

05/15/0035

MRS E VINING

CHANGE OF USE OF LAND FROM AMENITY TO DOMESTIC AND REPOSITIONING OF BOUNDARY WALL AT 15 WATERFIELD CLOSE, BISHOPS HULL

Location: 15 WATERFIELD CLOSE, BISHOPS HULL, TAUNTON, TA1 5HB

Grid Reference: 320616.124353

Full Planning Permission

Recommendation

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:

(A4) DrNo P.01 Site Location Plan
(A3) DrNo P.03 Rev A Site plan As Proposed
(A3) DrNo P.05 Elevations As Proposed

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class E of the 2015 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 proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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 and has imposed planning conditions to enable the grant of planning permission.

Proposal

15 Waterfield Close is a semi-detached property, set back from the road to the rear of the attached dwelling. A pedestrian path passes to the west and north, with a 1.8 – 1.9 metre high staggered boundary wall, forming the garden boundary set back between 4.8 metres and 7.4 metres from the northern path. This leaves an open grassed area between the garden wall and path.

This application seeks planning permission to change the use of the land from amenity to domestic and reposition the boundary wall. The new wall would be of the same appearance and height and would be set back 2.0 metres from the path to the north.

This application comes before committee as the applicant is a member of staff.

Consultation Responses

BISHOPS HULL PARISH COUNCIL – Supports.

DIVERSIONS ORDER OFFICER - Mr Edwards – No comments received.

Representations Received

One letter received from the occupier of 1 Jarmyns objecting on the grounds of:

- Giving away land designated for public amenity
- Would set precedent for others to do the same

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,

Local finance considerations

None.

Determining issues and considerations

It is acknowledged that the area currently has an open feel, with the boundary wall being set back over 4 metres from the path. The proposed boundary wall would be of the same materials and height as the existing wall, but would be brought closer to the path. It is however important to note that it would not abut the path, being set back 2 metres from it. A sense of openness would therefore be retained and the fence is not deemed to dominate the path.

It is accepted that the proposal would change the feel of the area, however, the repositioned wall is not considered to cause an unacceptable level of harm to the appearance of the surrounding area that would warrant a refusal. In addition, to retain control over any structures on this element of land, it is recommended that permitted development rights are removed. The repositioned wall lies a sufficient distance from neighbouring properties to avoid any harm upon their residential amenities. In addition, it would not cause any adverse impact to highway safety.

A concern is raised that this would set a precedent for others to do the same. Every application is assessed on its own merits. If further applications are received for a similar nature of development, these would be assessed against the relevant planning criteria at that time. In addition a concern is raised that the applicant is claiming public space as their own. The agent has however signed to say that all the land to which the application relates is within the applicant's ownership.

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

Contact Officer: Sue Keal