

25/14/0015

MRS L HORVAIS

ERECTION OF CONSERVATORY (RETENTION OF WORK ALREADY UNDERTAKEN) AT 2 GLEN FROME VILLAS, NORTON FITZWARREN

Location: 2 GLEN FROME VILLAS, WIVELISCOMBE ROAD, NORTON
FITZWARREN, TAUNTON, TA2 6QT

Grid Reference: 319644.125815 Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) DrNo 010414-01 Site and Location Plan

(A2) DrNo 010414-02 Plan, Elevation and Section

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

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 granted planning permission.
2. It has been suggested that the extension may not have been built to building regulation standards. You are therefore advised to contact Building Control in order to seek further advice in relation to the matters that have been brought to the Council's attention.

PROPOSAL

The application seeks planning permission for the erection of a uPVC conservatory at the rear of 2 Glenfrome Villas, Norton Fitzwarren. The application is retrospective, with works having been completed at some point in 2012.

The proposed conservatory measures approximately 5.0m x 2.2m with a ridge height of 3.05m. The proposal has been erected between 2 no. two storey elements

of no's 1 and 2. The structure is of a white uPVC frame and glazed throughout.

SITE DESCRIPTION AND HISTORY

The application site is a mid terraced dwelling house located within the centre of Norton Fitzwarren, South of the B3227. The properties along Glenfrome Terrace have gardens to the South, generally enclosed by brick walls and timber fencing. Numbers 1 and 2 both have two storey sections projecting to the rear. The properties benefit from vehicular access to the rear via a private track.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NORTON FITZWARREN PARISH COUNCIL - No observations received.

PLANNING ENFORCEMENT - No comment.

Representations

1 letter of objection received from neighbouring resident, raising the following concerns:

- We had attempted to negotiate with the applicants as soon as we became aware of this development but they were not prepared to discuss the proposed work with us;
- We have since suffered severe water ingress as a result of poor groundwork preparation and inadequate drainage for this development. It manifested as dry (brown) rot appearing through our wall adjoining their property and conservatory;
- We have treated the symptoms but the cause is not accessible because there is no maintenance gap between our property and their conservatory. We suspect their (presently empty) property is now harbouring dry rot in this area;
- The severe winter weather caused a considerable volume of water to overtop our property's shared guttering. There is only one small down pipe serving both properties. We had no opportunity to upgrade the shared rainwater goods before this development took place and now cannot access the gutters and down pipes because the conservatory blocks access;
- We are advised by our solicitor to seek an Access Order in the County Court under the provisions of the Access to Neighbouring Land Act 1992. This would require removal of the conservatory and thereby give us access to rectify the substandard ground works and rainwater goods. However, this procedure has now been complicated by the property being sold, subject to contract, and the current owners having left the UK;
- As this development is in breach of planning rules as they existed at the time of its construction, we hope planning permission will be refused and that TDBC will require the conservatory to be taken down, subsequently removing the need for an Access Order to be sought in the County Court;
- We have no objection to it being replaced should all the problems be rectified adequately and with due provision to protect our adjacent property from further damage.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are the impact of the extension upon visual and residential amenity.

The proposed conservatory is positioned between two storey elements to the rear of the dwelling house. It is modest in scale and cannot be readily seen from public vantage points. The design is simple and generally in keeping with the overall appearance of the dwelling house.

The extension does not adversely affect light, outlook or privacy afforded to the neighbouring properties and is acceptable in this regard. Notwithstanding, objection has been raised to the development from neighbouring residents. It is apparent that the conservatory has not been constructed in a manner that allows for rain water to be dealt with appropriately and it is therefore being suggested that the extension is the catalyst for the ingress of water, mould and rot within the neighbouring dwelling. Whilst I am sympathetic towards the impact of the conservatory on living conditions in the neighbouring dwelling, as is claimed within the letter of objection, such is not a matter that can be controlled by planning and is a matter for building regulations to investigate.

Having regard to the above matters, it is recommended that planning permission be granted. A note can be added to the Decision Notice advising the owner to seek advice from building control in relation to the issues raised by the neighbouring objectors.

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

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