

38/14/0424

MR E PALLANT

ERECTION OF DWELLING WITH ATTACHED GARAGE IN THE GARDEN TO THE REAR OF 48 CHARLES CRESCENT, TAUNTON (RESUBMISSION OF 38/14/0143)

Location: 48 CHARLES CRESCENT, TAUNTON, TA1 2XP

Grid Reference: 324999.124905

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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:

(A3) DrNo 1001B Site Location Plan
(A3) DrNo 1002 D Site Plan as Existing
(A3) DrNo 2012 Site Plan as Proposed
(A3) DrNo 2016 Floor Plans as Proposed
(A3) DrNo 2017 Elevations as Proposed
(A4) DrNo 2018 Sections and Perspectives as Proposed

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

3. Prior to the commencement of the erection of any part of the building hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall 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 ensure that the proposed development does not harm the

character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (i) Before any part of the permitted development is occupied, 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 occupation 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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. The area allocated for parking to serve the proposed dwelling shall be provided before the dwelling hereby permitted is brought into use. The garage and parking area shall thereafter be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

6. The driveway shall be hard surfaced before it is brought into use. It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the proposed dwelling.

Reason: In the interests of highway safety.

7. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level forward of lines drawn 2.0 metres back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage. Such visibility shall be fully provided before the access hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

8. Provision shall be made within the site for the disposal of surface water so as

to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

Reason: In the interests of highway safety.

9. 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 extensions, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures shall be carried out without the further grant of planning permission.

Reason: To protect the appearance of the surrounding area and the residential amenities of neighbouring properties, in accordance with Policy DM1 (D) & (E) of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. Notes at request of Wessex Water:
 - Application forms and guidance information for new water supply and waste water connections is available from www.wessexwater.co.uk/developerservices
 - DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.
 - No surface water connections will be permitted to the foul sewer system.
 - Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
 - On 1 October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers). At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our records plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Buildings Regulations purposes. More information relating to this transfer can be found on the Wessex Water website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

3. Note at request of Council's Drainage Officer:
 - As property is former Council Property, the applicant/developer should contact the Council's Housing Division Property Manager and the Assets Holding Manager to check whether any consents are required from them.
4. The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area Highways Office, Burton Place, Taunton, Somerset, TA1 4HE; telephone no 0845 345 9155, email: countyroads-tdeane@somerset.gov.uk. He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
5. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

PROPOSAL

48 Charles Crescent is a semi-detached dwelling fronting Charles Crescent with a large garden to the rear, which abuts an adopted road to the east, known as Illminster Road. On the opposite side of this road is a row of four link detached dwellings, permitted in September 2004, under application 38/04/0351.

To the north of these are two blocks of flats known as Brendon Court, accommodating 12 flats in total. These flats were permitted in March 2007, under application 38/06/0600 and are also accessed via the later element of Illminster Road. To the south of the site are properties facing onto the main Illminster Road with properties facing Charles Crescent abutting the site to both sides. The properties to Charles Crescent incorporate a mix of brick and render with tile roofs, some of gabled design, whilst others are of Cornish style. These are set within large plots, although no.48 is noticeably larger than other properties along this stretch of the road. The four properties on the other side of the later element of Illminster Road are of brick and slate, set in considerably smaller plots. A turning area is located between properties no. 34 and 36.

This application seeks planning permission to erect a detached three bedroom dwelling in the rear of the garden to 48 Charles Crescent. This would be accessed from the later element of Illminster Road, at a point opposite no. 36 and would have an open frontage with 1.8 metre high fence and planting to the four other boundaries. The dwelling would be constructed of brick and slate with an attached single garage to the north-eastern side and a driveway to the front, hence two car parking spaces would be provided within the site.

This is the resubmission of a earlier planning application, submitted in May 2014. This application differs from the previous application in the following ways: the

dwelling has been re-positioned within the site; the design has been revised in terms of floor plans and elevations, which also includes locating the garage to the north-eastern side; and the access and driveway has been repositioned to the north.

The application is accompanied by a Technical Note from a Transport Engineer.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WARD CLLRS SLATTERY AND GADEN – Object on the grounds of:

- Proposal would demonstrably harm the amenities enjoyed by local residents.
- Concerns regarding on-road parking, valuable green space, privacy and right to enjoy a quiet and safe residential environment.
- Proposal would significantly alter fabric of area and amount to serious cramming. Proposed development is over-bearing, out-of-scale with existing development.
- Concerns regarding little room for landscaping and gross overdevelopment of the site.
- Proposal would lead to loss of valuable green space and adversely affect the residential amenity of neighbouring owners.
- Highlights Human Rights Act.
- Development will lead to an unacceptable loss of light to neighbouring property owners/occupiers.
- Proposal will compromise road safety, likely to generate a significant increase in amount of traffic on adjacent roadways.
- Loss of on-road parking will result in loss of valuable amenity and lead to potential highway safety issues.
- Formally request Council to refuse this application.

SCC - TRANSPORT DEVELOPMENT GROUP – “Refer to standing advice”.
Standing advice requires:

Parking

1) The parking provision for developments should be in accordance with the adopted SCC parking strategy (Appendix 11.6).

2) The requirements for parking space and garage dimensions are also contained within the adopted SCC parking strategy and should where possible be adhered to (Appendix 11.7).

Visibility Splays

Where accesses and junctions are to be formed, this advice considers that Manual for Streets is the appropriate guidance for visibility splays. (Appendix 11.1 & 11.3) unless otherwise stated.

Visibility splays should be determined by the posted speed limit, unless physical measures, speeds or change is agreed by the Local Planning Authority. There may be occasions where the Highway Authority recommends that standing advice

applies to an application, but that an alternate (Design Manual for Roads and Bridges) visibility splay is more appropriate. Under these circumstances, the visibility splay requirements will be clearly defined with the initial consultation response.

Pedestrian Visibility

Where a new pedestrian access is proposed, it is necessary to ensure that adequate visibility splays are provided. These will be 2.0m x 2.0m and will be provided to the rear of the footway, or where the access meets the carriageway edge. (Appendix 11.2)

Surfacing and drainage

Adequate provision shall be made to ensure that surface water does not drain onto the public highway. Equally any new access shall be designed to ensure that highway water does not drain onto the development site.

Creation/alteration of a driveway

- 1) In Somerset up to two dwellings may be served by a driveway. This advice will therefore apply, provided that the proposal does not constitute the laying out of a street. As defined within the Highways Act 1980.
- 2) Visibility splays shall be in accordance with Manual for Streets visibility splay criteria (Appendix 11.3) unless otherwise stated. The visibility splays will be required to be provided within the control of the applicant, which is allocated within the red/blue lines of the applicants' boundary or highway land.
- 3) Any access for a single residential unit should have a minimum width of 3.0 metres. Where an access serves more than one unit, adequate width to pass two vehicles should be secured. Recommend a minimum width of 5.0 metres over a minimum of 6.0 metre length.
- 4) The gradient of any driveway shall not exceed 1 in 10, for at least the first 6.0 metres from the edge of the adopted highway.
- 5) Any new or altered access, must be consolidated or surfaced for at least the first 5.0 metres of its length, as measured from the edge of the adjoining carriageway, (not loose stone or gravel).
- 6) Positive drainage shall be provided, to prevent the discharge of water from private land to the adopted highway. It may also be considered necessary to take measures to prevent the 'run off' of water from the adopted highway onto private land. Details of such an arrangement should be approved by the Highway Authority prior to implementation.
- 7) Any entrance gates shall be hung to open inwards and shall be set back a minimum distance of 5.0 metres from the carriageway edge. Gates for pedestrian only access should be hung to open inwards.
- 8) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation or alteration of an access to the highway will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Area Highway offices - Taunton Deane Area Highways Office - Burton Place, Taunton. The Area Highways Office, is contactable on the following telephone number No. 0845 345 9155. Applications for such a permit should be made at least four weeks before access works are intended to commence.

WESSEX WATER - New water supply and waste water connections will be required from Wessex Water to serve this development. Suggest note regarding application forms guidance and further information, sewer connections signed adoption agreement.

DRAINAGE ENGINEER - Assume that the property is former council property, therefore Council's Housing Division Property Manager and the Assets Holding Manager should be contacted as application could affect housing private sewers.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - Measurements taken from plans currently held on file. Total liability £8,120.

Representations

21 letters of OBJECTION received from 12 different households on the grounds of:

- Overlooking of habitable rooms of properties opposite from bedrooms. Concerns regarding window to window relationship. Loss of privacy to bedroom and lounge at no.36. Overlooking of back garden at no. 46 from bedroom windows. Overlooking of kitchen at no.30.
- Overshadowing/Loss of daylight and sunlight to properties opposite, including garden and front windows.
- Loss of outlook from properties opposite.
- Scheme overbearing and out of scale with existing houses.
- Narrow road and concerns that driveway will result in difficulty for residents opposite to park to the front of their properties. Concerns that there are no/limited visitor parking spaces for 17 dwellings in Illminster Road. Concerns regarding construction traffic.
- Access not sufficient to allow a vehicle to safely enter or exit due to limited visibility and width of road. Would result in loss of pavement, increasing risk to pedestrians. Current road very narrow, lorries often have to reverse up road. Turning bay regularly used for parking. Concerns regarding access of emergency vehicles. Major problem with parking. Cars parked along Illminster Road impair visibility for all road users. More cars will use flats parking area for turning. Car accidents have already been witnessed. Adverse impact upon highway safety.
- Queries collection of data and contents in traffic technical note.
- Density already crowded. Overdevelopment of the area exacerbating traffic problems. Concerns for safety of children, residents and visitors.
- Impact upon wildlife and the environment.
- Suggest parking restrictions.
- Suggest retention of planting to northern and southern boundaries. Little space for landscaping on site. Loss of green space.
- Concerns regarding human rights.
- Suggest land could you sold to residents in street to build garages or parking area.
- Request no weekend or evening construction work.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP8 - CP 8 ENVIRONMENT,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development within the settlement limits of Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £8,000.

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
Somerset County Council (Upper Tier Authority) £270

6 Year Payment

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

DETERMINING ISSUES AND CONSIDERATIONS

Principle

The site lies within the settlement boundary for Taunton where the principle of residential development is acceptable, subject to the relevant planning criteria being met. The matter for consideration is therefore whether the proposed scheme is acceptable in terms of the design and impact upon the surrounding area, the amenities of neighbouring properties and highway safety.

Design and impact on surrounding area

The surrounding area is characterised by a mix of properties. The properties most closely related to the proposed dwelling, on the opposite side of the road are of brick and slate with a gabled roof design and single storey attached garages. The proposed dwelling has been designed to reflect the style and materials of these properties and would not appear out of character with the surrounding area.

The properties opposite lie on a well established building line, fronting the road. The close proximity of the proposed dwelling to the road, albeit at an angle, is not

deemed to detract from the building line evident in nearby stretches of the road, to the detriment of the appearance of the street scene.

The properties on Charles Crescent, which lie in close proximity to the site, are characterised largely by similar sized plots, although it is acknowledged that no.48 does sit within a larger/wider plot than many. The properties further along Charles Crescent however sit in smaller plots. Similarly, the dwellings on the opposite side of Illminster Road are also located in smaller plots with limited garden space to the rear. As such, the separation of no.48 into two is not considered to result in plot sizes that are cramped or out of character with the surrounding pattern of development, particularly as the proposed plot relates more closely to Illminster Road than Charles Crescent. Taking this into account, it is considered that a sufficient level of amenity space remains available to no.48 and would be provided to the proposed dwelling.

As such, the proposed dwelling is not deemed to result in an adverse impact upon the street scene or the appearance of the surrounding area that would warrant refusal.

Impact on neighbouring property

The proposed dwelling would be positioned at an angle to the road and would not therefore directly face the dwellings opposite. By virtue of the angle, the front windows would face largely towards the turning bay and gable end of no.34, in which there are no windows positioned. Objections have been received regarding overlooking of the properties on the opposite side of Illminster Road. The dwelling has been designed with the closest first floor window serving the bathroom rather than a habitable room with the entrance porch below at ground floor level and a small WC window in the side elevation. As such, there are no habitable room windows in the part of the property closest to the dwellings opposite.

To the side of these windows is a lounge window at ground floor level with a bedroom window above, which, due to the angle of the dwelling, are set further away from the properties opposite. By virtue of the orientation of the dwelling to those properties opposite, these habitable room windows would not allow direct overlooking of the nearby dwellings and would be a sufficient distance from the gardens to the rear. Any views from the proposed dwelling would be at an angle to those windows, rather than looking directly into them and the scheme is not therefore deemed to result in a material loss of privacy to the properties opposite.

A concern has also been raised regarding overlooking of the garden to the rear of no.46. Again, due to the angle of the window, this would largely face the rear corner of the remaining garden to no.48 and is considered a sufficient separation distance from the main amenity space of no.46 in terms of direct views. Whilst the closest bedroom window in the rear lies reasonably close to the side boundary, this is a common relationship between residential properties and to gain clear views over the neighbouring garden would require looking at an angle. It is acknowledged that the rear bedroom windows would face towards the rear of no.46, although this is positioned 21 metres from the rear windows, which is deemed to be a suitable separation distance. The proposed scheme is not therefore considered to result in unacceptable overlooking of the amenity space or rear windows of the neighbouring

property.

A concern has also been raised regarding a loss of light and overbearing impact to the properties opposite. The dwelling is set at an angle, with the forwardmost part being the corner of the two storey section, which lies over 12 metres from the front of no.36 (the closest property), with the rest of the property set further away. This is considered a sufficient separation distance to avoid an unacceptable loss of light to the windows and is even further from garden areas to the rear. It is also important to note that this is in excess of the distance in many situations where properties face each other across a road. It is acknowledged that the outlook from these properties has in the past been garden land and that this would change. The proposed dwelling is not however deemed to result in such detriment to the outlook or overbearing impact to those properties that would warrant a refusal of the application.

The property is set well within the plot, with the closest element to the boundary with no.50 being single storey and there are no windows above ground floor level on this elevation facing in that direction. As such, the scheme is not deemed to result in an impact upon the amenities of that property. The closest element to the boundary with no.46 is two storey, although this is set at an angle to the boundary and set away over 4 metres from it. The proposed dwelling is not therefore considered to cause a loss of light or overbearing impact to that property.

The scheme is therefore deemed to result in a good standard of amenity for future occupants of the dwelling, as required by Paragraph 17 of the NPPF. Whilst it is acknowledged that the scheme would have an impact upon nearby properties, it is not considered to lead to a level of harm to the living conditions of the occupiers of those properties that would warrant refusal.

Impact upon highway safety

The proposed dwelling would involve the construction of a new access from the later element of Illminster Road, which would be located at the northernmost point of the boundary with the road. Whilst the speed limit for this stretch of road is 30 mph, it is acknowledged that by virtue of the narrow width and nature of the road, vehicle speeds are anticipated to be below this, although it is not deemed that traffic speeds would be as low as that set out in the statement prepared by Hydrock. It is envisaged that, taking into account the nature of the road, speeds would typically be 20-25mph travelling north away from Illminster Road, resulting in a visibility splay requirement of 25 – 33 metres. It is acknowledged that Manual for Streets states that in certain lower speed/lightly trafficked situations, the x-axis can be reduced from 2.4m to 2.0m and this is considered reasonable in this instance.

A visibility splay of 25 metres can be achieved to the south, which is considered reasonable in this case. It is acknowledged that a splay of only 15 metres can be achieved to the north. However, it is important to note that the proposed access is only approximately 25 metres from the access to the flats. As such, vehicles leaving the flats are unlikely to have reached very high speeds by the time they pass the access point and certainly by the time they come into sight within the visibility splay. As such, whilst the visibility splay achievable falls short of that ideally sought, taking into account the surroundings, it is deemed reasonable in this instance.

It is also pertinent to take into account the situation of the dwellings opposite, whereby garages are set back from the front of the dwellings, with the addition of a timber fence to the front roadside boundary. As such, when exiting the garage, whether in forward or reverse gear, visibility is limited by virtue of the positioning of the front wall/front boundary fences of the dwellings. Therefore a situation has already been permitted in close proximity to the site, whereby vehicles reverse onto/off of the highway with limited visibility available when exiting the property. This is deemed to be a material consideration.

The proposed access would require an area of kerb to be dropped and a note to the applicant concerning the appropriate consents is attached. The scheme incorporates two car parking spaces, one within the garage and one to the driveway, which is deemed an acceptable level of car parking for a three bedroom property and a condition to this effect is suggested. Many objectors raise concern regarding the road being narrow and significant problems with parking, parked cars impairing visibility, parking in the turning bay, lorries having to reverse up the length of the road and concerns regarding access of emergency vehicles. Whilst it is acknowledged that there may be difficulties with parking, it is important to note that this is an existing situation. In terms of assessing the application, it is necessary to consider whether this situation would be unacceptably exacerbated by the proposed dwelling. On the basis that the proposed dwelling has been designed to incorporate an appropriate level of off-road car parking, along with the considerations on visibility above, the scheme is not deemed to result in such detriment to highway safety that would warrant refusal.

The site lies in an area with a network of footpaths and cycle ways connecting to the town centre and other more local facilities and amenities, along with regular bus services and bus stops within easy reach along the main Illminster Road. Taking this into account, along with there being ample space within the site for the storage of cycles, the scheme is considered to provide alternative sustainable modes of travel.

Concerns have also been raised that the location of the access would prevent other local residents from being able to park to the front of their properties. It has also been stated that it was in fact intended for residents to park onto the highway to provide an additional parking space to the front of the properties. Parking on the public highway is a common situation in certain places within the Borough, however in locations where there is no restrictions, such parking is not limited to the owners of adjacent properties, nor is it a right of such occupiers to park on the section of highway to the front of their dwellings. As such, limited weight can be given to this matter. Furthermore, it is important to note that the properties opposite the site each have a garage and parking space to the front, i.e 2 parking spaces, which was considered a sufficient level of parking for those properties when planning permission was granted in 2004.

Other matters

The receipt of the New Homes Bonus and Community Infrastructure Levy is noted, however, it is considered that this matter carries very limited weight in this case.

Concerns are raised regarding construction traffic and hours of construction. In processing the planning application, the local planning authority must give consideration to the impact of the end development on neighbouring properties, the local planning authority cannot get involved with how the development is constructed. As such, these issues are civil matters to be agreed between the relevant parties, rather than planning matters and limited weight can be attributed to these matters in determining the application.

The site is garden land and on this basis there may be potential nesting opportunities for birds within the site and potential habitats for reptiles. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. A note to this effect is suggested. As such, it is considered that the development could be undertaken without harm to wildlife or their habitats.

Conclusion

The proposed dwelling is of a design and proportion that reflects surrounding properties, without resulting in an excessive cramped appearance or significant harm to the character of the street scene and surrounding area. It is acknowledged that there are highways difficulties along this stretch of Illminster Road, however it is not deemed that the scheme proposed would exacerbate this to result in such detriment to highway safety that would warrant refusal of the scheme. Furthermore, whilst it is acknowledged that the presence of the dwelling on former garden land would have an impact upon the residential amenities of neighbouring properties, this is not considered to result in such material harm that would warrant a refusal of the application.

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

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