

43/10/0129

MR P MASON

**ERECTION OF DWELLING AND GARAGE AT LAND ADJACENT TO OAK VILLA,  
1 NORTHSIDE, ROCKWELL GREEN, WELLINGTON AS AMENDED**

Grid Reference: 312458.120354

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval for the following reason

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable and the development would not have a detrimental impact upon visual or residential amenity or, on balance, have an adverse impact on highway safety, and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

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

(A4) Location Plan

(A4) Revised Site Plan - received 23 January 2011

(A4) Revised Elevation Plans - received 23 January 2011

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

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy S2 of the Taunton Deane Local Plan.

4. The dwelling shall not be occupied until the access track over the first 10m of its length when measured from the highway, known as Rockwell Green,

has been properly consolidated and surfaced. The access construction shall be type 1 sub base, 20mm base course and 20mm macadam wearing course. Development shall be carried out in accordance with the above details unless agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety in accordance with Somerset & Exmoor National Park Joint Structure Plan Policy 49.

5. The applicant shall undertake all the recommendations set out in the applicant's ecological report undertaken by Richard Green dated April 2010.

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect reptiles and breeding birds in accordance with guidance contained within PPS9.

#### Notes for compliance

1. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

## **PROPOSAL**

Planning permission is sought for the erection of a detached single storey dwelling and associated garage. The siting of the proposal is to the south of the existing four dwellings which are currently being constructed and to the north of the existing terrace. The proposed materials are to match the approved dwellings i.e. red brick finish under a reconstituted slate roof.

The plans indicate the siting of the dwelling in close proximity to the boundary of the adjacent Victorian terrace. In order to reduce any potential impact to local residents amended plans have been submitted. The orientation of Plot 5 has now been revised to be at an oblique angle. The nearest built form would be an integral garage in order to reduce the height of the built form at the closest point with the rear gardens. The applicant has also confirmed that ground levels would be dropped, as shown on the revised block plan.

The applicant has stated that an access needs to be retained to access garaging at the rear of 1 Northside. The application therefore includes an indicative revised layout to Plot 4 for supporting information.

An ecological report accompanies the application.

## **SITE DESCRIPTION AND HISTORY**

The proposed development would be served from the existing private access track that runs between No. 69 and 70 Rockwell Green. This access has historically served a number of lock up garages (11). It also provides vehicular access to No. 63 Rockwell Green and garages to several other properties. The surrounding area includes much variety in the pattern of building and the size of dwellings. Rockwell Green comprises a row of terraced properties featuring brick and slate materials.

Permission was granted for the approval of reserved matters following appeal for four dwellings (bungalows) at outline stage, reference 43/10/0062. A variation to the approved plans was approved, reference 43/10/0104, for the re-siting of garage to plot 1.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*TOWN COUNCIL* - Members were concerned that development of a further dwelling on this site would result in overdevelopment and would have an adverse effect on residential amenity in the area. There was also concern that access to the site would compromise highway safety. If planning permission were to be granted it was hoped that no condition requiring improved access visibility would result in the loss of any street parking. Recommends that permission be REFUSED due to overdevelopment of the area and the issues raised by the County Highway Authority.

Amended plans -Town Council retain an objection on the grounds the proposal will constitute overdevelopment and the proposed access is inappropriate.

*HIGHWAY AUTHORITY* – I would refer you to all of the Highway correspondence in connection with planning application no. 43/08/0098 and the appeal statement, and consider these comments apply equally to the present application. I would therefore recommend refusal of this application on highway safety grounds.

It must be a matter for the Local Planning Authority to decide if this objection and recommendation is reasonable given the opinion expressed by the Inspector and his subsequent decision in allowing the appeal and granting consent of the 4 dwellings.

It is noted that it has been stated in the Design and Access Statement, that:

‘Access to the site from the highway is via a private road which is under construction in conjunction with the 4 bungalows referred to previously. The whole of the site contained 11 lock garages. The 4 bungalows will account for 8 cars, the proposed additional bungalow will account for a further 2 cars therefore total car movements will be less than for the previous usage’.

As set out during the consultation process of the previous application, whilst the site previously may have had a previous traffic generation it wasn't based solely on the number of vehicles present; consideration has to be given with regard to the

nature/type of use and the associated movements that a particular use is likely to generate.

If the LPA are minded to grant consent, despite the HA's concerns, the HA would welcome the opportunity to recommend appropriate highway conditions.

Further comments 12/01/11 - It would appear that the access road, which will need to be utilised to gain access to the latest dwelling, has not been included within the red line. I am concerned that effectively there is no access from the public highway, and could effect the provision in perpetuity of parking and turning.

If LPA are minded to grant, recommend to impose a condition (a) restricting use of garage to parking only and (b) turning to be provided.

*WESSEX WATER* – The development is located within a sewerage area, with foul and surface water sewers. There is a public combined sewer crossing part of the site. Wessex Water normally requires a minimum, three metre, easement width of either side of its apparatus, for the purpose of maintenance and repair. Diversion of protection works may need to be agreed.

The integrity of Wessex Water's systems should be agreed prior to the commencement of works on site.

The developer has proposed to dispose of surface water to soakaway. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection can be agreed at the detailed design stage.

With respect to water supply, there are water mains within the vicinity of the proposal. Again connection can be agreed at the design stage.

The developer is advised 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.

*DRAINAGE OFFICER* – I note that soakaways are to be used to dispose of surface water flows from this proposal. These should be constructed in accordance with BRD365 (Sep 91) and made a condition of any approval.

*NATURE CONSERVATION & RESERVES OFFICER* - Planning permission was granted, following appeal, in 2009 for four dwellings. A reptile and bird survey was then conditioned. This survey carried out by Richard Green in April 2010 is now used to support this application.

Birds - No nesting birds were observed during the survey but as birds can be found in any habitat clearing works should be undertaken outside of the bird nesting season March-August.

Reptiles and amphibians - The surveyor found eight slowworms on the whole of the site in April. I support the proposal that the individual slow worms be relocated possibly to the habitat at the northern end of the adjacent allotment. The five

recommendations to allow for successful translocation should be carried out in full. Condition recommended.

## **Representations**

One letter of SUPPORT has been received. Summary of support: -

- support the application as the area needs more bungalows for the ageing community.

One letter of OBJECTION has been received. Summary of objection: -

- proposed development lies adjacent to properties in victorian terrace.
- The development land is raised compared to the rear gardens of the properties.
- Concern at lack of separation distances between the bungalow and adjacent terrace would cause an unreasonable loss of outlook to residents of No. 73/74/75.

6 letters of OBJECTION have been received since the date the revised plans were sent out for consultation. Summary of objections: -

- Access.
- Poor visibility at entrance point could lead to parking measures that reduce on street parking for residents.
- Additional dwelling will be imposing given the small gardens of residents.
- Sited on elevated land.
- Loss of outlook.
- Site plan does not identify newly built garage at land adjacent Oak Villa (this should be considered when discussing the issues with access as it is already over the 8 cars stated in the document).
- Siting close to boundary wall.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,  
PPG13 - Transport,  
STR1 - Sustainable Development,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M4 - TDBCLP - Residential Parking Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the determination of this application area are considered to be (a) whether the scheme is an over-development of the site resulting in harm to the character and appearance of the area'; (b) whether the scheme would harm the living conditions of nearby occupiers, in terms of any significant loss of privacy or any overbearing effect; and, (c) any effect on highway safety.

Character and appearance .

The site is located within the built-up area boundary where the principle of residential development is acceptable subject to normal planning considerations. The Authority, notwithstanding the issues previously expressed regarding the highway access, raised concern that the development would not comprise an efficient use of land. It is considered that the proposal for one further dwelling would provide a more efficient use of land without compromising an adequate layout and protecting amenity of existing and future residents.

### Highway Safety

The views of the Highway Authority are noted. The proposed development would be served from the existing private track that runs between Nos. 69 and 70. The Highway Authority calculated that this track varies in width between 3.78m and 3.63m for the first 12m before widening out. The Highway Authority also calculated that visibility at the junction with the highway, when measured at a distance of 2.4m back from the carriageway edge, is 10m to the northwest and 5m to the south east. The access is not wide enough for two cars to pass at the entrance to the site and visibility along this section of the highway (that is subject to a 30mph speed restriction) falls below recognised national standards - Manual for Streets (MfS)

However, the Inspector, in allowing the appeal for four dwellings, noted that this access served a number of garages for many years. The Inspector continued, para 6 'it also provides vehicular access to 63 Rockwell Green and, from what I saw during my visit, garages to several other properties as well. There are no details before me of any recorded accidents involving the use of the junction with Rockwell Green and it appears to have a good safety record'.

The Inspector gave weight to the fallback position of the number of movements arising from the number of lock up garages. Paragraph 7.8.3 of MfS states that the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously. The Inspector concluded that given the fallback, the TA and his own observations the proposal would be unlikely to result in any harmful increase in traffic using the existing junction with Rockwell Green.

The Inspector considered that the proposal would generate limited pedestrian traffic along the access driveway and through the junction with Rockwell Green, taking the view that it would be unlikely to be materially greater than the pedestrian flows associated with the long-standing use of the site.

Whilst recognising that the access driveway is far from ideal, the Inspector considered that given the fallback (eleven vehicles parked on the site), the low traffic flows that could reasonably be expected with the appeal scheme and traffic flows/speeds along Rockwell Green, concluded that, on balance, the proposed development would not compromise highway safety interests or interrupt the free flow of traffic along Rockwell Green.

Taking into account the Inspector's reasoning it is not considered that one additional dwelling, taking into account the historic use of the site, would give rise to any material harm to highway safety.

### Amenity

The concerns of local residents in respect of loss of outlook and siting of the dwelling is duly noted. In response the proposed siting has been revised to address those concerns. It is considered the revised siting of Plot 5 is now acceptable due to its single storey scale, siting and orientation. The nearest built form is the integral garage, and the built form of the development is sited at an oblique angle. The applicant also proposed to reduce the ground level to lessen the impact of the scheme.

It is therefore considered that, on balance having regard to highway issues, permission be granted subject to conditions detailed.

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

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