

48/13/0040

MRS J BREEZE

ERECTION OF DWELLING AT 49 GREENWAY, MONKTON HEATHFIELD

Grid Reference: 325373.127191

Full Planning Permission

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:

- (A3) DrNo PL-1 Location Plan
- (A3) DrNo PL-2 Site Plan
- (A3) DrNo PL-3 Block and Roof Plan
- (A3) DrNo PL-4 Proposed Floor Plan
- (A3) DrNo PL-5 Proposed Elevations
- (A3) DrNo PL-6 Proposed Garage and Store
- (A3) DrNo PL-7 Indicative Site Sections

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

3.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow

shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

4. The area allocated for parking and turning on the submitted plan, drawing number 2026-PL-3, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that an appropriate level of parking.

5. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 2026-PL-3, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety.

6. At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan Drawing No. 2026-PL-2. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: To preserve sight lines in the interests of highway safety.

7. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation of the dwelling hereby permitted and thereafter maintained at all times.

Reason: In the interests of highway safety.

8. The development hereby permitted shall not be commenced until details of a strategy to safeguard protected **species** has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of **Country Contracts** submitted report, dated **May 2013** and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for **wildlife** shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new **bat boxes** and related accesses **have** been fully implemented

Reason: To protect and accommodate wildlife.

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order) (with or without modification), no additional window/dormer windows/rooflights shall be installed in the **northern, eastern or southern** elevations or the roofspace of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions or loft conversions/extension shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does have an adverse impact on the adjoining properties.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the living room side window and first floor ensuite windows to be installed in the **northern and southern** elevations of the dwelling shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed or as a means of escape). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings.

12. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance.

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.
2. 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.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process.

3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Wessex Water advises:
Water Supply and Waste Connections
New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul sewer system.

PROPOSAL

The proposal is to erect a detached dwelling with garage and new access drive to the rear of No 49 Greenway. The access to the new dwelling will be to the south of no 49, with the original drive and a turning area for the original property (to the north). The proposed dwelling would be single storey, rendered with two bedrooms and ensuites in the concrete tiled roof. There is a distance of approx. 22m between no 49 and the proposal.

Due to the angle of the property at no 47, its rear elevation partially overlooks the rear garden of No 49. The distance from the rear of no 47 to the front of the proposed dwelling is approx 24m. The rooms that no 47 would face would be a hall, study and utility, with a small secondary downstairs bedroom window under a porch. The main windows of the proposed dwelling would face west.

A Protected Species Survey has been submitted which found no evidence of bats roosting on the site, but that bats may forage and commute over the mature trees towards the western boundary.

SITE DESCRIPTION AND HISTORY

The site is the existing rear garden of no 49. There were a number of trees in the garden including two copper beeches and a poplar, but these were felled prior to the application. The front boundary is marked by a hedge. A drive and garage are located on the northern side of no 49. The whole site measures approx. 19.4m (at the application site boundary) by 64.5m. The application site measures approx 19.4m (in width) by 24m (in length). The site slopes up from 31.41m at the front hedge to 32.63 to rear of the proposed dwelling and 32.50m just in front of it. There is no relevant planning history.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL - The access to the proposed property is extremely narrow, and indeed may preclude certain types of car from passing down the drive between the walls of the two existing properties. Such a situation will increase the likelihood of on street parking, which has to be rejected as the access is situated on a very dangerous bend on Greenway, along which vehicles travel very quickly. The closeness of the walls to this entrance drive will reduce visibility for egress, as they are the walls of houses number 47 and 49, and therefore the height of those bungalows. The application is NOT for a single storey dwelling (see likely issues), but for a chalet style house with dormer windows to the rear and windows on the upper storey in the gable ends. The proposed property will be able to look into the neighbours houses and gardens, and thus their right to privacy and family life is jeopardised; the more so because the neighbours on each side of no 49 use the full length of their gardens for leisure and recreation, and the upper floor of the

proposed chalet bungalow will overlook these activities. Use is made of the full extent of the adjacent gardens to this application site because the area is richly populated with bats and other creatures, and the property owners have summer houses etc at the ends of their gardens from where they can watch the bats flying across the fields to their gardens, as the sun goes down and the light fades. This application would have a detrimental effect on the bats' flying and hunting patterns as the light emanating from the windows of the proposed house (most particularly the dormers) could not be directed and screened in such a way that the bats would not be affected. Whilst there are no TPOs on the trees in the garden, it is regrettable that three mature and apparently healthy copper beech trees were felled immediately before the application was registered at TDBC, so the application is already having a detrimental effect on the local environment. The bat activity is significant and has been monitored, reported on and measures put in place to accommodate it in the proposals for the development site on land to the west of Greenway (see Core Strategy) which lies at the end of the gardens in this part of Greenway. Quoting the several examples of bungalows set behind others (see likely issues) is not applicable, as those examples are further up Greenway where the space between the bungalows is wider and therefore the 'behind' properties have wider access drives between the road fronting properties, the 'behind' bungalows do not overlook the neighbours as the gardens are of various different lengths and generally the bungalows are set much closer behind the roadside dwelling – not at the end of the garden - and the bungalows quoted as examples are all genuinely single storey without development in the roof. This application has to place the proposed dwelling at the end of the garden of number 49 to enable it to fit the site, so it is at odds with the examples quoted. In short, this application represents an inappropriate use of a residential garden (see NPPF para 53).

SCC - TRANSPORT DEVELOPMENT GROUP - - The proposed development is situated in within development limits therefore the principle of development is acceptable in this location.

The proposal is located to the rear of No. 49 Greenway, to which vehicular access is proposed off of Greenway a classified unnumbered highway to which a 30mph speed limit applies past the site frontage.

In detail the application seeks to erect a residential property. Having carried out a site visit and studied the submitted information, the scheme will see the formation of a new vehicle access for the proposed property. It is considered that the width, location of the access and the provision of vehicular visibility shown on Drawing No. 2026-PL-2 is acceptable.

Referring to TRICS (Trip Rate Information Computer System) the estimated vehicle movements for a single residential unit is approximately 6-8 movements per day. It is noted that there will be increase in vehicle movements along Greenway, however, the Highway Authority consider that the surrounding highway network can accommodate the traffic levels that are likely to be generated by the development.

Commenting further on the scheme, West Monkton is identified as a 'Zone B' for parking provision therefore the Somerset County Council – Parking Strategy (adopted March 2012) states the following requirement for Zone B parking provision:- 3 bedroom – 2.5 car spaces. It is considered that the submitted block

plan Drawing No. 2026-PL-3 details provision of parking inline with the Somerset County Council – Parking Strategy and provided by sufficient vehicle turning.

Furthermore, as part of the Somerset County Council – Parking Strategy, new residential dwellings are required to provide cycle parking provision to promote sustainable modes of transport, based on one space per bedroom (therefore three). I am satisfied that the development is capable of providing the appropriate level of cycle parking provision on site.

As a result, the Highway Authority raises no objection to this proposal subject to conditions.

WESSEX WATER - Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

LANDSCAPE - subject to suitable landscaping, I recommend some larger growing trees at the end of the garden such as Birch and decorative apple - along the rear boundary and some similar species tree planting along the southern boundary, the proposals are acceptable.

BIODIVERSITY - the development area is largely maintained lawn with trees and shrubs. On the western boundary are three large trees; the survey was carried out in May 2013. The surveyor found no signs of bats in any of the surveyed trees or structures on site. However it is likely that bats forage and commute over the mature trees on the western boundary of the site. Reptiles – no significant habitat to support reptiles, but for the established compost heap at the SW corner of the site. Birds, the vegetation on site provides nesting potential for bird species. Any removal of vegetation should be timed to avoid the bird nesting season. I support the suggestion to provide nesting boxes for birds. Hedgehogs, during the course of the survey evidence of hedgehog was noted.

PLANNING POLICY - no response.

DRAINAGE ENGINEER - I have no knowledge of flooding here. Property has stated that it will drain to soakaways, therefore standard soakaway note required.

Representations

Ward Councillor (Cllr Mrs Umi Palmer):

- The character of the area is of 1960s bungalows, this would be a change in that character;
- It would compromise the privacy of the adjacent properties particularly no 47

Greenway;

- The plot is on land that rises and is close to the top of a ridge and as a result the building would be clearly visible from Hestercombe House Grade I Listed Building;
- A similar development at no 63 to the north is single storey yet remains highly visible;
- The access route is very narrow. Apart from the disturbance to neighbours with 2/3 cars using the drive, there is a risk that emergency services could not access the property;
- The access is located on a road junction and a stretch of road notorious for speeding and as a rat-run;
- Questions on the viability of the project;
- Due to the nature of the soil and the gradient, surface water flow could reasonable be a problem to the adjacent properties to the west;
- A smaller building of single storey, 2 bedrooms with less visibility from the west might be more appropriate.

4 identical letters stating that the proposal is not a development in keeping with the area and will undermine the character, environment and nature of this road and residency. If allowed it could set a precedent for further developments to be granted.

5 other letters of OBJECTION (including 2 from adjoining neighbour) received which raise the following issues

Amenity/Character

- Overdevelopment of site;
- Too dense;
- Previous developments in Greenway have been 2 bed single storey bungalows;
- Will be able to see the proposed new dwelling from property;
- Out of character;
- Peaceful rear gardens will be lost;
- Dormer windows in the first floor result in the proposal being too high;
- The garden slants so the proposal is nearly behind no 47 as 49;
- Previous backland proposals have all been single storey;
- Previous developments had more space or were for specific family members;
- Adjoining property has purchased land to the rear to reduce the impact of any development in the area and to avoid being on an estate;
- The garden is extensively used throughout the year;
- There is a large extension to rear of no 47 which is not clearly shown;
- The dwellings in Greenway were built in various sizes to allow for different sizes of family, not for additional buildings in gardens;
- Blot on the landscape;
- Visual impact;
- Overshadowing;
- Oppressive and intrusive building in neighbouring garden;
- Rooflights will allow vision out and loss of privacy;
- Noise during construction;
- The application site is at a higher level than the adjacent dwellings, therefore there will be overlooking into garden and property;

Traffic/parking

- Inadequate parking space which will lead to on street parking on a dangerous

bend;

- There has been a significant increase in traffic in the area in the last 20 years and on street parking will increase danger of accidents;
- Greenway often used as a short-cut to Hestercombe or to bypass traffic;
- Drivers frequently speed along this road;
- Visibility splay shows adjacent hedge being cut back – this will not be authorised;
- There is a business in the area, where the employees attend to collect their jobs, and they park along Greenway;
- Numerous schoolchildren, dog walkers and families with young children walk along Greenway daily;
- The drive is in an unsocial location, adjacent to neighbour not applicant;

Wildlife/trees

- Loss of wildlife;
- Loss of 10m high copper beeches is deplorable, and has already led to a loss of wildlife;
- Light pollution will affect bats;

Other

- Financial gain of applicant who is moving from the area;
- There is already a large housing development in the area;
- Water run off is a problem in this area, at times of heavy rainfall, water flows through the garden of no 51 out onto Greenway;
- Concern about damage to foundations;
- General disruption and stress;
- The proposal should be refused;
- consider that the plans are inaccurate and there is a lack of detail;

PLANNING POLICIES

NPPF - National Planning Policy Framework,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,
CP4 - TD CORE STRATEGY - HOUSING,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1,079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
Somerset County Council (Upper Tier Authority)	£1,619

DETERMINING ISSUES AND CONSIDERATIONS

The site is within settlement limits of Monkton Heathfield. The area to the west is in the Taunton Deane Core Strategy is shown as an area for development as part of Monkton Heathfield urban extension. The principle of considering a residential scheme is accepted as the site is within settlement limits.

The area may have originally been built in a particular style with particular sizes of dwelling, but over time many extensions have been built and the character has changed already. Some new dwellings have been built in rear gardens in Greenway. At the time there was objection to these, but they have become part of the established buildings. If there is sufficient space for 'backland' development without detriment to the amenities of occupiers, these have been approved in the area and in the borough as a whole. The fact that the building may be seen from Hestercombe, around 2km away, or any other location is not a reason for refusal.

The area is of sufficient size to take a three bedroomed property (one bed on the ground floor). There are two bedrooms within the roofspace with moderate sized dormers. It is not considered that the resulting building is too high or out of character with the area. The proposal will not overshadow or overpower the dwellings on either side, given the relative positions of the dwellings, their outbuildings and garage. Whilst the site is at a slightly higher level than the original dwelling, this difference is not considered so significant as result in such loss of amenity to warrant refusal.

There will be some effect on the amenities of the adjacent property's gardens in terms of vehicle movements alongside those gardens. This is a common issue for backland or tandem type development where there is no separate rear access. A judgement needs to be made as to whether this would result in a significant loss of residential amenity. However this is not considered to be unacceptable in an built up area and there are examples of similar development at the northern end of Greenway

The proposed new property does not have any upper floor habitable room windows looking into existing properties or their gardens. The proposed property has main windows facing west into what will be new residential development in due course. Given to distances between the existing and proposed properties of over 19m, whilst there may be perceived overlooking, however the distances meet the Local Planning Authority's usual standards. It is not considered that there will be overlooking from an obscured rooflight in the northernmost roof slope serving an ensuite bathroom or the obscure glazed southern gable window. Therefore it is not considered that there will be any overlooking or loss of privacy from windows. There may be issues in the future when new dwellings are sited to the west.

The removal of well growing, decent healthy trees is regretted, but as these were in a back garden and not subject to TPO they could have been felled at any time. Replacements will be sought, although it will be many years before these will reach the height of removed trees. The wildlife survey found no bat roosting sites, but given the significant bat roost at Hestercombe, bats are likely to forage in the area. There is also evidence of a hedgehog. A suitably worded condition is suggested.

The County Highway Authority has considered the proposal and finds it acceptable, subject to conditions. Cycle racks are shown in the garage and there is sufficient turning/parking area. Access for emergency vehicles is not considered to be an issue.

The payment of New Homes Bonus is a material consideration in the determination of this application, however officers consider that it should be attributed limited weight in this case. Several of the other concerns which have been raised which are private matters between residents or are not planning issues.

It is not considered that the proposal is overdevelopment or that there will be an unacceptable loss of privacy. There will be some disturbance as a result of the proposal to the adjacent rear gardens, and some residents' outlook will be altered. Construction periods will result in some noise and disturbance to residents. However given similar schemes have been accepted, that the land to the rear will be developed in due course, the proposed siting and design is considered to be acceptable.

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

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