

38/2005/352

MR MICHAEL JAMES MCCARTAN

**ERECTION OF 1 NO. DWELLING TO REAR OF 191 AND 193 STAPLEGROVE ROAD, TAUNTON, AS AMENDED BY APPLICANT'S LETTER RECEIVED 21ST OCTOBER 2005.**

21593/25824

OUTLINE APPLICATION

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**PROPOSAL**

The proposal is for the subdivision of the rear domestic curtilage of 191/193 Staplegrove Road to provide a building plot for a pair of semi-detached dwellings. The plot measures 20 m x 10 m and would leave the existing dwellings with an 18 m - 20 m garden. The applicant also proposes a pedestrian access to the north of the plot to access 193 Staplegrove Road. Vehicular access would be off Dowell Close, to the west through an existing parking courtyard. This application was reported to the committee on 2nd November, 2005 where the Planning Committee passed a resolution to grant planning permission if no new letters were received by 17th November raising new issues. 1 additional letter of objection has been received and the application is returned for you to consider those objections.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY AUTHORITY no objection subject to conditions for parking and pedestrian access.

12 LETTERS OF OBJECTION have been received raising the following issues:- the proposed development will increase congestion to neighbouring access where there are already too many parked cars; the building delivery and work will block access to neighbouring properties; the site can only accommodate 2 cars and this would be inadequate for 2 dwellings leaving any overspill to add to the existing parking problem in the area and may lead to accidents; the proposed development would be out of keeping with the traditional Edwardian layout and character of the area; the proposal will result in the loss of a rear access to properties in Staplegrove Road increasing roadside parking; extra vehicles parking in Dowell Close would restrict emergency vehicles; building in the rear gardens would compromise the integrity of the Edwardian houses and gardens; any windows would be bound to overlook neighbours; houses would shade adjacent gardens; the proposal would result in a loss of trees and shrubs affecting the wildlife of the area; the proposal, if permitted, would create a precedent for similar development contrary to the character of the area; the red access shown on the site plan is misleading, as the area is used by various cars who will be more likely to block the existing accesses; vehicle sight lines to The Orchards are "blind" and access to the application site will be a highway danger; there has been no change in circumstance since the 2004 appeal dismissal on highway grounds, insufficient notice of the amendment to one dwelling and the date of the committee's consideration; there is a legal dispute over the ownership of the land adjacent to 195 Staplegrove Road; removing one or two on site parking spaces from the rear of Staplegrove Road will

increase highway danger and cause additional congestion in the area increasing fumes, noise, road safety and access problems contrary to the requirements of policy S1(A); new owners of 191 were misled when purchasing their property; the proposal will be contrary to policy S1 (D) as it would be out of keeping with the Edwardian houses with good garden spaces for wildlife in Staplegrove Road; S1(H) there is concern that the provision of utility services, especially sewage, will be a problem; H2(G) there is insufficient consideration of privacy and light to the existing houses; there is no shortage of this type of house in the property market and the character of the area does not need to be eroded to provide housing stock; approval will create a precedent for additional development of the rear gardens of Staplegrove Road; development will reduce the value of adjacent properties .

There have been no previous applications on this site. The application referred to in the letter of objection was a proposal for a dwelling to the rear of 199 Staplegrove Road and this will be discussed in the Assessment.

1 ADDITIONAL LETTER received on 17th November 2005 raising the following issues:- one of the Councillors on the Committee had a personal and prejudicial interest in the application that was not disclosed; the wrong certificate of ownership A was submitted with the application; in comparing this proposal to the recent refusal at the rear of 199 Staplegrove Road (30 m from the application site) it is considered that insufficient consideration was given to policies H1 and S2 of the local plan namely that the proposal was in a back-land position, will result in first floor windows in close proximity to the existing dwelling, loss of vehicular access and off street parking; the proposal does not reinforce the local character and distinctiveness of the site or street scene.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 (Transport Requirements For New Development).

Taunton Deane Local Plan the following policies are considered especially relevant:- S1 (General Requirements), H2 (Housing Within Classified Settlements), and M4 (Residential Parking Requirements).

## **ASSESSMENT**

This is an outline application with all matters reserved. Due to concerns over the density of the development, taking into account the requirement for car parking, the applicant has amended the proposal to the erection of 1 dwelling. The proposed site (20 m x 10 m) is considered to be of sufficient size to accommodate a dwelling without causing undue harm to the amenity of neighbouring properties. The parking for 191 Staplegrove Road has already been removed with the recent sale of the property. This proposal would provide adequate parking for the existing dwelling and the proposed dwelling as required by Taunton Deane Local Plan policy M4 (not more than 1.5 spaces per dwelling). The Highway Authority raises no objection to the proposal. This is different

than the proposal at 199 Staplegrove Road, which only offered parking for the proposed dwelling and not for the existing, and the Highway Authority objected to the increased use of the access onto Staplegrove Road. The site lies to the rear of the properties fronting Staplegrove Road and would be viewed against the Dowell Close development and the car-parking courtyard to the south. I do not consider that this proposal would have an immediate and negative impact on the character of the Staplegrove Road properties. Indeed Dowell Close, 201 Staplegrove Road and the two new properties to the south of 210 Staplegrove Road have already altered the character of the immediate area creating a different environment of its own.

In October 2004 a planning application was refused for a single storey dwelling to the rear of 209 Staplegrove Road due to over-development of the site, detrimental to the amenity of adjacent properties out of keeping with the character of the area, inadequate visibility and increased use of the existing access contrary to highway safety. The applicant then appealed this refusal. While the appeal was being considered a full application for a dwelling to the rear of 199 Staplegrove Road was submitted and refused due to its back land position, overlooking, loss of vehicular access and parking to 199 Staplegrove Road and development out of keeping with the character of the area. In these decisions it was considered that subdivision of the rear gardens for dwellings would be contrary to the character of the area. Subsequently the appeal was dismissed for the site to the rear of 209 Staplegrove Road on highway grounds only. The impact on the character of the area was considered at the appeal and the inspector described the character of the area as "a pleasant residential area with a variety of dwelling types including bungalows, terraced, semi-detached and detached properties .... several built on back land plots." He concluded that the development of the site would not harm the character of the locality. Taking account of this decision I consider that it would not be reasonable to object to this application based on the back land/character of the area grounds. In addition I consider that this site is well related to the properties in Dowell Close and in that respect I do not consider that development of the site would be out of character with the properties along Staplegrove Road.

For infill developments, a general rule is to ensure that window-to-window distances of 20 m are maintained between main living room windows. In measuring the dimensions of the site I consider that a dwelling could be sited that would ensure that such distances were provided. In addition the size of the site would also allow a minimum 10 m from the rear of any dwelling to the boundary, again protecting the amenity of existing occupants. In the case of 199 Staplegrove Road the detailed proposal only allowed a 5 m rear garden, which would result in an unacceptable relationship between the two sites, with 2 first floor bedroom windows overlooking the rear garden of 199. The proposal for 199 Staplegrove Road offered parking for the new dwelling but none for the existing, materially different from the current proposal.

The applicant submitted three ownership certificates with the application. Certificate A states that all of the land belongs to the applicant. As the site included the access over the drive and parking courtyard the applicant subsequently filled out certificates D and Notice 2 (local newspaper). These are used when the applicant does not own the land and does not know all of the other owners. The latter certificates were correct. All certificates require 21 days notice before the submission of the application however I am advised by the Solicitor that provided there is a reasonable period between service

of the notice and the decision, case law has determined that the 21 day period is not essential. Proposal considered acceptable.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of - time limit, reserved matters, materials, walls and fences, car/cycle parking, pedestrian access to 193 Staplegrove Road, Foul and surface water drainage details. Notes re design in keeping with the area, design to avoid overlooking of neighbouring properties, disabled persons, and energy conservation, secure by design.

REASON(S) FOR RECOMMENDATION:- The proposed development lies within the limits of a classified settlement where the principle of development is considered acceptable and the proposal is considered to be in accordance with Taunton Deane Local Plan Policies S1 and H2.

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES: