

42/14/0061

MR S HARRIS

CHANGE OF USE OF COTTAGE ANNEXE TO SEPARATE UNIT OF ACCOMMODATION AT COMEYTROWE MANOR WEST, HIGHER COMEYTROWE, TAUNTON

Location: COMEYTROWE MANOR WEST, LIPE HILL LANE, COMEYTROWE, TAUNTON, TA4 1EF

Grid Reference: 320435.123365

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

Comeytrove Manor West has an extremely close relationship with the annex building, which is located only approximately 7.5 metres away. The use of the annex as a self-contained residential unit, by means of the close proximity, window positioning and requirement for amenity space, would result in mutual overlooking to the detriment of the privacy of the occupiers of both properties. Furthermore, the scheme does not include any private amenity space to serve the proposed dwelling. As such, the proposed scheme is considered to result in harm to the residential amenities of the main dwelling and future occupiers of the proposed dwelling. In addition, the requirement to provide a separate definition of curtilage with associated walling or fencing, by virtue of the use of the building as a separate residential unit, would detract from the setting of the main dwelling, which is a listed building. It is therefore contrary to Policies DM1(e) (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and Paragraphs 17, 129, 131 and 132 of the NPPF.

RECOMMENDED CONDITION(S) (if applicable)

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

PROPOSAL

Comeytrove Manor West is a roughcast render and slate three storey semi-detached property. It is accessed via Comeytrove Lane, sharing an access

with the Comeytrove Manor Industrial Estate, which abuts the property to the north and west. The dwelling is attached to Comeytrove Manor East and together the properties are Grade II Listed. Within the curtilage of Comeytrove Manor West, directly to the west, only approximately 7.5 metres away is a large two storey linear building, currently used as an annex to the main dwelling, known as Bakers Cottage.

It is important to note that the property has in the past been occupied as an independent dwelling, which was brought to the attention of the Planning Enforcement Department in early 2013. Following consideration of the independent use of the building, it was resolved by committee on 22 May 2013, to take action to cease the use of renting Baker's Cottage as a separate unit of accommodation due to the relationship between the two structures being a close one with overlooking of the private courtyard between the buildings. As such, the use of the annexe building as a separate dwelling was not considered appropriate due to the privacy and amenity issues that result from this closeness. It was also considered that, as a separate dwelling there would undoubtedly be a requirement to separately define the curtilage with associated fencing or walling, which would detract from the setting of the listed building.

An Enforcement Notice was subsequently served on 27 June 2013, requiring the occupation of the building as a separate unit of accommodation to be ceased within 6 months of that date that the notice takes effect. This was subsequently complied with.

This application now seeks planning permission to change the use of the annexe (Bakers Cottage) into a separate unit of accommodation. The annex has its own car parking directly to the north, although there is no separate area of amenity space. It is proposed to separate off an area to the bottom of the garden, to serve the residential unit, which would be accessed through the garden remaining to Comeytrove Manor West and allocate an existing woodshed, also within the main garden, to this unit.

During the processing of the application, clarification was sought regarding the proposals to separate the site. The agent confirmed that no physical boundary or fence is proposed between the Manor House and annex building. The separate area of garden is delineated by a planted border that would establish into a hedge.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TRULL PARISH COUNCIL - No comments

SCC - TRANSPORT DEVELOPMENT GROUP – “Refer to Standing Advice”.
Standing advice requires:

Parking

1) The parking provision for developments should be in accordance with the adopted SCC parking strategy (Appendix 11.6).

2) The requirements for parking space and garage dimensions are also contained within the adopted SCC parking strategy and should where possible be adhered to (Appendix 11.7).

HERITAGE - Given the intimate relationship between the two buildings, the use of what is cited on the submitted plan as “The Cottage” as an annex, was considered acceptable. In addition, as the annex was to function as ancillary accommodation to Comeytrove Manor West, no separate curtilage was required, whereas a separate residential unit would, as shown on the submitted plan.

The garden for the proposed dwelling is remote and hence not conducive to family occupation and is accessed via the garden to Comeytrove Manor West. Clearly the separate garden areas and indeed the separate areas of ownership between the two buildings themselves, will need to be delineated in some way. This is not mentioned in the application proposals or notated on the submitted plan but it is very likely that such would have a detrimental impact on the setting of the principal building, which has already been compromised by the subdivision of Comeytrove Manor into two dwellings.

Representations

CLLR EDWARDS – Supports – I cannot see any material harm to the building as a result of the proposals and whilst appreciating the position of the Heritage Lead, do not believe these proposals are of any significance and therefore should be approved.

Four letters of support received on the grounds of:

- Cottage has been occupied as separate dwelling in past without problems.
- Few people have such large families to require it for ancillary accommodation so only logical that it would be occupied by a separate family.
- Industrial Estate has been plagued by vandalism and theft, occupation of building considered to reduce this.
- Changes in future likely to impact on listed building to far greater extent than this.
- Query what will be done with property when no longer required for ancillary purposes.
- Taunton seems to be needed more housing. Large property to be used as an annex.
- If cottage taxed separately, would presumably result in increased total Council Tax.
- Old properties no longer meet present day needs, so presumption that such houses would need to be subdivided.
- Need to look to the future and avoid leaving difficulties for our loved ones.

PLANNING POLICIES

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

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 two storey outbuilding lies approximately 7.5m to the west of the former Manor House. It has been in use for a number of years in connection with the residential use of the main building as an annexe. The building faces out towards the adjacent industrial site and backs onto the courtyard area of Comeytrove West Manor. In the rear elevation facing the main dwelling are two windows at ground floor level, which serve the kitchen/dining room and the sitting room. These windows face towards a principle elevation of the main dwelling, which accommodates the entrance and various windows at ground floor and above. It also faces onto the courtyard area shared with the main house.

The agent has confirmed that it is not proposed to erect a boundary fence or wall between the two properties. Whilst the positioning of these windows and mutual overlooking of the occupiers within the same family would not raise a concern, such mutual overlooking from only approximately 7.5 metres away would prevent the occupiers of both properties from having an adequate level of privacy. It is therefore considered that the amenities of the occupiers of the main dwelling and the future occupiers of the subject building would be harmed. The annex building would appear to share the courtyard area to the rear with the main house, which would also be directly overlooked by it, resulting in a lack of privacy to this element of amenity space.

The scheme also shows an area to the bottom of the garden to be allocated for the proposed new dwelling, although there is no fence separating this site. It is noted that that it is proposed that the planting will grow up over time to provide a hedge, however this would take some time resulting in there being no private space available to the property in the meantime. In addition, the allocated garden to serve the proposed dwelling is remote from it, being accessed via a walkway through the garden to Comeytrove Manor West and, resulting in an awkward relationship with the property it serves.

The agent has confirmed that no fence/wall is proposed. However, if such a

boundary was proposed in an attempt to overcome the above concerns and to separately define the curtilage, this would raise concerns of a different nature. The relationship between the main house and annex building is extremely intimate and the continued use of the "cottage" as an ancillary building has been in harmony to date, without the need for any separation of curtilage or space. The installation of a boundary between the main dwelling and annex would detract from the important relationship between these two buildings, as well as result in harm to the setting of this important grade II listed building, to the detriment of its historic character. It is also important to note that the setting of the principal building has already been compromised to a certain extent by the subdivision of Comeytrove Manor into two dwellings. The level of increased harm as a result of such further works is however deemed to lead to a significant increased detrimental impact.

Whilst it is noted that the building is of a size that could be occupied as a self-contained dwelling, with adequate access and parking available, the scheme would result in mutual overlooking between the main dwelling and proposed residential unit and would not benefit from any private amenity space. As such, the scheme would therefore be contrary to the provisions of Paragraph 17 of the NPPF, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The receipt of the New Homes is noted, however, it is considered that this matter carries very limited weight in this case.

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

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