

43/09/0004

THE BURGAGE PARTNERSHIP

ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS (AMENDED SCHEME TO PREVIOUS PERMISSION 43/06/0159 AND PREVIOUS APPLICATION 43/08/0090) ON LAND ADJOINING 8 BURGAGE, WELLINGTON

313791.120741

Full Planning Permission

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PROPOSAL

This application seeks full planning permission for the erection of 2 semi-detached 2-bedroom dwellings. The dwellings would cover a ground area of 11 by 6 metres, collectively, and be set back from the road frontage by 2.5-3 metres. The dwellings would be two-storey measuring 5 metres to eaves and 8.75 metres to the ridge. First floor windows would be partly set in the roof in the front (southwest) elevation and the rear rooms would be lit by roof lights. A chimney would be provided for each dwelling at the gable ends. The dwellings would be constructed from brick with a slate roof and UPVC windows, with a porch across the pair of entrance doors.

SITE DESCRIPTION AND HISTORY

The site comprises the front garden of an existing detached house (8 Burgage), which is set some distance back from the front of the highway to the north east. The garden area itself is slightly higher than the highway, accessed via a small pedestrian gateway through the stone boundary wall.

The site is surrounded by existing residential development. The gable end wall of a two-storey dwelling adjoins the site to the southeast. To the north west is a car port within the ownership of 8 Burgage and partially excluded from the application site. Part of it is shown as being demolished and part remaining for the parking of vehicles. Beyond the car port, are two detached bungalows (one with rooms in the roof), set behind a private access drive and brick wall and hedge. To the south west is a parking area and block of garages, which serve a number of surrounding dwellings. There is also a barn, accommodating further parking spaces and a vehicular access to a further dwelling beyond.

Relevant planning history is application 43/2006/159 which granted planning permission for the erection of a single dwelling on the site, taking the form of a room-in-the-roof bungalow with two forward facing dormer windows.

Applications 43/2008/090 sought full planning permission for the erection of two semi-detached dwellings. The application was withdrawn following concerns from planning officers that the proposal would result in the overlooking of the existing dwelling, no. 8 Burgage and may cause significant loss of light to no.7, which has a gable end window facing the site.

Application 43/2008/119 sought to overcome the concerns expressed by moving the

proposed dwellings further away from no 7 and further forward on the site, whilst providing roof lights and obscure glazing for the rear first floor bedrooms to prevent overlooking of no. 8. However, planning officers were dissatisfied with the arrangement, considering that the combination of high level roof lights and obscure glass did not provide acceptable internal conditions for bedrooms. That application was also subsequently withdrawn.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

Wellington Town Council - Objects – the proposal is an overdevelopment of the site and out of keeping with the street scene.

Somerset County Council - Transport Development Group - Previous comments and recommended conditions apply and cycle storage should be provided, i.e.: “The proposed development is located within the town centre and is therefore in close proximity to services, facilities and public car parks. In detail the site derives access from The Burgage, which is classified as an urban footway. Whilst there are already a number of dwellings located in this area that derive vehicular access onto/from The Burgage, I would not want to see an increase in use over and above the existing traffic movements.

...the proposal does not make any provision for parking which given the footway status of The Burgage together with the substandard visibility at the point of access with North Street, I consider this is acceptable in this instance and would not wish to raise an objection to this proposal”.

Somerset County Council - Development Control Archaeologist - No objection.

Drainage Engineer - Notes that soakaways are intended for as the disposal method. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval.

Wessex Water - The development is within a sewered area, there are no separate surface water sewers in the vicinity of the site and alternative methods of disposal of surface water should be considered.

Representations

NINE LETTERS OF OBJECTION have been received. The issues raised are:

- Burgage is a narrow cul-de-sac serving 18 dwellings and 14 isolated garages;
- There are problems with parking and turning, ambulances, fire engines and refuse collection lorries – refuse can only be collected by hand;
- Any development must provide parking and or turning for delivery, service and emergency vehicles;
- Emergency services cannot access from White Hart Lane or North Street, as stated in the design and access statement;
- The first floor windows will overlook 10 Burgage.
- Car free development is a nonsense and will not be enforced;
- Visibility at the junction of Burgage and North Street is poor;

- Vehicles often have to reverse on to North Street to allow other vehicles out of Burgage;
- It must be made a condition of any permission that future occupiers may not bring any vehicle to the dwelling, for example to drop off people or shopping;;
- The previous permission was for 1 smaller building for disabled;
- The proposed dwellings do not fit into the local vernacular.
- The end of the road is private and construction vehicles will not be allowed to pass;
- There has been previous damage to the private roadway;
- The drains outside numbers 8A-10 are private and connection will not be possible;
- The proposed development site encroaches onto the parking area on White Hart Lane, which should be retained as existing;
- The developers are intending to demolish the wall facing White Hart Lane, presumably to give access to the site for construction. This breaches a number of covenants.

PLANNING POLICIES

EN23 - TDBCLP - Areas of High Archaeological Potential,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 M4 - TDBCLP - Residential Parking Provision,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,

DETERMINING ISSUES AND CONSIDERATIONS

The site is situated in the centre of Wellington and development is considered to be acceptable in principle. The main issues in the consideration of this application are access, impact on neighbouring property and design.

Access

It is clear from the numerous objections to this application that access to dwellings in Burgage currently leads to a number of problems, stemming from the lack of designated passing and turning facilities. Indeed, it would seem that all opportunities for passing and turning involve the use of private parking places and their availability cannot, as a consequence, be guaranteed.

Somerset County Council (Highways), however, consider that in town centre locations, such as this, there is no need to provide dedicated parking and vehicular access facilities for new developments, due to the existence of public car parks, basic services and public transport connections in close proximity. Several nearby residents have commented that it is unrealistic to expect future occupiers to own no car and not to wish to drive to the site to drop items off, if not to park permanently. From these comments, it could be argued that although a lack of parking facilities could be justified; there may still be additional loading on the junction with North Street that has substandard visibility. There are also no turning facilities, so vehicles occasionally are forced to reverse onto North Street.

However, the view of the Highway Authority is that the lack of parking facilities and difficulties with the access are likely to discourage such casual use of the access, such

that this practice would be the exception rather than the norm. Regard must also be given to the planning history and, in particular, application 43/2006/159, which permitted one additional dwelling. The implication of this is that this application is, in effect, for a net gain of one dwelling over the 2006 situation. Accordingly, there is unlikely to be a material increase in the amount of traffic using the access and as such, no objection could be justified on the grounds of the limited visibility at the junction with North Street. Indeed, 'car-free' development in town centre locations is in accordance with government policy in PPG13 and with structure plan policies STR1 and 49.

With regard to these matters and the clear lack of objection from the Local Highway Authority, it is considered that the development is acceptable in highway terms.

Impact on neighbouring property

The site is surrounded by other residential development. To the northeast, is the existing dwelling 8 Burgage, which has large windows facing towards the site. However, the amended design now under consideration provides only roof lights to the rear elevation, looking in this direction. These are at a height of 2 metres, with the internal room having a lowered ceiling on the northeast elevation. It is considered that they will not allow any direct overlooking, whilst providing an acceptable lighting within the second bedroom.

To the southeast is the neighbouring 7 Burgage. The gable end wall of this dwelling forms the site boundary and there is a bedroom window facing into the site. The proposed dwellings are proposed 2.8 metres from the end wall of this dwelling and are significantly further forward on the plot. It is considered that light to the gable end bedroom window of the existing dwelling will not be seriously compromised and the arrangement is acceptable. No windows are proposed facing this dwelling.

To the northwest are a pair of single and 1.5-storey dwellings, with some windows facing towards the site. However, there are no windows proposed directly facing these dwellings and as such there would be no overlooking. It is considered that the separation distances of around 14 metres are sufficient to prevent the proposed dwellings being overbearing on these existing properties.

Reference has been made in the representations to overlooking that would occur to 10 Burgage (almost due west from the site) if the existing hedge at that property were to be cut down. This dwelling is approximately 10 metres from the nearest corner of the proposed dwelling and it is considered that the angles involved would prevent any unacceptable overlooking whether or not the hedge existed.

To the southwest is a parking court and garages, behind which is a further dwelling. The first floor windows of the proposed dwellings face towards this property, however they are at a distance of 15 metres from the curtilage boundary and do not directly face any windows in this property. It is, therefore, considered that it would not be unreasonably overlooked.

Design and layout

The proposed design is a pair of simple dwellings, with first floor windows set partially in the roof. Burgage contains a wide variety of dwellings from two-storey houses to bungalows and room-in-the-roof bungalows. Given this context, the proposed design is

considered to be acceptable.

The site layout proposes the dwellings set a short distance back from the highway edge, but close enough to it to maintain a close visual relationship. This intimate relationship with the highway is typical of other dwellings in Burgage and is acceptable.

It is considered that there is sufficient amenity space proposed to the rear of each dwelling.

Other matters

Comments have been raised within the representations relating to restrictive covenants that may prevent future residents or and construction traffic from accessing the site and turning. However, these are not material planning considerations and cannot justify the refusal of planning permission.

Concern has also been raised that the site is served by a network of private drains and connection will not be permitted. The ownership of the sewerage network is not a material consideration, although Wessex Water records do indicate that a public sewer is available immediately outside the site, within the Burgage roadway. They have confirmed that this sewer is capable of accommodating the development. Surface water is proposed to discharge to soakaways and this will also be acceptable.

It has also been suggested that the developer is proposing to form an access to the site from White Hart Lane. This would involve crossing land within the applicants' ownership, so is a possibility. Given the difficulties of access via Burgage or White Hart Lane, it is considered that the permitted development rights that would allow this should be removed.

The site is within an area of high archaeological potential, however, the County Archaeologist does not consider that there is significant potential for deposits within the site and does not recommend any conditions.

Conclusions

It is considered that the proposed dwellings acceptably designed and would not impact unreasonably upon the amenities of neighbouring residents. However, given the constraints of the site and proximity of surrounding dwellings, it is considered that permitted development rights should be removed. The lack of on-site parking is considered to be acceptable, given the town centre location, although there would physically be space to accommodate a vehicle on site, so the right to create an access should be removed in the interests of highway safety.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

- 1 The proposed dwellings are considered to be acceptably designed, not impacting unreasonably upon the character of the area, the amenities of neighbouring residents or highway safety in accordance with policies S1, S2 and M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and

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. 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 S2 of the Taunton Deane Local Plan.

3. 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, additions or other alterations other than those expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To protect the amenities of neighbouring residents, in accordance with policy S1 of the Taunton Deane Local Plan.

4. 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 means of pedestrian or vehicular access other than those expressly authorised by this permission shall be made to the development from Burgage or White Hart Lane without the further grant of planning permission.

Reason: In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Notes for compliance

1. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
2. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
3. 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.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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