

Application No:	3/21/18/078
Parish	Minehead
Application Type	Variation of conditions
Case Officer:	Sue Keal
Grid Ref	Easting: 296569 Northing: 146749
Applicant	Mr J Freeman
Proposal	Variation of Condition No. 02 (approved plans) of application 3/21/15/026
Location	Pemswell Lodge, Pemswell Road, Minehead, TA24 5RS
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council

Recommendation

Recommended decision: Refuse

Reasons for refusal:

In the opinion of the Local Planning Authority the proposed raising of the roof line and the addition of a single dormer on the principle elevation instead of previously approved rooflights will have adverse impacts on nearby residential amenity due to loss of privacy of the rear gardens due to the site constrained location. The amendment to raise the roof and add a dormer will adversely affect the character of the designated Higher Town Conservation Area due to the increase scale and massing of the structure and affect the visual contribution this new building makes to the setting and open space of this important part of Minehead. The proposal is therefore not in accordance with retained policy BD/3 of the West Somerset District Local Plan (2006), NH1, NH2 and NH13 of the West Somerset Local Plan to 2032.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority.

The proposal was considered to be unacceptable in principle because it was contrary to [the strategic policies within the Development Plan / policies within the National Planning Policy Framework] and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw the application.

The application was considered not to represent sustainable development [and the development would not improve the economic, social or environmental conditions of the area].

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

Proposal

The proposal is for the variation of Condition 2 (approved plans) of application 3/21/15/026 which is for the erection of a detached two bedroom dwelling house within the curtilage of Pemswell Lodge. The dwelling is currently under construction.

This variation includes the following amendments;

- To make minor alterations to the internal layout to include; altering the stair arrangement in the main hallway, removal of formerly proposed lobby area into the main hallway, ground floor, first floor smaller landing area, cupboard show in bed 1 (main bed) instead of built-in wardrobe, reduction in size of bathroom to give slightly increased bed 2.
- External appearance of dwelling including increasing the amount of cladding on the north and west elevations with timber cladding rather than marley ceedral cladding.
- External alterations include raising the ridge line of the lower roof by 1m and adding a single dormer window to the south elevation to replace the previously approved set of 6 rooflights.
- Southern elevation previously approved entrance door only, now proposed to have full length glazed windows either side of 1 entrance door
- Northern elevation, previously approved ground floor, 1 single door + 2 pane window, now the door is proposed as a 2 pane window and other window has been removed.
- Eastern elevation, First floor window not shown as obscure as previously. Change of style of windows only.
- Western elevation now shows side wall/roof raised and roof extends past front

elevation.

The original proposal included the erection of a detached 2 bedroom dwelling house within the garden of Pemswell Lodge. The dwelling was proposed to be set over 2 levels and be constructed in white render and Marley Cedral weatherboarding coloured grey, a Brazilian slate roof and have upvc fenestration with four rooflights on the front principle elevation facing the rear of Orchard Cottages nearby.

Site Description

The site is located to the north of Minehead town centre and accessed off Pemswell Road by car and a pedestrian access via the un-adopted road (Pemswell Lane). The main dwelling house, Pemswell Lodge is a detached property sited to the north of the site adjacent to the road with a 0.18 ha garden that falls steeply away to the south and west. The curtilage is heavily planted with maintained lawn, trees and domestic planting to all boundaries.

The area is dominated by residential development, which extends widely across the hillside.

Relevant Planning History

3/21/10/037 - Extensions and alterations to Pemswell Lodge, granted on 22/6/10

3/21/11/068 - Erect double garage, garden room and workshop, granted on 11/7/11

3/21/14/088 - Erection of dwelling at Pemswell Lodge, refused on 21/5/15 but appeal allowed on 8 December 2015

3/21/15/026 - Erection of a detached 2 bed house within curtilage, granted on 24/4/15

Consultation Responses

Minehead Town Council - The Committee can see no material planning reason to refuse this application.

Highways Development Control - Standing Advice applies.

SCC - Historic Environment - No comments received.

Conservation Officer - No comments received.

Representations Received

One letter of objection has been received raising the following;

- Minehead Conservation Society is increasingly concerned about the number of conditions that applicants are seeking to vary on previously granted permissions. Presumably conditions are put on for a valid purpose and therefore should be retained.
- This particular application raised a number of objections in 2015 and the then applicant stated that she wanted to down size and only wanted a small property, which she felt would not be intrusive.
- The proposal is to raise the roof line by a metre which will make the building far more visible, especially as it is sited on North Hill.
- The introduction of dormer windows will significantly alter the design of the house and again make it appear larger and less compact in style.

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 the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
MD1	Minehead Development
NH1	Historic Environment
NH3	Areas of high archaeological potential
NH13	Securing high standards of design
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
NH2	Management of Heritage Assets

Retained saved policies of the West Somerset Local Plan (2006)

BD/3	Conversions, Alterations and, Extensions
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Determining issues and considerations

The determining issue in the consideration of this application is whether the proposal is a minor material amendment and if so are the proposed amendments to raise the lower roof by 1m, the installation of a dormer instead of rooflights on the southern elevation. The internal and other external alterations as listed previously are considered acceptable.

There is no statutory definition of a minor material amendment but is likely to include any amendment where its scale and /or nature results in a development which is not substantially different to the one which has been approved (advice contained at paragraph 017 of the National Planning Policy Guidance document). The principle of development has already been determined and cannot be re-examined as part of this application.

The main issues in considering this application are whether the revisions (material amendments) are acceptable on the impacts on the character and appearance of the area and impacts on nearby residential amenity,

Impacts on the character of the building and area

An objection has been received from the Minehead Conservation Society, which can be seen above in this report.

The changes in particular the raising of the roof and to insert the dormer in this restricted location will affect the character of the permission and the change is considered not to be a minor material amendment.

The raising of the roof of part of the roof by 1m in this confined site is considered to have an impact on the character of the area as it will result in an increase in the scale and massing of the built form.

When considering the single dormer proposed on the (front) southern elevation, (in place of a series of 6 former rooflights). This element on its own is not considered to impact on the character and appearance of the area.

Therefore the cumulative changes to the previously approved scheme will lead to a greater scale and massing of the proposed development would lead to a loss of the simple character of the area and an impact on the visual appearance of the streetscene.

It is considered therefore that the combined proposed changes as noted above will be detrimental to the historic environment and as such the proposed amendments to the approved scheme will be contrary to local plan policies NH1 and NH2.

Residential amenity/Overlooking

The topography of the land means that the rear of the proposed dwelling affords the

occupants of the new house lower levels of light and for this reason the original proposal had large south facing glazing opening to allow good level of light.

To the south of the site Orchard Cottages whose rear garden boundary of Orchard Cottages are located approximately 21m away from the new principle elevations of the new house.

It is noted that the new dormer would allow more head height into the first floor bedroom 1 rather than the formerly proposed set of 6 velux windows. The set of velux windows would allow greater light into the bedroom and would allow occupants of the house the chance to overlook the neighbours. The dual pitched dormer will allow the occupants of the new dwelling more opportunity to overlook the rear gardens of the nearby neighbours and could impact on their privacy. It is noted that there is already floor length windows and a glazed balcony facing towards the rear of the neighbours and the addition of the dormer increases the chances of overlooking. It is therefore considered that there could be an adverse impacts of privacy and light issues for the occupants of the new house and the existing neighbours.

It is noted that no response have been received from members of the local community however the above concerns are still considered to be an issue. It is therefore considered that the proposal is unacceptable in residential amenity terms due to an adverse impact of loss privacy. It is considered contrary to local planning policy NH13 of the West Somerset Local Plan to 2032 and retained policy BD/3 of the West Somerset Local plan 2006.

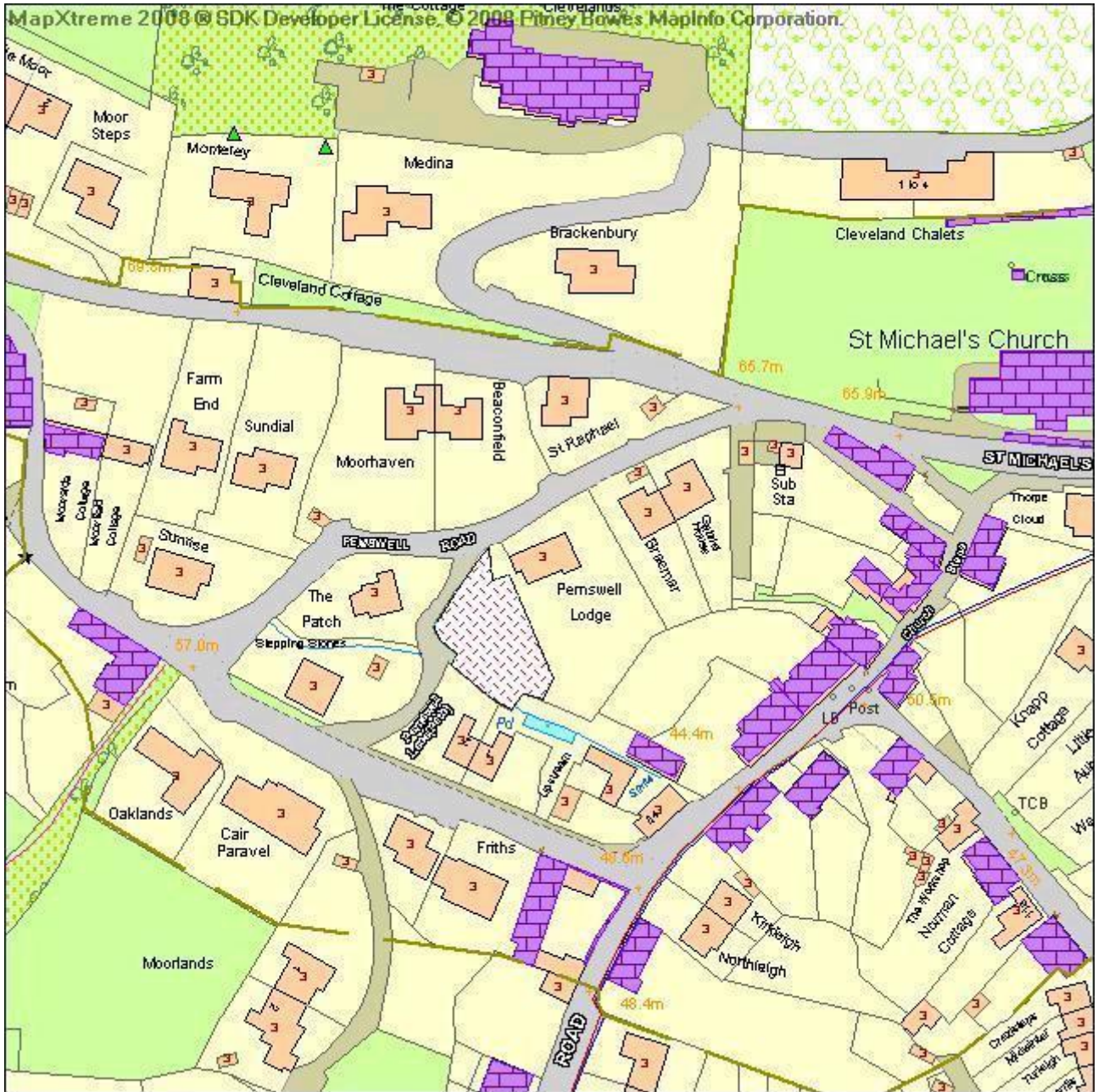
Conclusion

The proposal also seeks to add a new single dormer to the principle roofslope (front) of the new house which would replace the previously approved series of rooflights and it is considered it would result in unacceptable overlooking in the confined site.

This is an application for a change to the previously approved new development, but amendments to a previously approved scheme (ref 3/21/15/026) which is the current fall-back position. It is noted that at the time of the officer's site visit that construction of the new house was well underway. Whilst the raising of the roof and the revisions to the first floor windows of the new dwelling, are considered to be unacceptable for the reasons outlined above. The revisions of the design scale and massing of the building should not be at the expense of the visual appearance of the overall site and the existing open space of the Conservation Area.

The proposal is therefore contrary to local planning policies NH1, NH2 and NH13, of the adopted West Somerset Local Plan to 2032 and saved policy BD/3 of the adopted West Somerset District Plan 2006, and National Planning Policy. Refusal to the amended scheme is recommended on these grounds.

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



Application No 3/21/18/078
 Variation of Condition No. 02
 (approved plans) of application
 3/21/15/026
 Pemswell Lodge, Pemswell
 Road, Minehead



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