

**ERECTION OF 2 NO. DWELLINGS AND GARAGES WITH ASSOCIATED ACCESS AT LAND TO REAR OF 50 STONEGALLOWS, TAUNTON**

Grid Reference: 319824.123878

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval for the following reason

The proposal, for residential development, is located within the defined settlement limits of Taunton where new housing is encouraged, and it is considered would not adversely affect the character or appearance of the area or the residential amenities of nearby dwellings. The proposal therefore accords with Exmoor National Park Joint Structure Plan Policies STR1, STR4, Policy 49 and Taunton Deane Local Plan Policies S1, S2, M4 and EN12.

**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:

(A1) DrNo 31210/8 Site plan  
(A4) Location Plan  
((A3) DrNo 31210/1 Floor plans  
(A4) DrNo 31210/7 Garage  
(A1) DrNo 31210/4 Rev A Site plan as proposed  
(A3) DrNo 31210/2 Rev A Elevations

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed at first floor level on the west or east elevation of the dwellings.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Taunton Deane Local Plan Policy S1 and S2

4. Prior to the occupation of the dwelling(s) the window(s) in the west and east elevation, at first floor level, shall be glazed with obscure glass 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) in accordance with details which shall be submitted and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details prior to the occupation of the dwelling and shall thereafter be so retained.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Taunton Deane Local Plan Policy H17(A).

5. Notwithstanding the provisions of Article 3, Part 1, Class A 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 extensions 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 layout of the site) and to protect the residential amenities of the occupiers of No. 52 in accordance with Taunton Deane Local Plan Policies S1 and S2.

6. Prior to the commencement of the development, details or samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and thereafter retained as such, 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.

7.
  - (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.

8. The hedgerow / trees along the west and east boundaries 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 commencement of development on site. Any trees or hedgerow removed without the Local Planning Authorities consent or which die or become seriously diseased or otherwise damaged within five years of the completion of the development shall be replaced by trees / species of a similar size, to be agreed in writing by the Local Planning Authority. The replacement species agreed by the Local Planning Authority shall be planted 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.

9. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to the eastern extremity of the site frontage. Such visibility splay shall be fully provided before works commence on the construction of the dwellings hereby permitted and shall thereafter be retained at all times.

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

10. Prior to the occupation of the dwellings hereby permitted, a properly consolidated and surfaced access and turning area shall be constructed (not loose stone or gravel), details of which shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the dwellings and thereafter maintained as such.

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

#### 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, Taunton, Tel: 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

2. The application states that surface water is to be discharged to a soakaway. The soakaway shall be constructed in accordance with BRD365 (Sep 91).

## **PROPOSAL**

Planning permission is sought for the erection of two detached dwellings to the rear of No. 50 Stonegallows. The site history details that outline consent was granted in 2010 for two dwellings on this site. However, rather than submit reserved matters the applicant has submitted a full application. The application is not therefore restricted by the parameters imposed by the Outline but must be assessed on its own planning merits. The proposed development would be accessed by a private drive along the west boundary of the site, with detached garaging provided for each plot. The size of the dwellings has increased, from the indicative layout submitted as part of the previous outline application. The design of the dwellings now incorporates a conservatory to the rear and also increases the depth of the two storey form. The roof design remains hipped to reflect the previous scheme and to reduce the impact on neighbouring dwellings. The materials proposed are brick under a tiled roof.

## **SITE DESCRIPTION AND HISTORY**

The application site comprises a substantial detached dwelling that benefits from a 60.0m long garden, with far reaching views to the north. The site is located within the built up area boundary, which runs along the northern boundary of the plot. 'Stonegallows Hill', Special Landscape Feature, adjoins the site to the north. Stonegallows is characterised by large dwellings set in commensurately sized plots. To the west of the site is No. 52 Stonegallows, which is positioned further north than the established building line.

Outline planning consent was granted by Planning Committee on the 10<sup>th</sup> February 2010. The application related to the erection of two detached dwellings, reference 05/09/0034, on land to the rear of No. 50 Stonegallows. The indicative layout plan showed two four bedroom properties with access derived from a private drive along the western boundary of No. 50.

Outline planning permission had previously been granted in 2005 and 2008, reference 05/05/0042 & 05/08/0038 respectively, for a single detached dwelling on this site. The siting of the dwelling was indicated to be generally in line with No. 52.

## **CONSULTATION AND REPRESENTATION RESPONSES**

*LANDSCAPE OFFICER* – Subject to significant tree planting along the northern area of the garden and retention of existing trees and hedgerows the proposals are acceptable.

*HIGHWAY AUTHORITY* – The proposal relates to the construction of two dwellings with associated parking and turning. Each dwelling will provide parking for two vehicles in line with policy. Each dwelling will have an independent turning area to allow vehicles to leave in a forward gear. I would recommend that the boundary wall delineating between the two dwellings should be reduced to a minimum height of 600mm to allow for good visibility for both dwellings when moving onto the shared

drive.

At the point where the proposed drive joins the adopted highway the proposal will provide adequate visibility in either direction. The driveway itself will be 3m wide. However, I do have concerns over the increase in vehicle movements that would be associated with two dwellings rather than one.

At the junction with the adopted highway the drive will be widened to 5m for approximately 5m. This would allow a vehicle to pull off the adopted highway and not cause obstruction to other highway users whilst they wait for any vehicles coming down the drive.

Therefore, taking the above into account, I raise no objection to this proposal. Highway conditions and note recommended.

*WESSEX WATER* - The development is located within a sewered area, with foul and surface water sewers. The connection point can be agreed at the detailed design stage. With respect to water supply the same principle applies.

*DRAINAGE OFFICER* – I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (Sep 1991) and made a condition of any approval.

## **Representations**

*WARD MEMBER* - Cllr Stuart-Thorn objects to the proposal. A bespoke single dwelling would be in keeping with the adjacent properties. The elevations of the proposed would have a detrimental impact on the neighbouring property and should be reduced by one metre to 25.54m.

Four letters of OBJECTION have been received. Summary of objections: -

- Lack of detail – no details of the height of the dwellings (in particular with reference to No. 52);
- Request that the height limits imposed on the outline are enforced;
- Seek overall limit to the height as a condition;
- No details of how the proposed properties will be connected to mains drainage. The development should connect directly to the mains and not the privately maintained 4 inch pipe which currently serves most of the dwellings on the north side of Stonegallows;
- Out of character – changing this 'green wedge' into a building site;
- Impact on residential amenity and privacy;
- Dwelling has been increased in size and would extend a further 3.0m north than the outline consent (which in turn had move away from the initial applications which were in line with No. 52);
- Request that the dwellings are re-sited further south in line with No. 52;
- Request condition removing permitted development rights for extensions;
- Application form - the existing use of land is a garden not building land;
- The roof line appears to be unduly high.
- Concern at the increase in amount of building – and insidious increase in scope, size and changes to the siting of the buildings being proposed;
- Developer does not want to meet with residents;
- A single more central dwelling would be more appropriate;

- This is a prime high quality site and would be better suited to a single well designed high quality bespoke dwelling, which would be equally viable;
- The design is unimaginative;
- Windows overlooking No. 48 and No. 52 (request obscure glazing).
- The existing hedgerow is not high enough and can be removed.
- Impact on wildlife;
- Impact on highways from additional traffic – especially at the junctions with the A38;

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
 PPS3 - Housing,  
 EN1 - Landscape and Biodiversity,  
 EN12 - TDBCLP - Landscape Character Areas,  
 STR1 - Sustainable Development,  
 S&ENPP5 - S&ENP - Landscape Character,  
 S&ENPP48 - S&ENP - Access and Parking,  
 S&ENPP49 - S&ENP - Transport Requirements of New Development,  
 S1 - TDBCLP - General Requirements,  
 S2 - TDBCLP - Design,  
 M4 - TDBCLP - Residential Parking Provision,  
 STR4 - Development in Towns,  
 EN11 - TDBCLP - Special Landscape Features,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The principal considerations relate to: impact of the proposed development upon the character and appearance of the area; impact upon residential amenity of nearby residents; and highway safety.

### Character and appearance of the area

The principle of residential development on this site has been established by the previous outline permissions referred to within the site history. There has been some discussion about the government's statement to stop 'garden grabbing'. This site is situated within the garden of an existing residential dwelling; 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. Nevertheless, the merits of the application and its impact must be carefully assessed.

The concerns of local residents, in respect of the impact of this development on the character of the area, are noted. Indeed it is a balanced view when assessing the impact of the development upon the established building pattern and the character and appearance of the area. The fact that the site has extant planning permission for residential development is clearly a significant material consideration. The site adjoins the designated 'Stonegallows Hill' Special Landscape Feature. However, the site has previously been considered acceptable in terms of its impact on the landscape. The landscape officer has not objected to the revised scheme, subject to the imposition of further landscaping in order to help assimilate the development into its environs. Taking the above into account, it is considered the revised scheme would not have a significantly greater impact on the character or appearance of the

area than previously approved, as to warrant a refusal.

#### Impact on residential amenity

There have been concerns raised by local residents that the submission does not indicate the eaves and ridge height of the proposed dwellings (in order to assess the impact on, in particular, No. 52). The submitted drawings do indicate finished floor level heights, which reflect those of the outline. In addition the drawings are to an appropriate scale and those dimensions can be scaled off. The agent has designed the dwelling to remain within the parameters set out within the condition imposed on the outline application, in respect of eaves and ridge levels, to limit any impact to the occupiers of No. 52.

The submission also includes a block plan which shows the previous indicative footprint against that now proposed. The proposed block plan indicates that the dwelling referred to as Plot 50(b) will project 4.0m in two storey form from the rear of the garage of No.52 (which is set back from the rear building line) before being stepped in and then projecting a further 4.0m. The proposed dwelling now features a single storey addition (conservatory), closest to No. 50, extending the building line. The dwelling would be set 2.0m in from the indicated boundary line and a distance of 6.0m where the first floor is stepped in, projecting further to the north.

This revised scheme would effectively increase the depth of the first floor extension by one metre (closest to the boundary) and approximately three metres where the dwelling is stepped in, in relation to the previous outline consent. It is noted that the building line of No. 52 is, in part, further north than shown on the block plan due to the provision of a conservatory. The nearest built form of No. 52 is an integral garage. The roof design features a hipped roof to reduce the impact and bulk of the property. It is accepted that the proposed dwelling will have some impact on the occupiers of No. 52. However, given its siting (to the side), orientation and separation distances between elevations at an oblique angle, the proposal would not give rise to any unreasonable loss of outlook or have such a dominating effect as harm the residential amenity of the dwelling. In terms of privacy, the first floor windows serve a bathroom and the applicant has confirmed that these will be obscure glazed. In terms of ground floor glazing it is considered that it would be unreasonable to request that these are obscured due to the existing screening provided by the hedgerow.

In respect to the impact of the development on residents to the east, it is considered that the proposal by reason of the separation distances (in excess of 40.0m) between elevations, orientation and the imposition of a condition requiring first floor windows to be obscure, the proposal would have no unreasonable impact on the residential amenities of residents in terms of outlook or loss of privacy.

It was previously not considered reasonable to withdraw permitted development rights for extensions. However, due to the increase in depth of the building further north it is now necessary to remove permitted development rights for extensions in order to safeguard the amenities of No. 52 and the character of the area. This will enable the Authority to assess any subsequent proposals.

In terms of existing and future occupiers of No. 50 and the proposed development - the garden space allocated to the house, or left to the house from which the plot which is severed is considered to be adequate for the recreational needs of the occupants present and future.

### Other matters

There has been concern during the publicity period to repetitive changes to the scale and siting of the dwelling. Those frustrations are understood, however, the Authority must determine each application on its own planning merits. It of course necessary for officers' to take account of extant permissions – as this is a material planning consideration.

In respect of foul drainage, Wessex Water has confirmed that the applicant can connect to mains drainage. The point of connection can be agreed at detailed design stage – required under building regulations.

The Highway Authority do not raise any objection to the proposal. Parking is provided in accordance with Local Plan Policy provisions.

### Conclusion

To conclude, careful consideration has been given to the impact of the development on both residential amenity and the character and appearance of the area. Having regard to the extant permission, it is considered that the proposed development would not have a significant adverse impact upon the character or appearance of the area having regard to its context, i.e. position relating to an existing residential dwelling. The proposal by reason of its siting, separation distances, and orientation, would not be so harmful as to substantiate a refusal of the scheme. It is therefore recommended that the application is approved subject to the conditions set out within this report.

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

**CONTACT OFFICER: Mr A Pick Tel: 01823 356586**