

43/09/0125

MR M HOLLANDS

ERECTION OF A DWELLING, TOGETHER WITH REVISED ACCESS ARRANGEMENTS, WITHIN GARDEN ADJACENT TO 1 SHUTELEIGH, WELLINGTON AS AMENDED BY DRAWING NUMBERS MH/09/02/2 REV D AND MH/09/03 REV D AND EMAIL OF 22 JANUARY 2010

314287.120185

Full Planning Permission

PROPOSAL

Planning permission is sought for the erection of a two storey dwelling within the side garden of No.1 Shuteleigh, Wellington. The dwelling would be two storeys in scale to reflect the properties in Shuteleigh. The proposed materials are rendered external walls under a hipped tiled roof. The ridge height would be set down marginally from the properties in Shuteleigh. The proposal would involve the construction of a revised access onto Shuteleigh but would result in the stopping up of two existing accesses into the site.

It should be noted that a separate application has been submitted, concurrently with this application, for a replacement dwelling.

A revised layout plan has been submitted to take into account the requirements of the landscape officer and in part the Highway Authority visibility requirements. The proposal is to remove the hedge along the road frontage of Shuteleigh and to expose and retain the metal railings which are currently within the hedge, with a new landscape belt sited behind the railings. This will ensure the 2x2m visibility splay at the entrance to the property and provide visibility along the frontage on Shuteleigh. The hedge along Pyles Thorne will be retained and supplemented.

SITE DESCRIPTION AND HISTORY

The proposed development site is located on a large corner plot at the junction of Shuteleigh and Pyles Thorne Road, with mature hedge planting along the frontage. The site is currently occupied by a 1930s bungalow that has been extended to the side and rear and which also has two separate garages within its boundary. There are currently three vehicular accesses to the site. The property is set back from Pyles Thorne Road and due to its orientation sits somewhat at odds with the general pattern of development in Shuteleigh. The site retains an attractive appearance when viewed in the street scene.

CONSULTATION AND REPRESENTATION RESPONSES

Town Council - Support the application and consider the proposal would not adversely affect the street scene.

Ward Member(s) – Cllr Critchard objects to the application on the grounds of overdevelopment.

Cllr Henley objects to the proposal on grounds of overdevelopment of the site and the proposal may not be in keeping with the existing street scene and have an overbearing impact on nearby properties.

Landscape Officer – Subject to retention of existing vegetation the proposals are acceptable.

Revised comments to amended landscape proposals – After discussion with the applicant I'm happy with the amended proposals to expose the existing metal railings with planting behind. This should meet the highway visibility requirements and look characterful.

Highway Authority – The development is located within the development limit of Wellington, within an existing residential area and I have no objection in principle to the proposal.

In detail, the proposal is to demolish an existing bungalow at 1 Shuteleigh, and replace it with a detached dwelling. A separate planning application has been submitted, simultaneously with the application for replacing the existing bungalow with a more appropriate house.

The existing dwelling has two separate garages within its boundary and benefits from three vehicular accesses, two of these accesses are from/onto a private track/lane, which is considered to be substandard in terms of position and visibility. However, as part of this application two of the accesses will be stopped up and the new dwelling will be served from one access onto/from Shuteleigh as will that of the replacement dwelling.

Shuteleigh is an unclassified highway, and no through road. It is noted that currently a boundary hedge restricts visibility for vehicles emerging to see vehicles and pedestrians and also impacts upon junction visibility. Therefore I would seek that the hedge is either removed or lowered to ensure this issue is addressed to the satisfaction of the Highway Authority, in the interests of highway safety for all road users.

Two parking spaces are to be provided with the provision of a garage and space in front of it, whilst turning is desirable I would not insist upon it in this location. The LPA should ensure that the existing dwelling (which is to be demolished), cannot be retained as effectively the erection of this dwelling will remove its parking and could lead to parking on the highway. Therefore I assume the LPA will impose a suitably worded condition to ensure that this does not happen.

Recommend conditions re; - parking; access to be consolidated; garage shall not be used other than for parking of domestic vehicles; visibility splays; pedestrian visibility splays; drop kerbs; gradient not higher than 1:10; lane between Shuteleigh and Pyles Thorne shall be stopped up within one month; disposal of surface water not to discharge onto the highway.

Representations

10 letters of OBJECTION has been received. Summary of objections: - officer will need to take account of the impact of both dwellings with the assessment; ploy to submit two applications to reduce the proposed development as individual units; proposal will impact on No. 3; dwellings designed to appear sympathetic with

surrounding dwellings, however they appear to be larger in plan than many houses; the ratio of the house plan compared to the plot size is excessive; site is visually dominant along Pyles Thorne/South Street; Pyles Thorne; all surrounding properties have significant gaps between dwellings and this proposal is contrary to this important character; the replacement house would be better handed, to give an impression of a bigger gap between the two houses; this type of overdevelopment of sites such as No. 1 Shuteleigh is having an adverse impact on the character of areas such as Pyles Thorne; Within the last ten years the character of the road, originally a country lane approach to Wellington, has been considerably changed, if not spoilt, by allowing dwellings, many over large to be built in gardens; loss of attractive vista; no evidence of a landscape plan; no objection to the demolition of the bungalow and replacement, but object to the proposed dwelling adjacent to it, as an overdevelopment of the site, out of character with the surrounding area and the approach to Wellington; request a restriction of working from 8am to 6pm weekdays and no weekend working; a replacement bungalow would have less impact; submission of two applications is misleading; impact on highway safety from intensification of vehicular movements and additional access; confirmation a new boundary wall/fence will be provided with adjacent property; disagree with Highway Authority comments regarding visibility requirements, the existing hedge provides a great visual contribution to the local road – request that the hedge be cut back and not replanted.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPG13 - Transport,
RPG10 - Regional Planning Guidance for the South West,
VIS2 - Principles for Future Development,
STR1 - Sustainable Development,
S&ENPP33 - S&ENP - Provision for Housing,
S&ENPP48 - S&ENP - Access and Parking,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,

VIS 1 – Expressing the Vision
SS 2 - Regional Development Strategy
SS 3 - The Sub-Regional Strategy
SS 7 - Meeting Local Needs

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the determination of this application area are considered to be (a) whether the scheme is an over-development of the site resulting in harm to the character and appearance of the area; (b) whether the scheme would harm the living conditions of nearby occupiers, in terms of any significant loss of privacy or any overbearing effect; and, (c) any effect on highway safety.

Character and appearance .

The impact of developing within residential curtilages has been a recent topic of discussion in planning. The government has recently commissioned independent research into concerns regarding the extent of development within domestic curtilages. Advice in Planning Policy Statement 3 para 41 has now been updated, this paragraph which sets out that brownfield land is priority for development, will also now say 'there is no presumption that previously developed land is necessarily suitable for housing, nor the curtilage should be developed'. PPS3 retains a focus on brownfield land, where this is suitable for housing. The planning considerations remain the same, in essence is this site suitable for the proposed development taking into account all the normal planning tests.

The site is located within the built-up area boundary of Wellington where the principle of residential development is acceptable subject to normal planning considerations. The site is presently part of the garden area of No. 1 Shuteleigh, and takes the form of a rectangular plot. In terms of the design detailing, it is considered the dwelling has been appropriately designed to correspond with the dwellings in Shuteleigh and the use of matching materials will help to assimilate the development in the locality.

There has been concern raised by both Ward Members and the public regarding the impact of the dwelling on the character and appearance of Pyles Thorne Road in this location. It is accepted that the impact of any development in this location requires careful consideration. The applicant during pre-application discussions was made aware that the impact of the development on the street scene would be central to the assessment. The applicant responded during the pre-application discussions to revise the design of the buildings appropriately and to re-site the buildings further into the site as now proposed. The consideration is therefore whether the position of the dwelling would be so harmful to the street scene as to warrant a refusal. It is considered that the proposed dwelling by reason of its design, position set in from the boundary and the provision of existing screening which can be supplemented, the proposal would not adversely affect the character or appearance of the street scene.

Amenity

The concerns of local residents in respect of amenity are acknowledged and careful consideration has been given to the potential impact on existing occupiers. However, it is considered that given the proposed siting of the dwelling and separation distances between elevations, the proposal would not give rise to any undue loss of amenity, in this urban setting, as to warrant a refusal.

Highway Safety

The Highway Authority has requested an extensive visibility splay be provided across the site frontage thus requiring the existing hedge to be removed. However, it is the officers' view that this requirement would be unduly onerous. The application will result in two existing accesses into the site being stopped up (and conditioned as so). It is therefore considered subject to pedestrian visibility splays at the entrance to the site being provided that no further visibility splays would be necessary.

It is therefore recommended that permission be granted subject to conditions detailed below.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

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. No development shall commence until the existing bungalow, known as No. 1 Shuteleigh, has been demolished and all materials removed from site, unless any variation is agreed to in writing by the Local Planning Authority.

Reason: To ensure that the re-development of the site would not adversely affect the residential amenities of No. 1 (if the concurrent application, reference 43-09-0126, was not implemented) or the visual amenities of the area in accordance with Taunton Deane Local Plan Policy S1 and S2.

3. 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.

4. 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 dwelling is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in

accordance with Taunton Deane Local Plan Policy S2.

5.
 - (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.

6. The landscaping along the south and east boundary of the site shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. In the event that the hedge/trees are removed without the Local Planning Authorities consent or which die or become seriously diseased or otherwise damaged shall within five years of the completion of the development be replaced by trees/hedge of similar size and species, or the appropriate trees/hedge as may be approved by the Local Planning Authority within the first available planting season.

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. Prior to the occupation of the dwelling hereby approved, the new access/parking area, as shown on the submitted plan, over the entire length shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

8. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in

connection with the development hereby permitted.

Reason: To ensure that an appropriate level of parking is provided in accordance with Policy M3 of the Taunton Deane Local Plan.

9. Prior to the occupation of the dwelling hereby approved, the proposed access/drive shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

10. The new access/parking area hereby permitted shall not be brought into use until drop kerbs have been installed/extended at the carriageway edge and a vehicular crossover constructed across the footway fronting the site for the entire width of the access.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

11. Prior to the occupation of the dwelling hereby approved, the existing vehicular access onto/from the Pyles Thorne Road and the private lane/track to the east into the site shall be permanently stopped up, its use abandoned and any verge/footway crossing reinstated in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

12. No development shall commence until details of the method for the disposal of surface water, so as to prevent its discharge onto the public highway, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling.

Reason : In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

13. 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), no development of the types described in Schedule 2, Part 1 Class A, and E of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: In order for the Local Planning Authority to assess the impact of such development on the character and appearance of the area and amenity of local residents in accordance with Policy S1 and S2 of the

Taunton Deane Local Plan.

Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office, Burton Place, Tel No. 0845 3459155.

An application for such a permit should be made at least four weeks before access works are intended to commence.

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

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