

38/12/0244

MR & MRS D WHITE

ERECTION OF DWELLING WITH ASSOCIATED GARAGE AND PARKING PROVISIONS, WITHIN THE GARDENS OF HAWKSWORTH HOUSE AND LAND TO THE NORTH, AT 1 HOLWAY AVENUE, TAUNTON, AS AMENDED

Grid Reference: 323419.124041

Full Planning Permission

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. The proposed access would be satisfactory, adequate parking and turning is provided and the development would not have a detrimental impact on the amenity of surrounding residential properties and the proposal is considered in accordance with Policies CP4, CP6, CP8 and DM1 of the Taunton Deane Core Strategy and retained Policies STR4 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

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:

(A4) DrNo 01 Location Plan

A4) DrNo 02 Block Plan

(A1) DrNo 03 Rev B Existing Site Layout Survey Drawing

(A1) DrNo 09 Rev F Proposed Site Layout Sketch Scheme 05 Design Drawing

(A1) DrNo 10 Rev C Proposed Plans, Elevations and Section A-A, Sketch Scheme 05

A4) DrNo 011A Block Plan

Design Drawing

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

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 DM1 of the Taunton Deane Core Strategy.

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 building(s) is occupied** 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 Core Strategy Policy DM1.

5. The window(s) in the first floor side elevations (south west and north east) shall be glazed with obscure glass and be fixed or limited opening to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further grant of planning permission.

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

6. The dwelling shall not be occupied until turning and parking spaces shown on drawing 09F are provided and the parking spaces shall be retained and only used 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.

7. A method statement to avoid construction work impact on tree roots and branches and details of the foundation design shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site.

Reason: In the interests of protecting trees in the area.

Notes for compliance

PROPOSAL

The proposal is to erect a 5 bedroom detached dwelling on land to the rear of 1 Holway Avenue and 45 South Road with access via an existing track off South Road serving existing properties and a parking area.

SITE DESCRIPTION AND HISTORY

The site lies on the eastern side of South Road within the existing built up area of the town and is accessed by a single vehicular width track. The site straddles the conservation area boundary which runs along the rear of the Holway Avenue gardens. So the existing parking area lies within the conservation area while the garden to the south does not.

There have been no previous planning applications on the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development is situated in a residential area of Taunton within development limits, therefore the principle of development is acceptable in this location.

The site is located to the rear of 1 Holway Avenue, an unclassified highway to which a 30mph speed limit applies. However vehicular access to the proposal is situated off South Road, a Class 2 highway, to which a 30mph speed limit applies. South Road is designated as a County Route under Policy 51 of the Somerset & Exmoor National Park Joint Structure Plan Review. It was observed from my site visit that there is an abundance of vehicles parked on the highway at this location.

The proposal seeks to erect a dwelling with associated garage and parking. Having carried out a site visit on 9 July and studied the drawing accompanying the application I have the following highway and transport observations.

The site is located approximately 30 back from the public highway at the end of a private track. Whilst on site it was noted that the track also serves additional dwellings. The track is estimated as 3.5m wide with no passing places along its duration. The proposed access which will be retained as part of the development lacks sufficient width to accommodate additional vehicle movements associated with the proposed dwelling. It is noted from the submitted drawings that there is has been no improvements to the existing access. The Authority note from the red line drawing that land either side of the access is not in control of the applicant. Therefore it is questionable if any improvements can be accommodated as part of the scheme.

The Highway Authority would wish to see the width of the access a minimum of 5m to ensure vehicles entering the site can do so without having to wait on the public highway causing an obstruction to other road users.

The retained access provides limited visibility encouraging the driver to edge onto the carriageway to achieve visibility, especially to the north. Additionally the level of

vehicles parked along the highway either side of the access pose as a physical obstruction to visibility again causing a vehicle emerging onto South Road to edge further onto the carriageway.

There has been a reported personal injury accident in this location within the last five years relating to a vehicle emerging onto the South Road.

Drawing No. 09 details the proposed internal site layout. Firstly vehicle turning is inadequate as it lacks sufficient area to accommodate suitable vehicle turning onto a Class 2 road. To enable turning within the site vehicles need to be able to enter, turn and leave all within a three point turn; if any more movements are required then it is likely that drivers will not attempt this and will just reverse into/out of the site.

It is unclear the existing use of the site. The Design and Access Statement states that the area is currently used for vehicular parking but it is unclear as to who it is provided for. Therefore it is assumed that the proposal for a dwelling will mean that off street parking provision will be unavailable. Again it is unknown to who the parking area is provided for at present but I can comment that a new dwelling will generate 6-8 movements, according to TRICS database. Clarification is needed on the use of this parking area.

Commenting further on the scheme Taunton has been identified as a Zone A for parking provision therefore Somerset County Council – Parking Strategy (adopted March 2012) states the requirement for 3 spaces for houses of 4 bedrooms or more. The site is currently in line with the standards, albeit constricted as shown on the submitted drawing. It is noted from Drawing No 09 that the proposed property is provided with a garage, the Somerset County Council – Parking Strategy provides minimum dimensions for garages, both single and double. These dimensions are as follows:

Single 6m x 3m and double 6m x 6m.

The garage does not comply with the required minimum dimensions for new garages. In addition as part of the newly adopted Parking Strategy, new residential dwellings need to provide a minimum of 1 cycle space/storage facility per bedroom. These are based on dimensions of 2m by 1m and will allow the occupiers of the proposed dwellings to use alternative sustainable modes of transportation. Again it is not clear from the submitted information that cycle provision will be made available for cycle storage facilities.

Once additional information has been received the Highway Authority will comment further on the scheme, if however this is not forthcoming it may be necessary to recommend refusal of the application.

15/8 Additional Comments

I refer to the above-mentioned planning application received in my department on the 9th July 2012. The Highway Authority requested additional information on the 24th July 2012 relating to current use of the site, vehicle turning and cycle provision. Having received the relevant information on the 31st July 2012, I have the following observations on the highway and transportation aspects of this proposal:-

The proposed development is situated within a residential area of Taunton within development limits therefore the principle of development is acceptable in this location.

This site is located to the rear of 1 Holway Avenue, an unclassified highway to which a 30mph speed limit applies. However, vehicular access to the proposal is situated off of South Road a Class 2 highway, to which a 30mph speed limit applies. South Road is designated as a County Route under Policy 51 of the Somerset and Exmoor National Park Joint Structure Plan. It was observed from my site visit that there is an abundance of vehicles parked on the highway in this location.

The proposal seeks to erect a dwelling with an associated garage and parking. Having carried out a site visit on the 9th July 2012 and studied the drawings accompanying the planning application, I have the following highway and transportation observations.

The site is located approximately 30m back from the public highway, at the end of a private track. Whilst on site it was noted that the track also serves additional dwellings. The track itself is estimated to be 3.5m in width, with no passing places along its duration.

Existing Use

The Highway Authority queried the use of the land at present as it would see a loss of vehicle parking. However, having received additional information from the agent acting on behalf of the applicant, the site is currently used as a private vehicle parking area. To which provides parking licences for five no. local residents to park on this private section of land. It is to my understanding that the licences could be terminated within a one month notice period, regardless of any planning application submitted. Therefore it would be unreasonable for the Highway Authority to object that the proposed development would be likely to encourage the parking of vehicles on the public highway.

Given that the proposal is for a single residential dwelling, it is considered that the site will see a reduction in vehicle movements. Referring to TRICS database the estimated vehicle movements for a single residential unit are approximately 6-8 movements per day. As a result it would therefore be unreasonable for the Highway Authority to recommend that the development would see an increase in vehicle movements associated with existing access, albeit substandard.

Vehicle Turning

My letter dated to the Local Planning Authority dated 24th July 2012, indicated that submitted drawing No. 09 detailed the internal site layout, it was considered that vehicle turning is inadequate as it lacks the sufficient area to accommodate suitable vehicle turning onto a Class 2 road.

To enable turning within the site vehicles need to be able to enter, turn and leave all within a three point turn: if any more movements are required then it is likely that drivers will not attempt this and will just reverse into/out of the site.

However, I am in receipt of an amended drawing (No. 09/E), which shows that albeit constricted, a three point manoeuvre is possible within the site. In reality vehicles are likely to make more manoeuvres within the site, which in this instance is considered acceptable, as vehicles are unlikely to reverse approximately 30metres back along a single width access track onto the public highway. As a result I consider that drawing No. 09/E provides satisfactory

vehicle turning. It is imperative that this area remains free from obstruction, to which a suitable condition will need to be imposed.

Garage Dimension

Drawing No. 09/E provides details of the proposed garage within the site. The Highway Authority are satisfied that the garage dimensions are now that of the Somerset County Council – Parking Strategy (3m x 6m).

Cycle Provision

It is noted from drawing No. 09/E that sufficient cycle storage facilities have been provided within the site. I am satisfied that the level of parking provision provided for the development, is in line with the Somerset County Council – Parking Strategy.

In light of the above, the Highway Authority has no objection to this proposal subject to the following conditions:-

The area allocated for parking and turning on the submitted plan, drawing number 09/E, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

HERITAGE - In my opinion, the proposal will not detrimentally affect the setting of the Conservation Area, due to its hidden nature and the fact that the site is already surrounded by buildings.

LANDSCAPE OFFICER - Further to the revised report from Swan Paul Partnership I wish to make these further comments.

My main concerns are still the impact of the proposed building and trenching works on the RPA's of the Oak and Birch trees and the impact of the proposals on the loss of amenity value of the Birch tree and wider conservation area.

If permission is to be granted it is important that the foundations are designed to minimise root disturbance and a method statement is agreed to avoid construction work impacts on the tree roots and branches.

Boundary treatment on the tree side should be no more than fencing as brick or stone walls will require footings that could also damage the tree roots.

Representations

Ward Cllr Objection – Firstly it is incorrect to refer to this as being in Holway Avenue, the access will be from South Road and part of the site is within the South Road

conservation area. The conservation area status should bring protection to this area and the preservation of the character and traditional nature of large family houses with family size gardens is important to maintain the conservation area in its current form. The loss of back gardens for development is wrong and the government have given powers back to the local authorities to stop this kind of development. The neighbouring family homes all enjoy gardens that back onto other gardens, to build a house in these gardens will be detrimental to the amenity of the other gardens in the area and will result in the loss of the private nature of these gardens and loss of privacy. The proposed new house will overlook many of the neighbouring properties and be overbearing due to its size and bulk within the garden setting. I feel that the proposed house is too large for site and will not provide adequate garden for a house of this size. The wider impact of this proposal on the existing properties cannot be underestimated. The unmade parking area within the conservation area provides off road parking for many residents. An aspect of protecting conservation areas is that development should not increase car movements, this proposal will greatly increase car movements as a 5 bedroom house will have at least 3 cars, and the loss of the parking area will result in South Road having to cope with more vehicles trying to park on the street. I cannot see any positives to this proposal at all and support the neighbours in their wish to retain the integrity of the conservation area and keep the privacy of their back gardens intact.

11 letters of support (only 1 from immediate area) on grounds of needed family home in the town centre, accessible by a variety of means, design in keeping with the area, sustainable location within easy reach of facilities and tidies up previously developed land. Removal of parking will improve road safety on South Road.

13 letters of objection from local residents on grounds of
Adverse impact on amenity of neighbours.

Loss of privacy with around 20m from the rear of the new dwelling to the back of the neighbour's dwelling with large area of glazing

Overlooking from windows of Tauntfield Lodge, Tauntfield Mews, 45 South Road and 1 and 3 Holway Avenue.

The new dwelling would be overlooked and impact on occupiers privacy.

Increase in density.

Adverse impact on silver birch tree.

Overshadowing of back gardens and impact on hedge.

Disturbance of wildlife habitat such as badgers, fox, squirrels, bats, birds and insects.

The area is used by foraging badgers.

Impact on sewer

The subdivision of the existing garden is inconsistent with the character of the adjoining properties.

The proposal does not maintain or enhance the character and appearance of the conservation area and would be out of keeping and not a positive incursion.

The garage proposed is in the conservation area on land that has not been developed before and is therefore not brownfield.

This is 'garden grabbing' and gardens are not previously developed land.

The loss of green space and places for children to play.

It would create two large family houses with small gardens.

It is a harmful effect on a large number of local residents.

Loss of quality of life.

No need for large 5 bedroom houses.

Inadequate turning space.

Vehicles travel along South Road faster than the 30mph speed limit, there are no traffic calming measures and the road junction with the track is dangerous.

Lack of visibility.

Negative effect on residents of 47-55 who have rented the land for parking for many years but have one month notice to terminate.

It would force resident parking onto the street where parking is already under pressure and may lead to pressure to remove such parking for safety reasons.

Vehicles parked on the road are exposed to theft and vandalism.

Suggested conditions by the Highway Authority are unenforceable.

The access is inadequate for construction vehicles and delivery lorries

Some residents need cars for work if can't park nearby would be forced to change career or move house.

Loss of house values and loss of Council tax

Possible covenant on the land restricting the building of dwellings.

PLANNING POLICIES

STR2 - Towns,

STR4 - Development in Towns,

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

CP1 - TD CORE STRAT. CLIMATE CHANGE,

CP4 - TD CORE STRATEGY - HOUSING,

CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,

CP8 - TD CORE STRATEGY- ENVIRONMENT,

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

M4 - TDBCLP - Residential Parking Provision,

EN14 - TDBCLP - Conservation Areas,

T1 - TDBCLP - Extent of Taunton,

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)	£1,079
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Somerset County Council (Upper Tier Authority)	£270
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6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
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Somerset County Council (Upper Tier Authority)	£1,619
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DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with this proposal are the impact on the character of the area, the impact on amenity of neighbours and access parking and highway safety.

CHARACTER OF THE AREA

The application site lies on the edge of the South Road Conservation Area with the boundary running through the site along the existing rear boundary of 1 Holway Road. There is built residential development around the site other than the commercial office building to the north-east. The provision of a dwelling here is not considered to detract from the character of the area and this view is also held by the Conservation Officer. The loss of the car park use is not something that can currently be controlled and the provision of a garage, parking and turning space on that part of the land in the conservation area is not considered to be detrimental to the character of this area.

AMENITY

Window to window distances of first floor bedrooms with adjacent properties are around 20m or more, other than with the applicant's property to the rear which is 16m and the property at No.3 Holway Avenue which is around 18m. Overlooking from bedroom windows at this distance is considered to be acceptable and not grounds to refuse the proposal. The first floor windows to the western side elevation facing 45 South Road serve a bathroom and stairs and would be obscure glazed. The terrace at first floor level to the front is also designed so as not to give rise to any significant overlooking with parapet walls and it is largely being set behind the roof of the proposed garage. The rooflights in the bedroom are set at a high level to prevent looking down into adjacent gardens.

ACCESS

The dwelling will be served by an existing access which is narrow with limited visibility at the junction with South Road. This access however is currently used by 3 residential properties plus the car park on the application site. The parking area currently is licensed for 5 vehicles, however this can be terminated at any time regardless of any planning application and consequently the Highway Authority consider it unreasonable to object on the ground that the development would encourage parking on the highway. The Highway Authority accept that the proposal will reduce the traffic using the access and raise no objection on this basis.

The garage is 6m x 4m and is considered of adequate size for a vehicle and cycle parking is also provided on site. Adequate parking and turning is provided within the site to the satisfaction of the Highway Authority and subject to conditions with regard to parking/turning and garage use.

OTHER ISSUES

The proposed dwelling is in close proximity to two trees off site and concern has been raised over the impact on these trees. The nearest is a silver birch which lies in the adjacent garden and lies outside the conservation area. The Landscape Officer considers that it is important that any foundations are designed to minimise disturbance and a method statement should be agreed to avoid construction impacts on tree roots and branches. It is considered that this should be a condition to be imposed together with one on boundary treatment.

The proposed drainage is intended to utilise the existing drains in the area and

Wessex Water has raised no objection to the proposal.

The matters of a possible covenant and land ownership are private civil issues and do not affect the planning considerations of the proposal.

SUMMARY

The proposed dwelling is set back from the road and is not considered to harm the character of the conservation area and is designed at a sufficient distance so as not to cause a significant adverse affect on neighbours. The access is narrow with poor visibility but already serves a number of dwellings as well as a car park area and the provision of a house here would result in less traffic and the Highway Authority do not raise an objection and the application is therefore supported.

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

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