to users of the PROW along a central line along the access track, to the West of the storage building.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

FITZHEAD PARISH COUNCIL - Object to the proposals for the following reasons:

- The area is not appropriate for infill; the dwelling would be overbearing on other properties and subsequent building density would be more akin to a townscape rather than a rural village layout.
- The garden size is more in line with an urban layout.
- Restrictive measures have been used in the past to prevent flooding of the footpath; the dwelling is likely to increase the risk of flooding from surface water.
- The access would no longer allow access to the side of two houses on Church Road.
- The field access would be lost. The two other access points are off narrow lanes with poor visibility.
- The footpath and open space between buildings is an important sight line in both directions and forms an integral aspect of the landscape character captured within the Conservation Area report. The development would lose this important feature and spoil the visual aspect from adjacent properties.
- The footpath is popular; its width will be reduced to 1.2m; recommended width is 1.8m. The definitive line of the path has been unusable for 30 years.
- The site abuts the conservation area and will add risk to structural failure of the stone wall; access for maintenance will be limited.
- Boundary line requires clarification with regard to the access.
- The 'consultation' of neighbours was misleading. A significant number of neighbours attended a parish meeting to voice their dissatisfaction.
- The bus service in Fitzhead is very limited, is not a daily service, runs from morning to lunchtime and would not suit full time workers.
- There would be a detrimental impact upon outlook of neighbouring properties.

SCC - TRANSPORT DEVELOPMENT GROUP - No objection subject to surface water drainage being secured to prevent discharge onto highway; provision of three cycle spaces (1 per bedroom) and provision of a third space.

WESSEX WATER - No objection. Standard advisory notes provided.

HERITAGE - Does not support the application. The site directly abuts Fitzhead Conservation Area; it would have an impact upon the Coach House which is identified within the Conservation Area Appraisal as making a positive contribution to the Conservation Area. The proposed dwelling would have an adverse impact on the Coach House and by extension the setting of the Conservation Area.

LANDSCAPE - Concerned about impact upon setting of the conservation area and amenity of the public footpath.

SCC - RIGHTS OF WAY - No objection subject to the developer not obstructing the PROW. If development obstructs the PROW a diversion will be necessary. The line of the footpath is currently obstructed by an oil tank and we are aware of this.

Advice provided over the requirements for temporary closure orders.

Representations

10 letters of objection from neighbouring residents raising the following planning related matters:

- The new dwelling will detrimentally affect the wall that borders my property;
- Loss of privacy from first floor windows that will look into garden/house of neighbouring properties;
- A dwelling of this size will be out of character [with the area];
- Loss of privacy to the Coach House; Direct view from the new first floor will be formed into the bedroom window of the Coach House;
- People walk up the centre of the track and not along the footpath as shown, which has an oil tank on it;
- Loss of access to rear gardens having used the track for years;
- Loss of light to the south end of the Coach House;
- Environmental disturbance to the Coach House with the access route being too close to its rear;
- The infilling of the plot would be harmful to the character of Fitzhead;
- Impact upon neighbouring amenity from additional noise nuisance - from vehicles and tenants;
- The addition of a further house to a crowded site would further damage the character of what is an area of elegant Victorian and pre-Victorian architecture;
- Loss of light to the front of neighbouring property, being only 12-14 metres from the front;
- The dwelling would look out of character with existing houses;
- The development will block pleasant rural views looking south from the PROW and will destroy the open and natural feel to this part of the village. This is particularly important as the area has become the cultural heart of the village with the pub having closed;
- The proposal will significantly compromise the enjoyment of the path forcing people up against the high stone wall;
- The footpath would not be the recommended width;
- There will be the loss of pleasant views from the lynch gate and church tower;
- A house here will look squeezed into the plot and will be overlooked by neighbouring properties;
- If permitted an application to extend to the south by applying for a change of use of agricultural land will follow;
- Is the footpath to be gated? Can see a diversion being sought in the future due to occupiers suffering from nuisances from users;
- The access should remain available as the field to the south may be favoured for

- car parking in the future in order to serve events at the Church and Tithe Barn;
- The charm of Fitzhead is around its centre, the Tithe Barn, Church, Rectory and Coach House; there are vistas in every direction and the development would close one vista, impinge on neighbouring properties and make the corner at the Tithe Barn more congested and noisy;

5 letters of support from outside the village of Fitzhead, raising the following planning related matters:

- In a time of need for new homes it makes sense to build on brown field sites, with all the necessary services in place;
- With growing pressure on rural services increasing the villages clientele can only strengthen its future;
- The proposal would not harm residential amenity or result in unreasonable amounts of overlooking;
- The proposals would not be detrimental to the neighbourhood or environment and built in a sympathetic manner;
- Living locally I consider some building developments to be advantageous to the community;
- The dwelling is sympathetic and small;
- Rural villages are in need of new homes and brown field seems the best option; more young families and people are needed to stop rural closures leaving villages isolated.

The agent has submitted additional information in relation to the issues raised through the public consultation process. In relation to the footpath they state that there is no minimal width for footpaths; the width will be 1.35m where diverted around the oil tank and new dwelling which is acceptable and will not affect amenity of footpath users. The agent also states that the red line includes the access as required by the Council's validation requirements. The agent contests that there is no pattern for development within Fitzhead; that the dwelling has been designed to account for the appearance of neighbouring dwellings particularly those within the Conservation Area. It is finally states that the dwelling will not affect neighbouring amenity with regard to there being (or not) an overbearing impact and loss of light. Privacy is also unaffected, it is argued, as there is no loss of privacy where non-habitable rooms overlook habitable rooms - this relates to the two proposed side windows serving bathrooms, of which obscure glazing could be conditioned.

PLANNING POLICIES

M4 - TDBCLP - Residential Parking Provision,
 ROW - Rights of Way,
 EN14 - TDBCLP - Conservation Areas,
 EN12 - TDBCLP - Landscape Character Areas,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 CP4 - TD CORE STRATEGY - HOUSING,
 STR1 - Sustainable Development,
 STR3 - Rural Centres and Villages,
 STR5 - Development in Rural Centres and Villages,
 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)	£1359
Somerset County Council (Upper Tier Authority)	£340

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£8154
Somerset County Council (Upper Tier Authority)	£2039

DETERMINING ISSUES AND CONSIDERATIONS

The site is located within the defined settlement limit of Fitzhead where the general principle of new housing is acceptable subject to all other material considerations being satisfied. The pertinent issues that require consideration are thought to be the impact of the development upon neighbouring amenity, visual amenity and the character and appearance of the area, the setting of the adjacent conservation area, the provision of parking and turning in relation to highway safety and public access to the Public Right of Way (PROW) that runs through the site.

It should be noted that Policies S5 and H2 of Local Plan Policies referred to within the applicants Planning, Design and Access Statement have not been saved; they therefore carry very limited weight although it is recognised that other policy guidance documents within the framework may allude to the former policy directions.

Neighbouring amenity

The proposed dwelling will be sited approximately 8 metres to the East of 1 Church Road and 15 metres to the South of the Coach House. The new building, with its ridge height of 7.5 metres will be set forward of the principle elevation of 1 Church Road; it will range above the existing garage within the neighbouring property and dominate the outlook from the front of the property, enclosing the current open aspect that is currently enjoyed by the neighbouring property.

I am also concerned that the proposed development will result in a loss of privacy to neighbouring properties, in particular the Coach House and Clere; two properties to the East of the site. It is proposed to incorporate two first floor windows to the front and rear elevations of the new dwelling. The windows to the front will face north; the Coach House has one window at first floor window within its south facing gable end which objectors have suggested serves a master bedroom. Window to window views will be formed by the erection of the new dwelling with only 14 metres between the existing and proposed dwellings. In addition to window to window views, overlooking will also be formed into the garden area of the Coach House to the north and also

into the garden of Clere to the South from rear first floor windows.

The views into neighbouring gardens and windows as described will be at a slight angle due to the orientation of the proposed dwelling to the neighbouring properties however there is thought to be sufficient loss of privacy as described in order to justify the refusal of planning permission.

Visual amenity, character and appearance of the area

The area surrounding the development site is characterised by terraced dwellings to the West along Church Road and detached properties within large open plots to the North and East. These properties vary in scale, design and finished appearance but plots are generally uniform and similar in their area and layout, albeit the larger properties to the East have more significant grounds than the properties to the East.

In terms of design I am concerned that the proposed dwelling has a top heavy appearance to it, virtue of the break between stone and render being at a low level within the elevation. The use of bell casts over windows are also inappropriate and the use of stone lintels would be more appropriate. The design proposes a canopy porch to the front, which introduces an alien feature into the north elevation that is attempting to blend in with the blank gable end of the Coach House. The scale of the amenity space to the rear is also inappropriate for a dwelling of this scale.

The site is narrow and the proposed dwelling will have a cramped and awkward appearance locally. The dwelling will be served by an inappropriate amenity space to the rear that will measure approximately 2 metres by 8 metres; this amenity space is not considered to be appropriate for a three bedroom dwelling and it fails to reflect the general layout and scale of adjoining properties. At such a scale it is also likely that pressure would be placed upon the Local Authority in the future to allow an extension of the residential curtilage of the property over adjoining farm land. Such would be contrary to planning policy which aims to protect the landscape character of the area.

The site forms a small infill plot situated between traditional buildings to the East and former Local Authority terraced housing to the west. The narrow nature of the site naturally restricts the ability to provide a development that would wholly reflect the character and appearance of the site's surroundings and the layout of the development site is not thought to reflect the grain of the built form within this section of the village.

At present the site provides for local views over the surrounding farm land from a prominent corner along the public highway to the North and also from along the Public Right of Way that runs across the site. This view, whilst not within the Conservation Area is considered to be important locally and its loss through the erection of the dwelling and associated amenity areas would significantly erode the visual amenity and character of the area. In addition to this matter, the site abuts Fitzhead Conservation Area, the boundary of which runs along the stone wall to the East of the application site. The Council's Conservation Officer has alluded to the positive contribution that is made by the Coach House to the setting of the Conservation Area; the same can also be said for the Tithe Barn which is located adjacent to the site and is within the Conservation Area. When viewed from the north, the infilling of the access track with a development of this scale, design, form

and layout will detract from the setting of the Coach House and, inter alia, the positive contribution that the property makes to the setting of the Conservation Area.

Virtue of these matters the plot is not considered to be of a scale that is capable of accommodating the proposed development. The loss of the open aspect currently provided by the access track and the detriment to the setting of the adjacent Conservation Area are considered to be of sufficient harm so as to warrant refusal of planning permission.

Parking, turning and highway safety

The proposed dwelling will be accessed from the north at a point where the highway bends sharply to the north; visibility in both directions is considered to be acceptable, particularly given the low speed at which vehicles travel within the 30 mph zone. On site, two vehicle parking spaces are provided together with a turning head. The Somerset County Parking Strategy requires 3 parking spaces to be provided per new dwelling within this area. The proposals fail to provide this level of parking, either formally or informally, largely due to the restricted nature of the site. Notwithstanding the insufficient provision of parking, the Highway Authority have advised that they would not, on this occasion, object to the proposals. For these reasons the site is considered to provide for a safe means of access together with appropriate parking and turning space.

Public Right of Way

Public Footpath WG 5/9 runs through the site however it is thought that the Definitive Line of the footpath is currently obstructed by the storage building. It has been stated by local residents that the Definitive Line has not been available for an extensive period of time, possibly as long as thirty years. The footpath is well used and is provided at present by an informal alternative route along the middle part of the access track and to the West of the existing storage building. The application contests that the diverted route would be sufficiently wide and would not harm amenity of the footpath.

Notwithstanding that the Definitive Line is currently unpassable, the proposals would result in the removal of the storage building and the erection of a new dwelling, the footprint of which is also considered to encroach over the Definitive Line of the PROW. Therefore, in order to allow development to take place, it would be necessary to apply for a diversion order in order that members of the public are able to continue the use of the footpath in a favourable manner.

The presence of a Right of Way is a material consideration in determining a planning application, therefore if a development intends to interfere with the Definitive Line of a footpath developer must ensure that a suitable alternative route is available and can be provided. If no suitable alternative route can be provided then planning permission can be refused. It is noted that the Rights of Way Officer does not object to the proposed development however I am concerned at the proposed route set out within the submission.

The proposed route crosses through the amenity space to the front of the proposed dwelling and such will impact upon the privacy of occupants of the new dwelling with

members of the public having clear views into ground floor windows. However my principle concern involves the alternative route proposed and its suitability. The new line of the PROW would be positioned between the East elevation of the dwelling house and the existing stone boundary wall; it would have a width of 1.2 metres (approx) at this point and such a width is not considered to be acceptable. The Rights of Way Officer has verbally informed me that County guidance is for footpaths to have a minimum width of 1.8 metres so that two people can pass along the footpath and to allow access to wheelchair users, push chairs and the like. The proposal would result in a significant narrowing of the footpath between the dwelling and the boundary wall. As a result of being bound on both sides by tall structures the footpath would be significantly enclosed.

The proposed alternative route, virtue of the reduced width and enclosed nature of a section of the proposed route is considered to result in the footpath being substantially less convenient to the public. In addition, the proposed route would be detrimental to the enjoyment of its users and it is therefore not considered to represent a suitable alternative route.

Conclusions

Having regard to the issues outlined above, the provision of an additional dwelling within Fitzhead is not considered to outweigh the harm that would result upon visual and residential amenity, the character and appearance of this attractive part of the settlement and upon the setting of the adjoining Conservation Area. The development would make a Public Right of Way less convenient for users and therefore the proposed diverted route is not considered to be acceptable. The receipt of New Homes Bonus is noted, however I consider that this matter carries very limited weight in this case.

For the reasons outlined above it is recommended that planning permission be refused.

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

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