

Taunton Deane Borough Council

Planning Committee 25.05.2016 – Urgent Item Miscellaneous Report

Application 42/16/0009

Erection of outbuilding in the garden of Amberd House West, Amberd Lane, Trull

Background

The above application has recently been determined under delegated authority. It has now come to your officers' attention that the matter should, actually, have been referred to the planning committee due to the level of objection received.

Whilst the decision has been made, it is now considered prudent to explore whether the Planning Committee would have reached the same decision in order to establish whether any injustice has been caused by this failure to follow procedure.

Matters for consideration

It is requested that members consider the officer's report attached and agree what decision they would have made had the application been before them in the normal manner.

In the event that members reach a contrary view, your officers will advise on what steps should be taken next and could result in the revocation of the planning permission.

The officer report should be considered in the same manner as if the planning committee was being asked to determine the application, i.e. in accordance with the relevant planning legislation, policy and guidance.

In addition to the matters raised in the attached report, a neighbouring resident has also asked that members consider the following detailed points:

- The applicant has made no reference to the stabling of horses, but it is believed that this is the intention for the building.
- The meaning of condition 4 needs to be clarified.
- The building may be a reasonable distance from Amberd House West, but is much closer to Amberd Lodge.
- The major change in design from the previous building appears to have been dismissed, along with the Parish Council's view that the design and appearance of the outbuilding is out of keeping with the surrounding buildings and character of the area.

You officers wish to confirm that condition 4 would allow horses to be stabled in the building, but not on a permanent basis, i.e. there would have to be times when horses were not stabled within the building. In addition, the building could not be used for any commercial equestrian (or other) enterprise and is only for the enjoyment of the residents of Amberd House West.

42/16/0009

MR CHRIS MERCER

Erection of outbuilding in the garden of Amberd House West, Amberd Lane, Trull

Location: AMBERD HOUSE WEST, AMBERD LANE, TRULL, TAUNTON, TA3
7AA

Grid Reference: 321953.121527

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 5472-01 Plans and Elevations.
(A3) DrNo P/102 Block Plan

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) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no additional windows or other openings shall be installed in the north elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

4. The development hereby approved shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Amberd House West and not used for permanent stabling of horses.

Reason: For the avoidance of doubt and to ensure that the shed is used for domestic purposes and to protect the amenity of neighbouring residents

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 granted planning permission.

Proposal

Permission is sought for the erection of an 11.6m x 4m x 2.8m timber clad outbuilding.

Site Description

This is the site of a dwelling with the majority of the site to the front and with a long sweeping shared access/drive. There is off road parking and turning. There is a cluster of dwellings nearby that share the access/drive these dwellings while being a reasonable distance away from the dwelling in question, all share boundaries with the site.

Relevant Planning History

Planning application number 42/15/0021 was withdrawn on the 23rd June 2015, an application was then approved, 42/15/0037. This application seeks amendments to this approval.

Consultation Responses

TRULL PARISH COUNCIL - Objects to the application on the basis of overlooking and loss of privacy due to the windows at the rear of the building.

Representations Received

5 letters of objections (comments summarised)

- appearance of agricultural building that harms the garden setting and neighbouring properties
- higher than the hedge and dominate the outlook from Amberd Lodge.
- no other type of building like this in the vicinity
- inappropriate for the setting and proximity to listed garden wall
- 3 windows on the rear directly overlooks Amberd Lodge
- If stabling horses could result in smells and noise
- Stable block unsuitable for a residential area

- occupy the view from Amberd Lodge
- glare from the roof.

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,
H17 - TDBCLP - Extensions to Dwellings,

Local finance considerations

Not applicable.

Determining issues and considerations

The main issues to be considered are the impact on the appearance of the building and the amenity of the neighbouring properties.

This application is for the erection of a single storey out building to the front.

The footprint of the proposed out building has been reduced from the earlier approved application, however this application seeks for a change in materials.

Comments received from neighbours state that there may be glare from the roof, however it would appear that this type of covering would have the same effect as a slate roof. Whilst several comments have been received about the building being out of character, or that it would occupy the view, the principle of a larger building has previously been approved in this location, therefore this amended scheme is considered acceptable. The windows on the rear elevation are fitted with vertical grill bars and are therefore unlikely to cause significant harm to overlooking. Concerns have been raised with regard to the building being used for stabling horses, therefore a condition has been included to prevent the stabling of horses on a permanent basis.

There would be no adverse impact on the street scene as the proposed building would not be visible from the road due to other dwellings and mature planting.

It is therefore recommend that planning permission be granted.

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

Contact Officer: Briony Waterman