

49/14/0057

MR E & MRS P GAINES

**DEMOLITION OF OUTBUILDINGS WITH THE ERECTION OF A TWO STOREY EXTENSION AND AMENITY BUILDINGS FOR SWIMMING POOL AND HOME CINEMA AT ASHBEERS, WIVELISCOMBE**

Location: ASHBEERS FARM, WIVELISCOMBE ROAD, WIVELISCOMBE,  
TAUNTON, TA4 2TH

Grid Reference: 308810.127771

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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:

(A1) DrNo 2405.10A Site and Location Plan  
(A1) DrNo 2405.11 Site (part) and Buildings Survey  
(A1) DrNo 2405.14 Elevation 1 Existing and Proposed. Section Through and Plan of Offices  
(A1) DrNo 2405.15-1 A Proposed Plan Layout  
(A1) DrNo 2405.15B Proposed Plan Layout  
(A1) DrNo 2405.17 Elevation 2 Existing and Proposed  
(A1) DrNo 2405.18 Elevation 3 Existing and Proposed  
(A1) DrNo 2405.19 Elevation 4 Existing and Proposed Section Through Swimming Pool  
(A1) DrNo 2405.20 Elevation 5 Existing and Proposed  
(A1) DrNo 2405.21 A Elevation 6 Existing and Proposed  
(A1) DrNo 2405.22 Elevations 7, 8, 9 As Proposed  
(A1) DrNo 2405.23 Roof Plans Existing and Proposed

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

3. Prior to their installation 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 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.

4. The accommodation and facilities hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Ashbeers, Wiveliscombe.

Reason: To prevent any form of commercial or business use given the location of the site within the open countryside and to afford adequate protection to the amenity of residents of Ashbeers.

#### 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 entered into pre-application discussions to enable the grant of planning permission.
2. 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.
3. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

## **PROPOSAL**

The application seeks planning permission to redevelop the site at Ashbeers, Wiveliscombe, to provide ancillary accommodation to the North and East of the dwelling. The proposed accommodation within a new building to the North will include an indoor swimming pool, gym, plant, changing and shower rooms. The proposal involves demolition of some of the existing outbuildings to the East, which include a conservatory, garage, storage rooms and timber greenhouse and the erection of a replacement attached extension to provide utility, WC, store, entertainment area and home cinema; two offices for personal use will be provided within the roof space. All accommodation and functions would be ancillary and for the personal use of the owners/occupiers of Ashbeers only. An existing barn to the north of the courtyard is to be retained, with new hardstanding laid to improve an existing access track and to enhance the parking and turning areas to the rear of the dwelling.

## **SITE DESCRIPTION AND HISTORY**

The site comprises a two-storey detached dwelling, stone fronted and tile hung at first-floor level, with various outbuildings forming a courtyard to the rear. The site is located between the B3227 to the south and Norden's Meadow to the north. There are agricultural fields within the applicant's ownership to the East and West of the dwelling. The outbuildings would at one stage have been part of the farm but have not been used for agricultural purposes for some time. The supporting document submitted with the application states that at one stage the outbuildings were used as a dog kennel.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WIVELISCOMBE TOWN COUNCIL* - No comment received at the time of writing.

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - measurements taken from plans held on file. Total new floorspace equals 558 m<sup>2</sup> approximately. Existing floorspace the conversion/demolition equals 305 m<sup>2</sup> approximately. New floorspace 253 m<sup>2</sup> at £125 per square metre = £31,625. Self build extension relief is likely to be claimed.

### **Representations**

One letter of representation received; the embankment is protected because of the silver backed slow worm observed frequently in this area; is the revised accommodation solely for family use as it looks as if it could be used for commercial/business use.

## **PLANNING POLICIES**

H17 - TDBCLP - Extensions to Dwellings,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP8 - CP 8 ENVIRONMENT,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £31,625.00. Self build relief is likely to be claimed.

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The application follows the undertaking of a pre-application consultation process.

The existing buildings to the rear of the property are in a poor state of repair and have been created in an ad hoc manner with little consistency in their design and appearance. The removal of these buildings would not affect the character and appearance of the existing dwelling. The extension will be sited over the existing footprint of the existing outbuildings, albeit with a slight increase in net floor area. It will incorporate materials and design features of the existing dwelling and would make a positive contribution to its appearance. The roof space of the proposed extension will provide ancillary space for the dwelling and incorporate cat slide dormers to the front and rear. The siting of the extension along the rear building line of the dwelling will ensure it retains a subservient relationship to the main dwelling.

The proposed new building to house the swimming pool and gym will be sited along the western side of the courtyard. The garage/workshop will be to the eastern side of the courtyard. As with the replacement extensions the materials and design will reflect that of the existing dwelling. They will be typically barn like in their appearance. The swimming pool will be linked to the dwelling via a glazed fronted walkway and the parking area opening into the courtyard. The proposed swimming pool building is not subservient in size in relation to the footprint of the existing dwelling. The ridge will be higher than that of the replacement extension but will be approximately 1.7m lower than the main dwelling. The building will protrude beyond the side building line of the existing dwelling by approximately 0.5m. The height of the proposed building has been largely determined by the size of the swimming pool and the use of the same roof pitch as the main dwelling. This provides consistency in the overall design of the development.

Whilst the proposed extension and additions are very large, in terms of their size and footprint, the proposal needs to be considered in the context of its surroundings. In this instance the design of the proposals, in the form of a courtyard set behind the dwelling, minimises the impact of the proposals. The replacement of the existing outbuildings is of benefit to the appearance of the dwelling. The additional buildings are not considered to significantly detract from the character and appearance of the dwelling and are designed to be in keeping with their surroundings. The site is situated within large grounds and the proposals are not considered to represent over-development of the site. There are no nearby properties to be affected by the

proposals.

The Council's attention has been drawn to the possible presence of Slow Worms within the site, given that they are thought to be present along the former railway embankment to the North of the site. Notwithstanding, the area affected by the proposed development is predominantly hardstanding and existing buildings, with a small section of enclosed vegetable garden and maintained lawns. With regard to other protected species such as bats, the buildings to be demolished are considered to provide very limited potential to support the species given the method of construction and finished materials, degree of enclosure and the fact that the roofs have been replaced recently with corrugated metal sheeting. The buildings are also understood to be in regular use. Having regard to these matters, the building and site to be developed are not considered to be conducive to providing good habitats for the species and the development is therefore acceptable in this regard. The Council's Biodiversity Officer has verbally agreed with this conclusion and therefore, subject to a precautionary approach being followed with demolition and works, the proposals are considered to be acceptable.

Having regard to the above matters, the proposed redevelopment of the property is considered to be acceptable and subject to conditions, it is recommended that planning permission be granted.

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

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