

49/2005/010

DR J L REES

**ERECTION OF DWELLING AND GARAGE WITH ALTERATIONS TO DRIVE, LAND AT HARTSWELL HOUSE, WIVELISCOMBE (RESUBMISSION OF 49/2004/022).**

08123/27296

OUTLINE APPLICATION

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**PROPOSAL**

The proposal comprises the outline erection of a dwelling on land to the east of Hartswell House, a Grade II Listed Building. All matters are reserved for future consideration other than improvement details to the existing access. The proposal is identical to the previous application 49/2004/022 that was refused at committee on 7th July, 2004. However an indicative illustration/photo montage has been submitted showing how the dwelling would fit within the site. An appeal against the earlier refusal is currently being held in abeyance.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection, subject to conditions relating to visibility. WESSEX WATER no objections subject to informative notes relating to surface water.

CONSERVATION OFFICER as per previous observations - The setting of Hartswell House has already been compromised by the dwelling Orchard House, to the east. This substantial dwelling, allowed in 1988, occupies a former orchard (as the name suggests) and is of contemporary design. Whilst the application site is well screened from public views and the approach drive, any dwelling here would be viewed in the immediate foreground of the approach to Hartswell House itself. In addition, the site forms part of the historic walled kitchen garden to the main house, the character of which would disappear if developed for a dwelling. Objection raised due to detrimental impact on setting of Hartswell House, a Grade II listed building.

PARISH COUNCIL support the application however it was felt that the proposed new dwelling does not compromise the facade, setting or frontage of Hartswell House. Given that there is already a new house along the driveway it was felt that this application was both understandable and reasonable.

**POLICY CONTEXT**

Policy 9 (listed buildings) of the Somerset and Exmoor National Park Joint Structure Plan Review.

Taunton Deane Local Plan Revised Deposit Policies S1 and S2, (safeguard visual and residential amenity), Policy H1 (housing), Policy M3a (access and parking standards), Policy EN17 (listed buildings).

## **ASSESSMENT**

The site is located within the defined settlement limits of Wiveliscombe and therefore there is a presumption in favour of development unless material considerations indicate otherwise. Any effect upon the setting of a Listed Building is an appropriate material consideration. The site is located in the garden of and east of Hartswell House, a Grade II listed building, the west boundary of which is 23 m from the rear of Hartswell House and the east boundary is located 17 m away from a modern dwelling known as Orchard House. The submitted illustration/photo montage shows how the a dwelling could fit within the site. However all matters have been reserved for future consideration. The illustration/photo montage is therefore for indicative purposes only.

The overall area of the existing garden to be assigned as residential curtilage for the new dwelling is 600 metres square. In planning terms it is considered that a dwelling could be comfortably accommodated on the site, affording an appropriate area of amenity/garden area for any future occupants.

Furthermore, it is considered that a dwelling could be accommodated on the site that would not cause a detrimental loss of amenity to the neighbouring properties, subject to positioning of windows. A dwelling on the site could be positioned so as not to form an overbearing relationship with the neighbouring properties.

The submission of the illustration/photo montage has not changed the previous objections from the Conservation Officer on the grounds that the setting of the listed building would be detrimentally affected and the proposal is therefore contrary to policy EN17 of the Taunton Deane Local Plan Revised Deposit. Policy EN17 states:- "Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted. The proposal has not altered from the previous refusal and therefore it would appear reasonable to maintain the objections to the proposal.

The improved highway access is considered acceptable to the Highway Authority.

## **RECOMMENDATION**

Permission be REFUSED for reason that the development of this site, as proposed would adversely affect the setting of the adjacent property which is a Grade II listed building by reason of its siting and as such is contrary to Taunton Deane Local Plan Policy EN17 (Revised Deposit numbering) and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

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

**CONTACT OFFICER: 356586 MR R UPTON**

NOTES: