

45/12/0025

MR S HEARN

CHANGE OF USE OF LAND TO DOMESTIC PARKING WITHIN CURTILAGE TO INCLUDE ENGINEERING WORKS AND CHANGE OF USE OF FIELD SHELTER TO DOMESTIC GARAGE AT ARGENT HOUSE, WEST BAGBOROUGH (RETENTION OF WORKS ALREADY UNDERTAKEN)

Grid Reference: 317072.133456

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The works, subject to the landscaping scheme, are not considered to have a significant adverse impact upon the landscape character and are deemed to maintain the rural beauty of the Quantock Hills Area of Outstanding Natural Beauty. The scheme is not deemed to result in material detriment to the amenities of neighbouring properties or harm to highway safety. As such, the proposal is in accordance with Policy 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review, and Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy.

RECOMMENDED CONDITION(S) (if applicable)

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

(A4) Location Plan received 4 February

(A4) Block Plan received 4 February

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

2. (i) The landscaping/planting scheme shown on the submitted plan received 14 February 2013 shall be completely carried out within the first available planting season from the date of the decision.

(ii) For a period of five years after the completion of the 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 other 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.

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 building, structure or other enclosure shall be constructed or placed on the site other than that expressly authorised by this permission without the further grant of planning permission.

Reason: To ensure that the development does not result in unacceptable harm to the rural character of the Quantock Hills Area of Outstanding Natural Beauty or appearance of the Conservation Area, in accordance with Taunton Deane Core Strategy Policies DM1 and CP8.

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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Please be aware that if it is intended to use the area of land to the north of the site for domestic purposes, a further change of use application would be required.

PROPOSAL

Argent House is located in the village of West Bagborough, adjacent to the Rising Sun public house, within the Quantock Hills AONB. The site in question refers to the land to the rear of Argent House, which is understood to have formerly accommodated the skittle alley, which was destroyed some years ago. The land slopes upwards towards Lydeard Hill and to the west is Stout Lane, a restricted byway, which is separated from the site by a mature line of trees. A field gate from Stout Lane has previously provided access to the land in question, with Tettenhall Cottage lying to the south of this access and The Rising Sun to the south of this. To the east is Overstream, a residential property, with Bashford Stables to the east of that.

This application seek retrospective planning permission for the change of use of land to the rear of Argent House to domestic curtilage to allow for car parking which has included the laying of hardstanding; the change of use of the existing timber field shelter to a domestic garage to include the installation of a pair of wooden garage doors; and the engineering works undertaken to level the site. During the processing of the application, an amended plan was submitted to show the planting of a beech hedgerow along the northern edge of the site.

This application comes before committee as the applicant is related to a member of staff.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST BAGBOROUGH PARISH COUNCIL - No comments received at the time of writing

SCC - TRANSPORT DEVELOPMENT GROUP - The parking area is situated off a private access lane (Stout Lane) behind the Rising Sun pub. There is existing use of this lane by the small number of properties here. The area that has been levelled and surfaced with loose aggregate is large enough for parking and turning by a small number of small private vehicles (cars). The loose aggregate means that the surface is permeable. The lane is metalled for much of its length from its junction with the public highway at the Rising Sun – this is considered an acceptable consolidated surface which prevents carriage of mud and other detritus on vehicle wheels from the muddier part of the lane near the parking/ turning area.

Given that the proposal would not appear likely to result in an unacceptable increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network there is no objection to this proposal from the Highway Authority.

THE QUANTOCK HILLS AONB SERVICE - No comments received at the time of writing

HERITAGE - No observations (verbal)

LANDSCAPE - Requests northern boundary is planted up with a native species hedgerow (verbal).

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - No comments received at the time of writing

Representations

Two letters received from the occupiers of Tettenhall Cottage raising concerns on the grounds of:

- Unconvinced that owners did not know they would require planning permission for engineering works within Conservation Area and AONB.
- Property runs parallel and directly fronts Stout Lane, hence sensitive to and exposed to vehicular traffic. Front door exits directly onto lane. Lived here six and a half years and have not experienced vehicular traffic using lane except for maintenance of lane and feed delivery for previous owners horse. Vehicles never accessed paddock.
- Stout Lane used by walkers, dogs running off lead, horse and bike riders accessing Quantocks, which is not compatible with regular traffic. Vehicles have to accelerate up lane to access new driveway, where width is 3.5 metres. Accident waiting to happen.
- Original access to paddock informal, relatively narrow and steep grass bank. Do not consider constitutes a right of way.
- Up to four cars parked in paddock, problem exacerbated by wife's parents living in same property and combination of classic cars, holiday vehicle, works vehicle and normal day to day vehicles. Intention to use as overspill parking, despite plenty of street parking available. We park our cars in street.

- Storm water run-off issues will be exacerbated by additional impermeable concrete driveway and semi-impermeable hardstanding, not addressed in Section 12. Tree within Conservation Area also removed without permission, to enlarge access.
- Construction of Stout Lane was never intended to carry traffic and will deteriorate. Already evident at top of lane where new concrete drive exists. Clearly applicants intention is to concrete this as well at some future stage.
- Bedroom immediately adjacent to new access, hence concerned about loss of privacy and increase in noise. Works extremely visually intrusive and unattractive.
- Concerns regarding conversion of stable into garage, in terms of noise and loss of privacy to our adjacent bedroom/bathroom, located three metres from stable. Will allow applicant to explore passion for classic car restoration and potential business opportunities this may afford.

PLANNING POLICIES

AONB - Area of Outstanding Natural Beauty,
 S&ENPP5 - S&ENP - Landscape Character,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 CP8 - TD CORE STRATEGY- ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

The scheme has involved some engineering works to level an area of the site and the laying of hardstanding. The engineering works have resulted in a former natural slope being altered to a more angular bank, unnatural in appearance to the surrounding landscape and a reasonably small area of hardstanding laid on what was understood to have formerly been a grassed area and the former skittle alley. However, the site lies to the rear of the properties fronting the main road through the village and is therefore well screened from this public viewpoint. Whilst it is visible from Stout Lane, the restricted byway passing to the west of the site, these views would be limited to the access point itself, as the site is generally screened from Stout Lane by the well established line of trees. In addition, the bank, having been recently formed is still earthy in appearance, however, once this has been grassed over, the current prominent appearance would be softened and it would begin to integrate into the surrounding landscape. In terms of the hardstanding laid, by virtue of the site being on a higher level than that of Stout Lane, this would not be prominent from the byway. The land rises to the north and there is a public right of way in the upper slope. The proposed beech hedgerow, which has been conditioned accordingly, would establish over time to screen views from the north, further integrating the works into the rural landscape and reduce the impact on the natural beauty of the Quantock Hills.

The proposals to change the use of the former field shelter into a domestic garage involves no works, other than the installation of a pair of wooden doors. The external appearance of the building would therefore remain largely as existing, with minimal adverse impact on the landscape. The area in question lies almost adjacent to the residential curtilage of the neighbouring dwelling to the east, Overstream, which is

also separated from the site by a hedge with mature trees. As it lies close to neighbouring residential curtilage and does not protrude out into the countryside beyond that of the rear boundary of the neighbouring curtilage, the site is not considered to encroach out into the countryside to an unacceptable level. As such, the works are not considered to cause harm to the rural beauty of the Quantock Hills Area of Outstanding Natural Beauty or the character of the Conservation Area. In order to maintain this, a condition is attached that no further structures can be erected on the land without obtaining further planning permission.

A number of the concerns raised by a neighbouring resident relate to the vehicular access from Stout Lane, the fact that it has not been used for vehicles in the past and was not constructed to carry traffic. It is important to note that there was already an access in this position, which previously served the field and as such, planning permission is not required for the access itself. The requirement for planning permission on this site therefore relates only to the engineering works and the change of use of the area of land to domestic curtilage and the field shelter to a garage, and only objections to these aspects of the scheme should be given any weight. Furthermore, whether or not the applicants have a right of way to use Stout Lane for vehicular access is a civil/legal matter, to be agreed between the relevant parties. These are not planning matters and are not issues that the local planning authority can become involved with or take into account in the processing of this planning application.

The close proximity of the bedroom window at Tettenhall Cottage is also raised as a concern by the neighbouring resident. However, the bedroom window would have previously faced onto the field access. It is acknowledged from the occupiers letter that this field access may not have been used regularly. However, as an existing field access, it is pertinent to note that it could have been used on a daily basis by tractors and large agricultural machinery, without the need for any planning permission that could have resulted in a significantly greater impact on the bedroom windows than that of the domestic vehicles now utilising it. On this basis, it is not considered that significant weight should be attributed to this matter. It should also be noted that this is a secondary parking area, with the main parking area to the front of the dwelling, it is not the only parking available to the property, which would be likely to result in a lower frequency of use, than if it was the sole/main means of access.

A concern is also raised by regarding the parking of up to four cars on the site and that there is plenty of street parking available. However, it is important to note that the County Highways Authority do not look favourably upon on-street parking and would seek for parking to be provided off of the highway as far as possible, in order to avoid hindering the free flow of traffic on the public highway. As mentioned above, this is a secondary parking area and the County Highways Authority are satisfied with the parking and turning provision within the site and that the loose aggregate is a sufficient distance from the public highway so as not to be transported out into the highway, causing detriment to highway safety. A further concern refers to the storm water run-off problem on Stout Lane. However a large proportion of the hardsurfacing laid is loose aggregate, which being permeable is not deemed to contribute significantly to this problem.

It is acknowledged that the stable lies in close proximity to a habitable part of the adjacent dwelling, which is stated to be a bedroom/bathroom. The building is an existing structure, with the only alterations proposed to its appearance being the

installation of garage doors to the north-elevation. No other alterations are proposed to the building and it is not therefore considered to result in any increased loss of light, overbearing impact or loss of privacy. It is noted that the use of the building as a garage would be of a different nature to that of a stable, however the use as a stable could have resulted in some impact upon neighbouring amenity in terms of noise, smell, etc. Whilst the proposed garage would lie in close proximity to a bedroom, it is not uncommon for garages to lie in close proximity to habitable parts of the dwelling and the nature of activities likely to be undertaken in the garage are unlikely to be night-time activities that would cause significant disturbance to that room. As such, whilst the nature of the use of the building would change, it is not considered to result in a significant increased impact upon the neighbouring property that would result in material detriment to their living conditions. The planning permission sought is for domestic use of the garage and whilst the concern is raised regarding future business use, it is important to note that this would require a further planning application, the acceptability of which would be assessed if this came to fruition in the future.

As the works have already been carried out there is no time limit condition attached.

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

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