

**TAUNTON DEANE BOROUGH COUNCIL**

**PLANNING COMMITTEE – 23 January 2008**

**1. The following appeals have been lodged:-**

<b>Applicant</b>	<b>Date Application Considered</b>	<b>Proposal</b>
John Miller		Enforcement appeal – Unauthorised works to barn, creation of access and track and residential occupation of mobile home on land at Theats Farm, Creech Heathfield.
Ian Wright (14/2007/027)	DD	Demolition of bungalow and erection of two one and a half storey dwellings at Rosewood, North End, Creech St. Michael
Redrow Homes (West Country) (48/2005/072) and Persimmon Homes (South West Ltd) (48/2007/006)	22/11/07  22/11/07	Appeals against non-determination of applications – Proposed mixed use urban extension development comprising residential employment, local centre, new primary school, A38 relief road, green spaces and playing fields at Monkton Heathfield.
Barratt and Canniford Ltd (38/2007/314)	DD	Erection of three storey building comprising eight flats at land to the rear of 81-85 Station Road, Taunton
R.G. Biggs (46/2007/009)	DD	Conversion of double garage and playroom to self-contained granny annex including construction of dormer windows and roof extension at The Wynck, West Buckland
Mr and Mrs S. Parnell (49/2007/005)	DD	Conversion of Unit 5 to form dwelling, together with erection of conservatory and free standing garage at Fleed Farm, Wiveliscombe
Mr Hugh Davey (45/2007/015)	DD	Change of use of annexe to separate dwelling at Mayfield House, West Bagborough

## **2. The following appeal decisions have been received: -**

### **(a) Erection of a single storey dwelling on land to the west of All Winds, Fons George, Taunton (38/2006/324)**

The Inspector considered that the main issue was the effect of the proposal on the character and appearance of the Fons George Conservation Area.

Although, within a Conservation Area, much of the visual context of the site was formed by existing bungalows within the vicinity, which were characterised by low pitched gable roofs.

The dominant building in the area was St George's Church and whilst any building with a pitched roof would be visible, the extent to which it would impinge on the setting of the church and the wider area, would depend on its detailed design. The illustrative scheme showed that a modest bungalow could be constructed to minimise the effect on the view from St. Georges Way with the church remaining the most significant feature. From the churchyard, one additional roof would not have a significant impact.

The Inspector acknowledged the neighbour's concern about possible noise, disturbance and other difficulties which might arise from the use of the existing double garage which formed part of the common boundary, but considered that certain conditions would alleviate these problems.

The appeal was allowed, subject to conditions.

### **(b) Erection of a 1.8m fence at 70 Mead Way, Monkton Heathfield (48/2007/025)**

The appeal property was situated in a cul de sac of semi-rural residential character towards the edge of a settlement. The Inspector found a mix of boundary treatments, including low brick walls, chain-link fencing and some timber fencing, generally just over 1m high.

The proposed fence would be 1.83 m high and constructed of feather-edged vertical boarding panels set between wooden posts. The Inspector considered that the proposed fence would appear incongruous, set amidst the softer organic planting of the boundary. This would be detrimental to the semi-rural character of this area and he therefore found the proposed development contrary to the Local Authority's plans.

The Inspector noted the appellants concerns regarding littering and unauthorised entry to the property, but did not view these concerns as a basis for allowing the appeal.

The appeal was dismissed.

### **(c) Erection of a two storey dwelling with garage following demolition of double garage at 10b Newlands Crescent, Ruishton (31/2006/028)**

Although the density of the development was relatively high, the Inspector considered that the estate generally had an open character due to the space around the detached dwellings and the gaps created between the semi-detached dwellings by single storey garages.

The proposal would introduce a detached chalet type dwelling between the rear elevation of the host property and the side elevation of the adjoining house. Although planning policy accepted higher densities, this should not be at the expense of good design. The proposal would occupy the full width of its plot, unlike the neighbouring properties and would be only 2.5 metres from the rear elevation of the host property.

The Inspector considered that the proposed dwelling would appear cramped and out of character with the street scene.

The proposed dwelling would have a main ridge height of approximately 6.4 metres and although it would not be sited immediately in front of the rear ground floor windows of the existing house, it would lead to it appearing unacceptably intrusive when viewed from these windows. Moreover a blank brick gable was to be introduced in front of a large window in the side elevation of the adjoining property which would affect its outlook.

The Inspector concluded that the proposal would be detrimental to the living conditions of the occupiers of adjoining properties in terms of loss of outlook.

The appeal was dismissed.

**(d) Removal of seven existing upvc double glazed windows and their replacement with hardwood double glazed windows at 108 South Street, Taunton (38/2006/517/LB)**

The appeal property was one of a group of early/mid 19<sup>th</sup> century terraced cottages listed at Grade II. The facades were characterised by brickwork with sash windows. The Inspector noted that many windows appeared original, but others had been modified.

The appeal property had upvc double glazed replacements, which the Inspector understood had been unauthorised. However, although enforcement action had been approved in 1994, it was subsequently resolved not to take further action. In 2000 it was advised that when properties changed hands or windows required replacing, single-glazed timber multi-pane vertical sliding sashes would be supported/expected.

The Inspector felt that the façade was the most important feature of the listed building and the windows were an important aspect of this. He accepted the merits of single glazed windows, but considered the existing upvc windows were abhorrent to the special architectural and historical interest of the listed cottage. Since the original windows had long been removed, he considered the proposals would be far more appropriate and would not harm the listed building.

The appeal was allowed, subject to conditions.

**(e) Erection of a two storey extension at 39 Shakespeare Avenue, Taunton (38/2007/157)**

The two main issues were the effect upon the street scene and the effect upon the living conditions of neighbouring residents, especially the occupants of 44 Milton Road.

Although, the proposed two storey extension would be set down from the existing roof ridge and set back from the existing wall that faced Shakespeare Avenue, it would both enlarge the house and extend the overall length of the building significantly.

From Shakespeare Avenue, the elongated building, by virtue of its mass and design, including a new entrance doorway facing the street, would appear unduly large and would look like an additional dwelling.

This proposal would radically alter the appearance of this pair of semi-detached houses, resulting in the buildings looking like a terrace of houses. In the Inspector's view, the proposal would comprise a prominent and discordant addition to the street scene.

At present, only one first floor window in the appeal premises overlooked the neighbouring property. The proposal however, included adapting the bathroom with its frosted glass window to a bedroom, with the addition of a further window. The Inspector considered that there would be an unacceptable increase in overlooking and a harmful loss of privacy for the neighbouring occupants.

The appellant had suggested omitting the additional facing window. However, its removal would result in a largely unbroken mass of wall, which would be overbearing to the neighbours and would harmfully erode their outlook. The Inspector also felt that the use of frosted glass in the new window would be unsuitable for a habitable room.

The appeal was dismissed.

**(f) Change of use of kennel block to residential accommodation at Whitefield Kennels, Higher Whitefield, Wiveliscombe (49/2006/061)**

At her site inspection the Inspector found the building to be of no merit architecturally. It was utterly utilitarian, being of concrete block laid inside a rusted, thin metal frame with a thin slate roof.

The Government's policy was to support the re-use of appropriately located and suitable constructed buildings in the countryside, where this would meet sustainable development objectives. The Inspector took the view that this building was located in open countryside where travel to and from it would necessitate the use of a car and it had no architectural merit.

She took the view that the conversion would amount to a rebuilding or replacement of the appeal structure with a new dwelling. The result would be substantial new work. As so little could be re-used from the existing building, she did not consider this could be described as the re-use of a rural building as the national and local policy intended.

The appeal was dismissed.

**(g) Erection of a dwelling on land to the rear of 31 Blackmoor Road, Wellington (43/2006/053)**

The condition in dispute was No. 01, which stated that the window(s) in the ground floor side (north) elevation should be glazed with obscure glass and thereafter retained.

The appeal site comprised a new detached dwelling which had been built adjacent to the boundary of No.19 Pyles Thorne Road. There were four ground floor windows on the side (north elevation). Two of these were bay windows, which caused no harmful overlooking of neighbouring properties.

The other windows comprised two small windows from which part of the conservatory attached to No. 19 could be seen. However, views were limited by the narrowness of these windows and the close proximity of an intervening tall boundary fence.

The Inspector considered that those using these rooms would not be inclined to stand and gaze toward the neighbouring conservatory and even if they did so, the degree of overlooking would not justify inserting obscured glass. He also noted that blinds in the conservatory further assisted in maintaining privacy.

The Inspector concluded that Condition No.01 was not necessary for maintaining the privacy/amenity of the occupiers of No.19

The appeal was allowed.

**(h) Installation of a telecommunications base station incorporating a 15 m high slimline monopole incorporating 3 No. antennas with equipment cabinets adjacent to the monopole at ground level on land adjacent to The Kings Centre, Blackdown Trading Estate, Scotts Lane, Wellington (43/2007/017TEN)**

The main issue was the effect on the character and appearance of the street scene and whether any harm was outweighed by the need and a lack of less harmful alternative sites.

The mast would be sited in the heart of the small Blackdown Business Park. The whole mast with the cabinets at its base would be visible within the immediate vicinity and from some nearby houses, on higher ground to the south east. It would also be a prominent feature of the street scene, significantly higher than the trees on the verges, which were less than half its height, and the street light columns.

However, the large scale and fairly simple utilitarian appearance of the older trading estate buildings in the vicinity provided a setting far more appropriate to the scale and appearance of the mast than the surrounding residential areas. The slimline design with a shroud surrounding the antennas would also help to reduce its impact on the street scene. The upper mast would be seen from houses in the wider surrounding area, but again in the context of commercial buildings.

Although strong concerns about the possible health risks arising from the development had been expressed by local residents, the application was accompanied by an ICNIRP Certificate indicating that the proposed equipment would be in full compliance with the limitation of exposure to electro magnetic fields.

The proposed monopole would be seen from residential properties around the edge of the estate, but it would not be so dominant as to be a constant reminder of its presence.

The Inspector concluded that the mast would result in some harm to the character and appearance of the street scene, but this would not be excessive and was outweighed by the need for the facility and the lack of any satisfactory alternative.

The appeal was allowed.

**(i) Appeal against Enforcement Notice - the erection of a 15 metre high telecommunications mast not in accordance with details submitted for a slim line monopole at Shoreditch Road, Taunton.**

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members at Appendix A.

The appeal succeeded in part and the enforcement notice was upheld as corrected and varied in the terms set out in the Formal Decision. No award of costs was made.