

52/12/0006

MR K HEAL

**OUTLINE APPLICATION FOR THE ERECTION OF DWELLING AND GARAGE,  
AND FORMATION OF VEHICULAR ACCESS TO THE REAR OF 24  
COMEYTROWE LANE, TAUNTON**

Grid Reference: 320899.123724

Outline Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon residential amenity, visual amenity and the character of the area or highway safety and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), M4 (Residential Parking Provision); Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 (Transport Requirements of New Development); or Policy DM1 (General Requirements) of the emerging Taunton Deane Core Strategy.

**RECOMMENDED CONDITION(S) (if applicable)**

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

Notes for compliance

**PROPOSAL**

This application seeks outline planning permission, with all matters reserved, for the

erection of a single detached dwelling and garage. It would be sited to the rear of the existing 24 Comeytrove Lane, accessed via a private access track to the north. The indicative plans show that the existing garden would be split in half, and that a dwelling could be sited facing north, towards the existing garage buildings, with a garden to the south, behind. The existing garage, within the site, would be demolished to allow access to the site.

## **SITE DESCRIPTION AND HISTORY**

The site comprises an existing garden. To the rear (north) is an access track that appears to be owned by Somerset County Council, but is not adopted public highway. It is, therefore, a private access track. This access track serves a block of 6 flat-roofed garages that form the northern site boundary, an electric sub-station and rear accesses to adjoining properties on Somerset Avenue. Whilst 24 Comeytrove Lane has a main access to the front (south) directly from Comeytrove Lane, there is an existing double garage to the rear accessed from the private track.

The site itself is relatively flat and contains some small garden trees and is landscaped in a domestic manner. The West boundary is a low timber panel fence which separates the site from the neighbouring dwelling and garden; the dwelling is sited broadly in line with 24 Comeytrove Lane and is also accessed to the south. To the east, the boundary is a low hedge, which also separates the site from the neighbouring dwelling, although this dwelling is set well back on the plot at the northern end of the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – No objection

"The proposed development is situated within the development limits of Taunton, therefore the principle of development is acceptable in this location.

This site is located along Comeytrove Lane, a designated unclassified highway, to which a 30mph speed limit applies. However, the proposed development is to be situated to the rear of the property and vehicular access will be obtained from a private service road which meets the designated unclassified publicly maintained highway at the junction with Somerset Avenue.

In detail, the outline application seeks to erect a dwelling, garage and formation of vehicle access. Having made a site visit and studied the drawings accompanying the planning application, I have the following comments relating to the detail of the development.

### Access

The proposal will utilise an existing private access which in turn gains access off of an unadopted section of carriageway. Drawing No. 12003-02P1 names the access track as 'council owned lane', but it is not adopted highway. The residential junction with Somerset Avenue is shown as adopted (unclassified).

Visibility for vehicles at the adopted junction with Somerset Avenue is adequate to cope with the proposed dwelling. However, the Highway Authority has concerns over the access track leading to the development. It should also be noted that there is a public urban footpath F11227 running across linking Somerset Avenue to Comeytrove Lane.

The private access track currently serves access to a number of properties garages (including the applicants) and a sub-station. The access itself is not properly consolidated nor is it adopted and is approximately 2.8m in width which is inadequate.

### Vehicle Movements

Based on TRICS datasets the dwelling has the potential to generate 6-8 vehicle movements per day, although not substantial, it is likely to lead to a conflict in vehicle movements along the access track, which currently serves the garages. However, this is set a significant distance away from the public highway.

### Internal Layout

Commenting further on the scheme, Taunton has been identified as a 'Zone A' for parking provision therefore the Somerset County Council – Parking Strategy (adopted March 2012) states that a 4 bedroom property requires 3 parking spaces. However, given the location of the development it is considered that there is local provision of public transport, walking and cycling links to adequate services. Therefore, in this instance a lower level to that of the optimum standards can be applied.

Additionally these parking spaces should measure 4.8m x 2.4m in dimension. It is noted from Drawing No. 12003-02P1 that the proposed property is provided with a garage, the Somerset County Council – Parking Strategy (adopted March 2012), provides minimum dimensions for garages both single and double of 6m x 3m.

In addition, as part of the newly adopted Parking Strategy, new residential dwellings need to provide a minimum of one cycle space/storage facility per bedroom. These are based on dimensions of 2m x 1m and will allow the occupiers of the proposed dwellings to use alternative sustainable modes of transportation.

The access into the site for parking will replace the existing garage to No. 24 Comeytrove Lane. The arrangement is constricted, however, the site is set back from the public highway.

Having been queried on their comments regarding a potential conflict of vehicle movements and the inadequacy of the access track, the Local Highway Authority have confirmed that they do not believe that the development would be detrimental to the local adopted highway network. They, therefore, raise no objection, subject to conditions that the parking area is kept clear of obstruction and that the garage should not be used other than for the parking of domestic vehicles and not further residential accommodation."

*COMEYTROWE PARISH COUNCIL* – The Council agreed to oppose the above application on the grounds that it is unacceptable backland development; the access is poor; there would be no suitable visibility splay for access onto the Lane from the proposed dwelling; the Lane is narrow and not properly surfaced; it is inappropriate development for this location; it would be a cramped site; the dwelling would be out of keeping with surrounding properties and there is a potential precedent being set if this application was approved, as it would be difficult to refuse similar applications in the future from surrounding properties.

## **Representations**

6 letters of OBJECTION have been received raising the following issues:

- The lane down to the proposed property is very narrow and is not metalled. Traffic on the lane is not limited to the owners/tenants of the six garages. It is also used for off road parking for 36 and 37 Somerset Avenue. Further vehicles would cause erosion to the surface. It is not 'safe and convenient for pedestrians and the surface and condition would cause difficulty for any person with impaired mobility or disability and is, therefore in conflict with TDLP policy H2.
- The existing access is rarely used by the current owner.
- There is no provision for visitor parking, which would place further pressure on Somerset Avenue.
- Access to the Western Power substation would have to be maintained.
- Cars are often parked near the junction with Somerset Avenue. 8 properties on the bend do not have off road parking.
- 37 Somerset Avenue also has a garage to the rear, accessed via double gates that open onto the proposed turning circle. The space is too small to be an effective turning circle.
- It would be impossible for large vehicles to access the lane both during construction and for subsequent refuse collection or access by the emergency services. It would appear that the closest point for refuse collection would actually be on Comeytrove Lane.
- The fences to the rear of 35 Somerset Avenue and 28 Comeytrove Lane have been damaged by vehicles trying to navigate the access. Builder's lorries may cause further damage.
- The new dwelling would overlook the rear of 26 Comeytrove Lane, 35, 36 and 37 Somerset Avenue and their gardens.
- It is likely that the construction and contents of the existing garages would pose a fire risk.
- The application does not justify 'Sustainable Development', in accordance with the NPPF.
- New National Policy does not give a presumption in favour of garden land, which cannot be taken to be 'previously developed'.
- If the application is passed, it would set a precedent for the other two properties on Comeytrove Lane and 3 in Somerset Avenue that back onto the same roadway.
- This part of Taunton was carefully planned and laid out to provide a good relationship between dwellings and gardens. The development would compromise this.
- The relationship between the proposed new dwelling and the existing garages is poor. The new site would be too small and provide a poor level of amenity

for its occupiers.

- The applicant refers to a previous permission tot he rear of 22 Comeytrowe Lane (now lapsed). However, this would not have required access along the lane.
- Access to existing dwellings would be compromised during construction.
- The applicant may not possess a right of way over the access.
- Neighbouring properties would be devalued.

## **PLANNING POLICIES**

T1 - TDBCLP - Extent of Taunton,  
STR2 - Towns,  
STR4 - Development in Towns,

## **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)	£1359
Somerset County Council (Upper Tier Authority)	£340

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£8154
Somerset County Council (Upper Tier Authority)	£2039

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit for Taunton where development is considered to be acceptable in principle. As noted by the Local Highway Authority is in a sustainable location, in transport terms. The main issues in the consideration of this application are the impact on neighbouring property; the site layout and impact on the character and appearance of the area; and the impact on highway safety.

### Neighbouring property

The site is on an area of 'backland' and is, therefore, surrounded by existing neighbouring dwellings. Assuming that the resultant dwelling would be two-storey, the potential for overlooking of these neighbours must be considered.

The gardens to the dwellings on Comeytrowe Lane are long and the indicative plans indicate that the new dwelling could be sited 25m from the rear face of the existing 24 Comeytrowe Lane and this distance is considered to be an acceptable 'back to back' direct relationship. The plans also show that the dwelling could be a minimum of 24m from the neighbouring 26 Comeytrowe Lane and this would be at an angle, so the separation is also considered to be acceptable. The neighbouring dwelling to

the east is broadly in line with the proposed dwelling and, whilst it has some windows facing the site, the proposed dwelling could be designed so that it did not overlook this dwelling.

In terms of the dwellings to the north, on Somerset Avenue, these do not face the application site, rather they are sited perpendicular to it. The closest rear elevation is around 35m away and it is not considered that they would be overlooked unacceptably by the proposals. Their gardens are around 12m away on the opposite side of the access lane and this relationship, too, is considered acceptable. 35 Upcot Crescent, a bungalow off the northeast corner of the site, is around 21m away at its closest and this is also an acceptable separation.

The above shows that the proposed dwelling would not cause unacceptable overlooking of existing neighbouring property. The indicative plans show that the gardens of 22 and 26 Cometyrowe Lane could be around 5 and 6m respectively from the proposed two-storey element of the proposed house. At this distance, and given the larger distances to the dwellings themselves, it is not considered that the proposed dwelling would be unacceptably overbearing on these neighbours. The dwelling would be a similar distance from 35 Upcot Crescent.

With regard to these considerations, it is considered that the impact of the proposal on existing neighbouring dwellings would be acceptable.

#### Site layout and impact on the character and appearance of the area

As already stated, the site is a backland site without any frontage to the public highway. As such, the development is, somewhat, at odds with the prevailing character of the area, which generally fronts the main roads through the area. However, it does front an existing private lane and has not been formed by forcing an access between two existing properties. In this respect, it would not result in a development that was overly visible within the public realm and would not appear visually incongruous. In addition, the neighbouring 22 Cometyrowe Lane is set back on its plot, broadly in line with the proposed dwelling. Having considered these matters, and, in particular the lack of visibility of the proposal from the public realm, it is not considered that the development would cause harm to the visual amenities of the area or its prevailing character.

The proposed dwelling would be sited behind a block of garages and this relationship is slightly uncomfortable. If this were a main street, such a relationship may appear incongruous, however, they are only single storey and the dwelling would already be tucked back away from the main areas of public realm. The main concern, therefore, would be the impact on the amenity of the future occupiers and it is not considered that this should be attributed significant weight in this regard and this case.

Whilst National Policy now removed garden land from the definition of 'previously developed' or 'brownfield' land, this does not make development of gardens automatically unacceptable, where there is no harm to the character of the area or neighbouring property. In this case, for the reasons given above, the proposal is considered to be acceptable.

#### Highway safety

The Local Highway Authority have raised some concern about the suitability of the access road, but have concluded that there would be no adverse impact on the public highway. Given the limited number of accesses from the private lane, it is considered in this case, that any inconvenience caused by conflicts in vehicle movements carry limited weight.

Concern has been raised in the representations that the proposal would be accessed by an un-metalled road that would not be suitable for disabled residents. However, this is considered to be a matter for the building regulations or would be a private concern of the future occupiers.

The Highway Authority have recommended two conditions relating to keeping the parking area and garage available for parking. However, given the distance from the public highway and proposed provision of two parking spaces in addition to the garage, such conditions are not considered to be necessary in this instance.

### Other Matters

Comments relating to the ownership of the lane and damage to surrounding property by vehicles accessing the site are considered to be civil matters that are not material to the consideration of this application. The receipt of the New Homes Bonus is noted, however, your officer's consider that this matter carries very limited weight in this case.

Some concern has been raised by neighbours and the Parish Council about the precedent that would be set for further similar developments off the private lane. This is considered to be a justifiable consideration in this instance. This Highway Authority have been questioned on the cumulative impact of such developments, but do not feel that it could be a reason for refusal of the current application. If a precedent were established, therefore, it is not considered that this would necessarily be harmful and each application, if made, would be capable of being judged on its own merits.

### Conclusions

The proposed development is considered to be acceptable in principle and would not impact unreasonably upon other nearby property, the character of the area or highway safety. As such it is considered to be acceptable and it is, therefore, recommended that outline planning permission is granted.

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

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**