

07/2005/013

MARK RICHARDS

**ERECTION OF 2 NO. TWO STOREY DWELLINGS AND 1 NO. BUNGALOW AT
LAND ADJACENT TO THE WALNUTS, ORCHARD CLOSE, BRADFORD ON TONE**

17282/22759

OUTLINE APPLICATION

PROPOSAL

The proposal comprises an outline application for the erection of a dwelling on land to the east of The Walnuts, Bradford on Tone. All matters are reserved for future consideration however improvement details to the existing access. An indicative site plans shows how the proposed dwellings could be positioned on the site and that access could be sought from Orchard Close by the demolition of a double garage. The site lies outside the designated Conservation Area, however the south boundary of the site abuts the Conservation Area.

This proposal follows the refusal of application 07/2000/003 for 2 dwellings with access from Back Lane that was subsequently dismissed at appeal. In the latter appeal the Inspector agreed to the principle of erecting two dwellings on the site, however access from Back Lane was considered to detrimentally harm the character and appearance of the Conservation Area. The applicant has submitted a covering letter with the application that aims to address the previous concerns.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections. I can advise you that the visibility at the entrance to Orchard Close is sub-standard in highway terms. However, the erection of two dwellings would be classed as a submission for the traffic volume using the two rented garages on Orchard Close. The addition of another dwelling is on the borderline of what would be classed as a significant increase of traffic using a substandard junction. Therefore I will not be raising any highway objections to these proposals, although I would expect to see adequate parking, turning and access within the confines of the site. In addition, there should be sufficient room for a refuse vehicle to maneuver at the end of Orchard Close. Standard Conditions recommended. WESSEX WATER no objections subject to informative notes relating to surface water and agreement of connection to Wessex Water infrastructure.

LANDSCAPE OFFICER concerned that double garage of unit 1 should not be built within the canopy spread of the TPO'd Walnut, bungalow 3 is too close to the retained Walnut and should be no closer than 10m to it to meet council guidance. Although not worthy of TPO there are a number of trees that are worthy of retention. They should be recorded and where appropriate their retention agreed. The northern boundary needs reinforcing with a new hedgerow and tree planting to help soften the impact of the development from the North. CONSERVATION OFFICER object. The principle of

development here has been accepted. My objection to the previous scheme, which was dismissed on appeal, was the proposed access to Back Lane. This scheme omits such an access and therefore I do not raise any concerns on the impact on the Conservation Area. I do however believe that the proposed bungalow represents a cramped form of development and agree with the Inspector that, the site is adequate for two dwellings. DRAINAGE OFFICER no objections subject to informative notes relating to surface water. HOUSING OFFICER there is a proven need for affordable housing in this area so we would be looking for a two bed house to satisfy the need which would be suitable. An off-site contribution would therefore be sought.

PARISH COUNCIL no objections but have the following comments, visibility splays are required onto Regent Street, 3 ft of Back Lane's hedge should be taken away to provide a pavement, the distances between proposed properties and adjoining boundaries should be adhered to and there appear to be an ownership dispute over the access land.

SIX LETTERS OF OBJECTION have been received raising the following issues:- the bungalow is on a small site; the site is approximately 2 feet higher than surrounding gardens, therefore the houses will visually dominate the area; dwellings in close proximity to boundaries therefore overlooking/loss of privacy of private amenity areas; details of landscaping should be submitted; a ditch running along the Regent Street end of the site floods and would be made worse by the development; the site is a haven for wildlife and Pipistrelle bats have been found in the wall at the Regent Street end of the site; the properties will be too height and should be restricted to 2 bungalows or 1 and a half storey; no bonfires to clear the site; safety concerns due to the increase in traffic and substandard access at the junction with Regent Street; Orchard Close is too narrow to allow for the increased level of traffic; concern over damage to the surface of Orchard Close during construction.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policies S1 and S2, (safeguard visual and residential amenity), Policy H2 (housing), Policy M4 (access and parking standards) and Policy EN6 (protection of trees).

ASSESSMENT

The site is located within the defined settlement limits of Bradford on Tone and therefore there is a presumption in favour of development unless material considerations indicate otherwise.

As stated earlier this proposal follows the refusal of application 07/2000/003 for 2 dwellings with access from Back Lane that was subsequently dismissed at appeal. The Inspector agreed to the principle of erecting two dwellings on the site, however access from Back Lane was considered to detrimentally harm the character and appearance of the Conservation Area. This application seeks access from Orchard Close that has raised no objections from the Highway Authority despite concern raised in the letters of representation received.

The indicative site plan submitted shows siting of a bungalow in the southern part of the site. It is considered that whilst indicative, a bungalow in this position would represent a cramped form of appearance compared to the size of surrounding residential plots. Furthermore, as shown, this bungalow would be located too close to a Walnut tree subject to a TPO.

Although the submitted site plan is for indicative purposes only the applicant is required to show that three dwellings could be accommodated on the site with no detrimental affect o the visual or residential amenity of the area. The two storey dwellings shown appear to have a footprint much larger than surrounding dwellings in the area. This would also mean that the dwellings would be considerably taller than surrounding dwellings. Furthermore, considering the width of the properties it would be likely that the dwellings would need windows on all sides in order to achieve satisfactory natural lighting within the houses. In the positions shown the dwellings would therefore overlook neighbouring properties to an unreasonable degree. It is therefore considered that the proposal would detrimentally affect the visual and residential amenity of the area to an unreasonable degree. The garage of dwelling 1 would also be located with a proximity too close to the protected Walnut tree.

There are reports of bats using the north boundary wall and as a protected species a wildlife survey should be carried out. As this would be considered an undue expense given the recommendation for refusal a survey has not been requested.

RECOMMENDATION

Permission be REFUSED for reason that the indicative site plan does not demonstrate to the satisfaction of the Local Planning Authority that three dwellings could be accommodated on the site without resulting in a detrimental loss of visual and residential amenity. Furthermore the indicative plans shows the works are located within the root spread of trees subject to tree preservation orders and would not meet the requirements of BS5837 'Trees in relation to construction'. As such the proposal is contrary to policies S1, S2, H2 and EN6 of the Adopted Taunton Deane Local Plan. Notes re the right of the Local Planning Authority to raise the issue of protected species (bats) as a material consideration should the applicant appeal against this decision.

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

CONTACT OFFICER: 356586 MR R UPTON

NOTES:

