

45/08/0013

MR H DAVEY

CHANGE OF USE OF ANNEXE TO SEPARATE DWELLING AND ASSOCIATED PARKING (REVISED DESIGN OF 45/07/0015) AT MAYFIELD HOUSE, WEST BAGBOROUGH AS AMENDED BY E-MAIL DATED 12 JANUARY 2009.

317108.133341

Full Planning Permission

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OPOSAL

The proposal comprises the conversion of an existing residential annexe to Mayfield House to form a separate independent dwelling. The annexe is contained within a detached brick building.

SITE DESCRIPTION AND HISTORY

Planning permission was refused in August 2007, reference 45/2007/015, for the change of use of the annexe to a dwelling on the grounds that: the site is of insufficient size to accommodate an additional dwelling and residential amenity would be adversely affected; insufficient on-site parking space is available; visual amenity and the character of the conservation Area would be adversely affected; and the proposed access would prejudice road safety. The subsequent appeal was dismissed.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST BAGBOROUGH (BL) - The revised application does not change the view of the Parish Council in regard to this development. The Parish Council refers the planning Officer to the reasons originally given and also to the various individual objections for the detailed reasons for our objection. Vociferous opposition from near neighbours. Building is old village forge and should remain integral to Mayfield to protect character of location. Car parking proposal is inadequate and will only add to current parking issues in this part of the village.

SCC HIGHWAY AUTHORITY - The Planning Officer will no doubt be fully aware of the history in connection with this site and the view of both the Highway Authority and the view of the Inspector who disagreed with that view. For the purpose of this latest application consider it is important to reiterate the points that feel are relevant in reaching my decision. Whilst the Inspector in his decision stated:

“traffic speeds along this section of road are much lower than those suggested by the local highway authority, Therefore, while the visibility for drivers emerging from the bays would be restricted, I consider that with caution, as probably required when using many of the accesses in the locality, this deficiency would not be unduly harmful to highway safety. Furthermore the opportunity to park cars off the road would, in my

view, be preferable to the hazards created by unauthorised highway parking.”

It was stated in the Appellants grounds of appeal that at the present time there is a dwelling and an annex without any car parking. However, the Design and Access Statement that was submitted with the previous planning application stated the use as a garage with ancillary accommodation over, to Mayfield House. Any new application (irrespective of which unit the parking space will serve), will mean that there will be two dwellings and only 1 parking space, which is an insufficient provision and will still result in vehicles parking on the adjoining highway. The Inspector clearly stated that in his opinion that unauthorised parking on the highway causes a hazard to road users. Whilst the Highway Authority would welcome the removal of vehicles from the highway, in this particular case it could be view that this situation will not be improved and that the parking area is being created in order to enable new development, and this must be a matter for the Local Planning Authority. On the basis it can be demonstrated that the conversion would not result in a loss of parking to the main dwelling and this is supported by the LPA, it may be considered unreasonable to raise a highway objection on this aspect of the proposal. Maximum parking standards should also be applied for new development in this location as it is considered unsustainable in transport terms.

The following provision is set out the Somerset Parking Strategy, 1 bedroom unit, 1 car parking space and 2/3 bedroom units, 2 car parking spaces. However I am aware that the Highway Authority previously accepted one space for the existing dwelling and one for the proposed would be appropriate. If sufficient parking is not provided for new development the existing circumstances in respect of on street parking could be exacerbated. The Inspector has stated that the opportunity to park cars off the road in his view would be preferable to the hazards created by unauthorised highway parking. A perpendicular parking space would not only mean that visibility is restricted for vehicles emerging but reversing would occur from/onto the adjoining highway. It could be considered that a perpendicular parking space without turning provision could result in significant conflict as the highway would have to be used for turning to enable vehicles to manoeuvre from/into the proposed space. I do consider however that it maybe unreasonable to raise an objection given what was stated by the Inspector in respect of this particular site. It should be noted that any other proposals must be assessed on their own merits. In any event if the LPA are minded to grant consent, conditions should be imposed to ensure that the access incorporates appropriate measures to ensure that highway safety can be provided for all road users where available. In particular, the lowering of the boundary wall to a height not greater than 900mm would improve visibility for vehicles emerging to see.

CONSERVATION OFFICER - The building subject to this application is a poorly executed 1980s conversion of a former forge, which at best can be said to have a 'neutral' impact on the conservation area. It is unfortunate that this application has missed the opportunity to improve this past work. My principal concern with this application is the proposed boundary treatment to create the car space. The loss of part of the stone wall is regrettable, but this is exacerbated by the erection of the 1.8m high close boarded fence. Close boarded panel fencing is not a tradition boundary treatment and is more typical of the form of enclosure found in modern suburban rear gardens. Although there are other examples in the locality it falls below the quality expected of a boundary treatment in this conservation area. The fence is therefore an incongruous and inappropriate addition given the historic and rural context of the former forge building. Subject to details, a more suitable alternative boundary treatment for this location would be a stone wall to match the existing. In summary, I consider that by virtue

of its visibility, design and materials, the fence would have an adverse impact on the character of the conservation area. I therefore cannot support the approval of this application.

Representation

8 LETTERS OF OBJECTION have been received on the grounds that: the plot is of insufficient size to accommodate a dwelling; inadequate off-street parking and manoeuvring space, together with the increase in traffic, would prejudice road safety; a window in the south-western elevation would overlook a property; foul sewage is not connected to the mains sewage, but to a shared septic tank which is already at its limit; the replacement of the garage doors with a window would look odd; Mayfield house and the annexe will overlook each other; the foundations are inadequate; the former garage was used as such regularly; and the loss of a substantial part of the highway boundary wall would adversely affect the character and appearance of the Conservation Area.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN14 - TDBCLP - Conservation Areas,
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

In his decision letter, the Inspector dismissed the appeal against refusal of the previous application on the grounds that loss of the highway boundary wall would fail to preserve the character of the Conservation Area, and that overlooking from the dormer windows would cause an unacceptable loss of privacy. The inspector did not see a conflict with highway safety, nor did he consider the plot too small, nor did he consider that there would be any material harm to any neighbours.

The current application therefore seeks to address the problems raised by the Inspector. With regard to the dormer windows, the proposal to obscure glaze them overcomes any potential overlooking, and in respect of the stone boundary wall, whilst acknowledging the Inspectors concern over its loss, it has since been established that Conservation Area Consent is not required for its demolition. Accordingly, the proposal cannot be resisted on this basis. Nevertheless the applicant has attempted to retain as much of the wall as possible whilst still providing an on-site parking space. Although previously proposing 2 no. on site spaces, only one is currently proposed, and whilst one is considered broadly acceptable by the CHA, the applicant is nevertheless prepared to provide two. In many situations such as this however, a balance has to be struck between parking provision and conservation, and in this particular case, it is considered that one space and retention of much of the stone boundary wall is the preferable option.

The Conservation Officer's concern over the boundary fence is understandable, but the fence does not actually require the benefit of planning permission.

Concern regarding the adequacy of the septic tank is a matter that should be resolved by the owner and either the Councils Drainage Officer or Building Control.

Finally, an issue has been raised relating to the provision of clear glazing to a first floor window to the rear, and the potential for overlooking properties to the rear. The agent has now agreed to obscure glaze the window. The application is considered acceptable.

RECOMMENDATION AND REASON(S)

That permission be granted.

Recommended Decision: Conditional Approval

The proposal would not detract from the character and appearance of the Conservation Area, would not harm neither visual nor residential amenity, and would not prejudice road safety. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential parking requirements), and EN14 (Conservation Areas).

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 dormer windows to the north-western elevation, and the first floor bedroom window to the south-western elevation shall be obscure glazed to the reasonable satisfaction of the Local Planning Authority.

Reason: To safeguard the residential amenity of the occupiers of neighbouring properties, in accordance with Taunton Deane Local Plan Policy S1.

3. The highway boundary stone wall shall be made good using matching materials and shall be built to the same height as existing.

Reason: To safeguard visual amenity and the character and appearance of the Conservation Area in accordance with Taunton Deane Local Plan Policies S1, S2, and EN14.

4. The proposed window to the north-eastern elevation shall be timber.

Reason: To safeguard the character of the building and the character and appearance of the designated Conservation Area in accordance with Taunton Deane Local Plan Policies S1, S2, and EN14.

5. 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 shall be carried out without the further grant of planning permission.

Reason: To safeguard the character of the building and the character and

appearance of the designated Conservation Area in accordance with Taunton Deane Local Plan policies S1 and EN14.

6. The access and parking area shall be properly consolidated, surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard road safety in accordance with Taunton Deane Local Planning policy S1

7. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 10m to the north of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: To safeguard road safety in accordance with Taunton Deane Local Planning policy S1

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard road safety in accordance with Taunton Deane Local Planning policy S1

Notes for compliance

1. The proposed change of use may result in the existing septic tank system drainage system becoming overloaded, thereby giving rise to possible drainage nuisance. Should such nuisance arise, action could be taken against the owner by the Council to ensure that the necessary works are undertaken to abate the nuisance.
You are therefore advised to contact the Drainage Officer of Taunton Deane Borough Council, to satisfy yourself that the present drainage system is adequate before any works are commenced.
2. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Area Office, telephone number 0845 3459155. Application for such a permit should be made at least three weeks before access works are intended to commence.

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

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