

38/09/0324

SHAL HOUSING LTD.

ERECTION OF 2 SEMI-DETACHED HOUSES ON LAND BETWEEN 2A & 3 BURNS ROAD, TAUNTON (RESUBMISSION OF 38/09/0241)

324014.124578

Full Planning Permission

PROPOSAL

Burns Road is characterised by large render and tile semi-detached dwellings set in large plots on the northern side and smaller brick and tile semi-detached properties in smaller plots on the southern side. Some new residential units have already been permitted and built in the gardens of no.2 and 4, forming 2a and 4a.

The site is situated between 2a and 3 and is currently occupied by a flat roof garage and parking/garden area to no.3. The site backs on to Liseux Way, separated by an area of grass verge, planted with trees.

Planning permission was granted on this site in December 2007 for the erection of a detached two storey building containing two flats. Planning permission was refused earlier this year for the erection of a pair of three bedroomed semi-detached dwellings due to the overbearing impact on no.2a Burns Road, resulting in material harm to the residential amenities of that property.

This application now seeks permission for a pair of semi-detached dwellings, one of three bedrooms and one of two bedrooms. These are proposed of render to the front and rear with brick sides and tile roofs incorporating solar panels. These would occupy the full width of the plot. Two car parking spaces would be provided for the existing property, no.3 and one car parking space for each of the proposed dwellings. Following the refusal of the previous scheme, the two storey element of the proposed dwelling adjacent to no.2a has been reduced in length so as not to protrude beyond the rear wall of no 2a. Instead, a single storey extension will protrude 1.8 metres to the rear of no.2a.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CLLR HAZEL PRIOR-SANKEY – Objects due to the close proximity to the neighbouring property and the extension at the back going out beyond the current building line.

DRAINAGE ENGINEER - The land is assumed to be either present or former TDBC Housing land and therefore the Council's Housing Property Manager and the Assets Holding Manager should be consulted as TDBC Housing Drains could be affected. Suggests condition regarding details of foul and surface water discharge.

HERITAGE AND LANDSCAPE OFFICER - No further comments

WESSEX WATER - Development located within a private foul sewered area, sewers are not the responsibility of Wessex Water. Developer should investigate alternative methods of disposal of surface water as no existing public/separate surface water sewers in the vicinity of the site. Suggest note to applicant regarding uncharted sewers or water mains.

Representations

Five letters of objection have been received raising the following issues:- house will be built very close to no. 2a causing patio and conservatory to be in shadow and kitchen to be dark and single storey extension with pitched roof very imposing; still contrary to policy S1; concerns regarding drainage system; increase in traffic and noise pollution; parking already a problem; bin stores to front out of keeping with street and bins already an eyesore at no.4; overlooking of no.8; properties will not be in keeping with housing already in street; parking already a problem; parking will not be sufficient; cars parking on the side of the road in front of driveway; cars in the area park on the pavement causing hazard to pedestrians/cyclists; road too narrow and cannot cope with more traffic; emergency vehicles/vans/lorries/cars could have difficulty getting along the road.

Other non-planning grounds also raised: query whether amenity of neighbourhood will continue with further dwellings added.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

In view of the significant drive of PPS1 and PPS3 towards sustainable development and making best use of land within urban areas, this site is considered a suitable infill site for residential development. The principle of two residential units on this site has already been established by the earlier permission. The issue is whether the scheme now proposed will have an increased impact on highway safety, the street scene and the residential amenities of neighbouring properties.

In terms of highway safety, the proposed scheme is not considered to be materially worse than the approved scheme. Two parking spaces will be created for no.3 to mitigate the loss of the garage and parking area. One space will be provided for each of the proposed dwellings, which is considered acceptable taking into account the close proximity of the site to the town centre.

Burns Road is characterised by properties of gabled roof design and there is a mix of both brick and render in the area. The design of the proposed dwellings is therefore

considered to be in keeping with surrounding properties. The rear elevation of proposed property, no.2b is different in appearance to the two properties it lies between. This design has been undertaken to minimise the impact on the adjacent property, no.2a. In view of the drive of government guidelines, through PPS1 and PPS3 to maximise the use of infill sites in sustainable areas and the rear elevation being screened from Liseux Way by trees, the design is considered acceptable in this instance. There are concerns raised by local residents regarding drainage. Drainage details have not yet been finalised and will be dealt with by means of a condition and will involve consultation with the Council's Drainage Officer. Concerns are also raised regarding bins stored to the front of the properties. This is a common view across the town, as a result of modern living and limited weight can be given to this issue.

The element of the proposal adjacent to no.3 will occupy a similar footprint to that already approved and will not therefore result in an increased impact on this property. The previously approved scheme included a two storey element, which protruded 5.5 metres to the rear but was set away from the boundary with no.2a by 2 metres. Following the previous refusal, the two storey element of no.2b has been amended so that it no longer protrudes beyond the rear wall of no.2a. The two storey element of the proposed property will therefore lie adjacent to the two-storey gable end at no.2a. Instead, a single storey element will protrude to the rear for 1.8 metres. This will be 3.5 metres in height at the highest point, where it meets the two storey element of the proposed property (that is in line with the rear wall of no.2a) and will then slope down to 2.7 metres high (1.8 metres to the rear). This element of proposed property no.2b will abut the boundary with no.2a but being single storey and only 1.8 metres in length is not considered to result in an overbearing impact or loss of light. In addition, the dwelling at no.2a is set away from the boundary and the closest rear window at ground floor, serving the kitchen is set in some distance from the side of the dwelling. There will therefore be no material loss of light.

It is essential to consider that the existing flat roof garage on the site of the proposed dwelling, no.2b already protrudes to the rear of no.2a by 1.4 metres and is in fact 350mm closer than the proposed single storey element. Whilst it is accepted that this garage is slightly lower in height, it should be noted that there is already a structure in closer proximity to no. 2a.

It is important to note that single storey extensions of this nature are permitted across the borough regularly. Furthermore, it should be noted that a single storey extension of these dimensions would generally be able to be erected under permitted development rights, without the need for full planning permission. In such circumstances, permitted development rights would in fact allow for a single storey extension up to three metres in length provided the height does not exceed four metres.

An objection is also raised regarding the overlooking of no.8 opposite. This property is set 23 metres away, which is a very similar situation to other properties opposite each other on Burns Road. This is not considered to be an unacceptable relationship.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed dwellings have been designed to be in keeping with surrounding properties and to avoid harm to the street scene and the residential amenities of nearby dwellings. Sufficient car parking is provided, in view of the close proximity of the town centre and the proposal is not considered to result in detriment to highway safety. As such, the proposal is in accordance with policies S1 (General Requirements) and S2 (Design) of the Taunton Deane Local Plan.

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. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access.

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

4. Before the building hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel). It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwelling.

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

5. Before any part of the development hereby permitted is commenced, there shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.0m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall thereafter be maintained at all times.

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

6. The area allocated for parking on submitted drawing 09009 L 01 02 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the existing dwelling, no. 2 Church Road and the dwelling hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

7. 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 by the Local Planning Authority.

Reason: To prevent surface water being deposited into the highway, in the interests of highway safety and neighbouring amenities, in accordance with Taunton Deane Local Plan Policies S1(D) and (E).

8. The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m.

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

9. All services shall be placed underground.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

10. 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, other alterations (including balconies, windows) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the amenities of neighbouring properties is not harmed, in accordance with Policies S1 and S2 of the Taunton Deane Local Plan.

11. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

12. None of the dwellings shall be occupied until works for the disposal of surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

13. Prior to the commencement of development, details of the bin stores shall be submitted and agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

Notes for compliance

1. With reference to Condition 12, any soakaways should be constructed in accordance with British Research Digest 365 (September 1991). Should porosity tests show that ground conditions are unfavourable then a suitably sized retention tank incorporating an outflow limiting device should be used.
2. The applicant/developer is advised to contact the Council's Housing Property Manager and the Assets Holding Manager prior to the commencement of development to seek any necessary consents as the land is former TDBC land.
3. Note at request of County Highways Authority:
Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Highways Office, Burton Place, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
4. Note at request of Wessex Water:
 - It will be necessary, if required, for the developer to agree points of connection with Wessex Water, for water supply and the satisfactory disposal of foul flows.
 - 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 site layout to assess the implications. Please note that 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 as may affect it's 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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