

43/2004/040

MR P ST CLAIR MASON

**ERECTION OF DWELLING ADJACENT TO 2 THE WATERPATH, WESTFORD, WELLINGTON.**

12268/20481

FULL PERMISSION

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**PROPOSAL**

The proposal provides for the demolition of an existing outbuilding at the property and the erection of a 4 bedroom dwelling with integral garage to the front. The site is part of the garden area to the existing dwelling and is accessed via the existing access serving No. 2 Waterpath, which is from Orchard Close and across the Westford Stream. First floor windows on the south elevation serve a bathroom, landing and bedroom. Planning permission was granted by Committee at its meeting on 9th July, 2003 for a similar proposal. The current proposal differs from the previous scheme in that the front face of the proposed dwelling is set slightly further back and there is a double garage proposed between the proposed dwelling and the stream, on the front of the proposed dwelling. The proposed materials are to be brick walls with a tiled roof.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the site lies within the settlement limit for Rockwell Green/Westford and is accessed from a section of unclassified highway. There is no objection in principle to the development, but am concerned at the lack of visibility where the site access lane meets Orchard Close. The access lane is approximately 3 m in width and 35 m in length. Over this there is no room to pass two vehicles, and the lane has boundary fences to both sides. Visibility at the point of access is sub-standard and there is no pedestrian visibility available behind the footway. This is unlikely to be improved given that the land needed is outside the control of the applicant. Given the quiet nature of Orchard Close, and the limited use that the access will see, it may be unreasonable to raise a highway objection to the proposal. COUNTY ARCHAEOLOGIST limited or no archaeological implications, therefore no objections on archaeological grounds. ENVIRONMENT AGENCY no objection, but wishes to make the following comments. The proposed development lies within an indicative flood risk area. However, following previous discussions regarding this site, the Agency removed its objection, as the Council's Drainage Officer confirmed that he felt the site was at little or no risk from flooding up to and including the 1:100 year (1% probability) event. The Agency therefore accepts this engineering judgement, but as a precautionary measure requests that the following informatives and recommendations be included in the decision notice. Finished floor levels should be raised 600mm above existing ground levels. Built development should be set back a minimum of 8 metres from the watercourse bank top, in order to facilitate potential future maintenance / flood defence improvements to the watercourse. The surface water soakaways should be constructed in accordance with BRE Digest 365 dated September 1991 or CIRIA Report 156 'Infiltration Drainage, Manual of Good Practice'. WESSEX WATER the development is located within a foul sewered area. It will be necessary for the developer to agree a

point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. With respect to water supply, there are water mains within the vicinity of the proposal and connection can be agreed at the design stage.

RIGHTS OF WAY OFFICER the footpath will not be affected but the strength of the bridge must be determined. DRAINAGE OFFICER no observations to make.

TOWN COUNCIL opposed because it will cause overlooking and loss of privacy for neighbours and will worsen the already difficult traffic problems in Westford.

ONE LETTER OF OBJECTION application similar to that submitted in 2003 with no attempt to change the plans to take note of previous objections; the plans show a building directly overlooking from a position higher than nearby properties; a previous permission in 1993 was for a single storey dwelling with no windows allowed on the southern elevations to safeguard the privacy and amenities of the occupiers of adjacent properties; current proposal has many windows on the southern elevation and as such would be even more invasive; the elevation of the proposed dwelling will encroach on the Waterpath and will be intrusive when viewed from Orchard Close; greatly increased vehicular traffic in the narrow entrance to the site with consequential disturbance; occupiers of 3 other properties asked to be associated with views expressed.

## **POLICY CONTEXT**

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy STR5 of the same plan states that development in rural centres and villages should be such as will sustain and enhance their role and will be commensurate with their size and accessibility, and appropriate to their character and physical identity. Policy

WD/HO/3 of the West Deane Local Plan states that within the identified limits of settlements the development of new housing will normally be permitted provided that certain criteria are met.

Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. One of these criteria is that existing and proposed dwellings will enjoy adequate privacy and sunlight. It is considered that this criterion is met with the current proposal.

## **ASSESSMENT**

The site is within the settlement limits where the principle of residential development is acceptable. Permission for a similar proposal was granted last year. The first floor windows on the southern elevation of the proposed dwelling will serve a bathroom, landing and bedroom. The distance from the latter window to the boundary of the

nearest property in Orchard Close would be approximately 15 m. The distance to the nearest window would be approximately 22.5 m. These distances are within normally accepted standards and are slightly more generous than those for the proposal granted last year. The County Highway Authority does not raise any in principle objection to the proposal.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of materials, landscaping, retention/protection of trees, no trenches beneath canopies of trees, no felling/lopping, boundary treatment, parking and meter boxes. Notes regarding compliance, disabled access, energy/water conservation, meter boxes, CDM Regulations, bats/owls, soakaways to be constructed in accordance with BRD365, contact Wessex Water, finished floor levels should be raised 600 mm above existing ground levels. Built development should be set back a minimum of 8 m from the watercourse bank top, in order to facilitate potential future maintenance/flood defence improvements to the watercourse.

REASON(S) FOR RECOMMENDATION:- The site is within the settlement limits and the proposed dwelling is not considered to have any adverse material impact on neighbouring properties or the street scene and is therefore in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.

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

**CONTACT OFFICER: 356461 MR J HAMER**

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