

38/12/0398

MR & MRS D WHITE

ERECTION OF DWELLING WITH ASSOCIATED GARAGE AND PARKING PROVISIONS, WITHIN THE GARDEN OF HAWKSWORTH HOUSE AND LAND TO THE NORTH, AT 1 HOLWAY AVENUE, TAUNTON (RESUBMISSION OF 38/12/0244)

Grid Reference: 323398.124069

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 retained 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:

(A1) DrNo 13 Rev A Proposed Plans, Elevations and Section A-A Sketch Scheme 06

(A1) DrNo 12 Rev A Proposed Site Layout Sketch Scheme 06

(A1) DrNo 03 Rev C Existing Site Layout Plan

(A3) DrNo SPP.1743.1A Tree Appraisal

(A4) DrNo 11 Rev B Proposed Block Plan-SK05

(A4) DrNo 02 Block Plan

(A4) DrNo 01 Location Plan

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 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 12A 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.

8. 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 Classes A and B of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To protect the character of the area and amenity of neighbours in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The development hereby permitted shall not be commenced until details of a strategy to protect badgers **during construction** has been submitted to and approved in writing by the Local Planning Authority. **The strategy shall** include method statements to avoid impacts on protected species during all stages of development and details of the timing of the works.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect badgers **during construction** bearing in mind **this** species **are** protected by law.

Notes for compliance

1. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water’s ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant’s expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus.

It is recommended that the applicant contacts Wessex Water Sewer Protection Team on 01225 526333 for further advice.

2. The developer must agree a point of connection to the water and foul sewerage network with Wessex Water. Contact 01225 526222 for Water Supply and 01225526333 for Waste Water.

PROPOSAL

The proposal is to erect a 4 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. The design is revised and smaller in terms of height and footprint than the previously refused scheme.

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.

Previous permission for a 5 bedroom dwelling of a different design (ref. 38/12/0244) was refused by Members at the meeting on 27 September due to its scale and bulk being overbearing and out of character with the area.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - I would refer you to my letter dated 15th August 2012 in connection with planning application No. 38/12/0244 (a copy of which has been reproduced below for your information). I consider that these comments apply equally to the present application:

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 - Drawing (No. 12/A), 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. 12/A 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. 12/A 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. 12/A 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 12/A, 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 - No objection.

LANDSCAPE - My concerns are as with the previous application ie. impact of construction and building works on the tree roots within root protection area. No details of the above have been provided.

WESSEX WATER - New water and waste connections will be required. A combined sewer is shown in the vicinity and it is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice. No building will be permitted within 3m width of the pipeline without agreement.

Representations

Councillor Mrs Herbert - Support objections to proposal. The revised scheme has not addressed neighbour concerns in respect of overlooking or overbearing on their properties, it has not changed in respect of overdevelopment of the site and it remains a large footprint on a small plot. The proposal has not altered its design to be more sympathetic to the sensitive conservation area, indeed in my opinion the revised proposal is more out of keeping and will be detrimental to the visual amenity of the area. I strongly urge committee to protect this sensitive conservation area and refuse this application.

16 letters of SUPPORT on grounds of:

- it will tidy up the area,
- it is a sustainable location,
- design and materials in keeping,
- removes a waste piece of land while providing a needed family home,
- removal of parking will improve road safety as vehicle movements will decrease,
- it addresses the reasons for refusal and helps prevent urban sprawl.

5 letters of OBJECTION on grounds of

- overdevelopment, squeezing a quart into a pint pot,
- its overbearing,
- overlooking from first floor,
- kitchen and study will have limited height due to boundary hedge,
- the new dwelling will be overlooked,
- negative impact on amenity,
- intrusion and increased density,
- the site is previously undeveloped land,
- there is no demand for a 4 bed property,
- the garden would be small and not in keeping with family homes,
- parking is under pressure and it would force more parking onto the road,
- it is not the best practicable means for the land under the Environment regulations,
- it's a conservation area,
- it would detract from the standard of the area,
- badgers would be disturbed,
- access is inadequate on a track 2.6m wide,
- insufficient for construction and unlikely to have been considered under the CDM regulations,
- it would cause damage including boundary walls and disruption to neighbours during construction,
- a three point turn would not be possible,
- deliveries will have to park on the highway causing a hazard,
- scheme is garden grabbing of private residential garden land,
- the structure is imposing and will overlook neighbours
- there may be covenants restricting building.

PLANNING POLICIES

NPPF - National Planning Policy Framework,

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,

DETERMINING ISSUES AND CONSIDERATIONS

As before 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 hipped roof 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 applicants property to the rear (which is 16m) and the property at No.3 Holway Avenue (which is around 17.5m). 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 height of the building has been reduced from the previous scheme by over 1m and hipped roof provided rather than gables. The roof space rooms have been deleted so there are no longer any rooflights or second floor windows enabling 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 will be subject to conditions.

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 and 2.5m from the proposed building. 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. There is not considered to be any sign of a badger sett within the site and while there may be badgers using gardens in the area a condition concerning wildlife protection during construction is considered appropriate.

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 be overbearing or cause a significant adverse affect on neighbours. This is considered to address the previous refusal reason. 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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