

38/2005/275

MR R IVES

ERECTION OF DWELLING, GARAGE AND ACCESS THERETO ON LAND AT 29 CALWAY ROAD, TAUNTON AS AMPLIFIED BY AGENTS LETTER RECEIVED 14TH JULY, 2005

23615/23462

FULL PERMISSION

PROPOSAL

The site forms part of the garden of No. 29 Calway Road, which lies within the identified settlement limits for Taunton. An outline planning application was refused in June 2004 for a dwelling within the garden of No. 29 for the following reason: "It is considered that the proposed dwelling would be likely to cause damage to the roots of the Ash tree and the Poplar tree, which are both protected by a Tree Preservation order. This damage may lead to the loss of these trees, which are of high amenity value, a loss which would be to the detriment of the visual amenities of the locality. Furthermore ... the trees may be considered a threat to the dwelling during sever weather events" However, since this time the Poplar tree has been felled due to poor health. The current application is an attempt to overcome these previous concerns. The proposal is for the erection of a dwelling and a detached garage. The application site is larger than that of the previous refusal. The proposed house measures 11.7 m x 8.6 m x 7.4 m to the ridge of the roof. The materials are to be dealt with via planning condition. Access is to be gained from Fouracres Close.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY there is no objection in principle to this application. Given the volume of traffic already using Calway Road the addition of one dwelling is unlikely to affect the current road traffic. Conditions are recommended regarding:- visibility; access/parking/turning to be provided as per plan; surface water; entrance gates; drop kerbs and a note re the Highways Act 1980. WESSEX WATER recommend in formatives.

LANDSCAPE OFFICER subject to landscape details the proposals are fine.

6 LETTERS OF OBJECTION have been received raising the following issues:- it will visually detract from the area and harm its character; increased traffic flow, which would increase noise and be to the detriment of highway safety; noise and disruption during construction; it is similar to the previous refusals and should be treated in the same manner; the proposal is large, intrusive and will have virtually no garden; the new driveway is dangerous as it exits onto a steep hill; over the last few months trees have been removed from the site, which has been to the detriment of the area; it will set a precedent; the applicant has put No. 29 up for sale with the option to purchase additional land (the garden), however claims he wishes to live in the proposed house, this does not make sense; it's too close to the neighbouring boundary; it is out of keeping with other properties in the area; we understood the area was fully developed

and we do not believe that the plot is sufficiently large to accommodate a property; overlooking and loss of privacy; the applicant simply wishes to make as much money as he can; there are a number of houses used for the homeless and troubled youths within the area; we have more than our fair share of difficult youngsters, and there have been many burglaries and attempted burglaries in the area; the properties on the plot could be let to an association for housing socially unacceptable people resulting in the risk that crime and associated anti-social behaviour within this locality would increase and give rise to public perception of such risk, which would be harmful to the level of amenity; the pupils of Bishop Fox School should also not come close to a potentially bad influence; the residents have taken measures to reduce crime and this area is not bad at all at present and I want it to remain this way; a condition stating that neither property may ever be let to house homeless or youngsters such as those in Sedgemoor College should be put in place; it is our duty to create a safe environment and protect the right for law-abiding citizens to go about their business without having to look over their shoulder and worry all the time.

POLICY CONTEXT

Policies S1 (general), S2 (design) and H2 (housing within settlement limits) of the Taunton Deane Local Plan stipulate that, inter alia, proposals should be of a suitable design, not harm the character or appearance of an area, or harm neighbouring amenity.

Policy EN6 (protection of trees) stipulates that proposals that harm trees of amenity value will not normally be permitted.

ASSESSMENT

The site lies within the settlement limits for Taunton, where there is a presumption in favour of development. The plot is of sufficient size to accommodate a dwelling and there is adequate amenity land associated with the proposal. The scale of the proposal is thought to be acceptable and the design is not out of character with the area to detract from the street scene.

The poplar tree previously felled was done so with the permission of the Landscape Officer, due to its poor state of health. The other trees which have been removed from the site were done so without the need for consent. The ash tree remains protected by a Preservation Order, and the Landscape Officer considers that the current scheme would not harm this tree.

Whilst the proposal is only 1.4 m away from the shared boundary with No. 31 Calway Road at its nearest point the siting of the house is largely dictated by the need to ensure that the Ash tree is not harmed. It is acknowledged that the siting of the house will have some impact on the neighbour, but this impact is not considered sufficiently detrimental to justify refusal.

There are 4 windows and 2 rooflights proposed on the south elevation, facing towards the garden of No. 31. The 2 rooflights serve bathrooms and as such are not likely to lead to an unreasonable level of overlooking. The 4 windows are at ground floor level and only one of them serves a habitable room (the dining room). All 4 windows are to be obscure glazed and the dining room and hall windows are to be fixed shut. There is a fence along the southern boundary, that will also limit the impact of the windows. In light of this it is considered that the proposal would not lead to an unreasonable loss of privacy for the neighbour.

The Highway Authority consider the proposed access to be acceptable and have raised no concerns regarding increased traffic flow or highway safety.

Any future applications in the area would be assessed on their own merits.

An advisory note is recommended advising the developer to ensure that care is taken during construction to avoid causing undue nuisance to nearby residents.

It is considered unlikely that one additional dwelling in the area would significantly increase the rate of crime.

The profit motivation of the application is not a planning consideration. Nor can the Local Planning Authority reasonably control the future tenancy of the dwellings.

Overall, it is considered that the proposal would not be unduly intrusive, significantly harm the character or visual amenities of the area or unreasonably harm neighbouring amenity. Furthermore, it is considered that the current proposal overcomes the previous reasons for refusal and as such is considered to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, protection of trees, hedgerow to be retained along eastern boundary, boundary treatment, visibility, access/parking/turning as per plan, drop kerbs to be installed, entrance gates, dining room and hall windows to be fixed and obscure glazed, wc/utility windows to be obscure glass with restricted opening and no further windows. Notes re Disabled Persons Act, energy conservation, meter boxes, water conservation, Rowntree Foundation, Part M of B regulations, works to be carried out in accordance with approved plans, surface water, Wessex Water Connection Points, Highways Act 1980, protection of Wessex Water infrastructure, advising that there is a public water main and surface water sewer near to the site and that care should be taken during construction to avoid causing nuisance to neighbours.

REASON(S) FOR RECOMMENDATION:- The site lies within the settlement limits for Taunton , is large enough to accommodate a dwelling and meets the requirements of Taunton Deane Local Plan Policy H2. Furthermore, the protected Ash tree will not be

harmful and as such the proposal also accords with Taunton Deane Local Plan Policy EN6.

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

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NOTES: