

SWT Planning Committee

Thursday, 28th May, 2020,
1.00 pm

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white on a teal background with a white swoosh.

Webcasting - Virtual Meeting

Members: Simon Coles, Roger Habgood, Ian Aldridge, Sue Buller, Marcia Hill, Martin Hill, Mark Lithgow, Chris Morgan, Simon Nicholls, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston, Loretta Whetlor and Gwil Wren

Agenda

1. Appointment of Chair

2. Appointment of Vice-Chair

3. Apologies/substitutions

To receive any apologies for absence.

4. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

5. Minutes of the previous meeting of the Planning Committee

Minutes to follow

6. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors

debate the issue.

Temporary measures during the Coronavirus Pandemic

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

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|---|------------------------|
| <p>7. 3/18/19/008</p> <p>Outline planning application with all matters reserved for the erection of 1 No. detached dwelling with alterations to parking area and removal of garage at Midways, Main Road, Kilve, TA5 1EA</p> | <p>(Pages 5 - 12)</p> |
| <p>8. 3/21/19/107</p> <p>Erection of a conservatory on the north-west elevation at The Dene House Nursing Home, Bircham Road, Alcombe, Minehead</p> | <p>(Pages 13 - 18)</p> |
| <p>9. 38/20/0062</p> <p>Erection of detached double garage at 10 Birch Grove, Taunton as amended by Drg No. changing roof design from dual pitched to hipped pyramid</p> | <p>(Pages 19 - 26)</p> |
| <p>10. Latest appeals and decisions received</p> | <p>(Pages 27 - 28)</p> |



JAMES HASSETT
CHIEF EXECUTIVE

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

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|---|---|
| Application No: | <u>3/18/19/008</u> |
| Parish | Kilve |
| Application Type | Outline Planning Permission |
| Case Officer: | Richard Hawkey |
| Grid Ref | Easting: 314857 Northing: 142912 |
| Applicant | Mrs M Ewens |
| Proposal | Outline planning application with all matters reserved for the erection of 1 No. detached dwelling with alterations to parking area and removal of garage |
| Location | Midways, Main Road, Kilve, TA5 1EA |
| Reason for referral to Committee | |

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo PHP100/010 Combined plans

Reason: For the avoidance of doubt and in the interests of proper planning.

Informative notes to applicant

1 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. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 The applicant is reminded of the legal protection afforded to both nesting birds under the Wildlife and Countryside Act 1981 (as amended) and bats which are a protected species under the Habitats Regulations 2017. In the event that protected species are encountered during works undertaken at this site, such works should cease and advice sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Proposal

Outline planning with all matters reserved for the erection of 1 No. detached dwelling with alterations to parking area and removal of garage in the garden and to the rear of Midways, Main Road, Kilve

Site Description

The site sits within the settlement boundary of Kilve, which lies within the Quantock Hills Area of Outstanding Natural Beauty. The development site is in the back garden of an existing dwelling and is accessed via a private driveway, from Millands Lane. The east boundary of the site is defined by a stone built wall in excess of 2 metres in height with the west boundary being defined by mature hedging of a similar height to the wall. The site shares its eastern boundary with the Hood Arms public house which is a Grade II listed building.

Relevant Planning History

3/18/81/004 Erection of dwellinghouse. Withdrawn by applicant 24 September 1981

Consultation Responses

Kilve Parish Council -

1. Any new dwelling built on the proposed site will infringe on immediate neighbours privacy and light,
2. There is an approximate drop of 3m between the Hood Arms retaining wall and

the proposed dwelling, we understand that the wall is listed under the curtilage of the Hood Arms.

3. Sewage from the property would enter the main pipe in Sea Lane which being a 6" pipe is already over capacitated and blockages are a frequent problem. This site does not lend itself to alternative types of disposal.

4. Hall Cottage shown on the site plan is no longer a single dwelling but a part of "The Old Post Office"

5. It is unclear as to the ownership of the drive way leading from Millands Lane to proposed site which could cause problems with deliveries to the site or if the garage to be demolished comes under the curtilage of the Hood Arms as it is attached to the listed wall.

Wessex Water Authority - No objections

Quantock Hills AONB - Has no comments to make

Highways Development Control -

Visibility from the site access onto Millands Lane is considered to be acceptable. The width of the access is relatively narrow; however, its alignment means that inter-visibility between the existing drives and the Millands Lane junction is good.

In traffic impact terms, a typical dwelling would be expected to generate an average of 6 trips per day. This increase in traffic using the private drive or Millands Lane is unlikely to result in any significant highway safety or capacity issues, therefore the Highway Authority would not wish to raise an objection to the development proposals.

SCC - Ecologist - No comments received

Conservation Officer - Having looked at the information provided I do not consider the garage to be curtilage listed to Hood Arms.

Representations Received

11 letters of objection were received in relation to this application which raised the following concerns:

- Increase in traffic - Sea Lane is a narrow, busy lane leading to the popular Kilve Beach, extra traffic would lead to further congestion and impact safety of pedestrians
- Road safety - Sea Lane has no footpath for pedestrians
- Invasion of privacy - land is at slightly higher elevation than neighbours so there will be overlooking if the property is a two storey building
- Will the applicant pay to repair any or all damage caused by construction work and will the new property owners automatically have permission to use it
- There are bats in the area that may or may not be disturbed by the building of a new dwelling
- Noise disturbance caused by the construction of the property and associated increase in traffic
- Access to site is via a private driveway where parking and turning of tradesman and delivery vehicles is not permitted
- Creation of additional three spaces seems excessive
- We do not feel it is right to infill even more in our small village
- The garage is not derelict and is currently used for storage

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

| | |
|------|---|
| NH5 | Landscape character protection |
| SC1 | Hierarchy of settlements |
| SV1 | Development at primary and secondary villages |
| SD1 | Presumption in favour of sustainable development |
| T/8 | Residential Car Parking |
| NH13 | Securing high standards of design |
| NH1 | Historic Environment |
| NH2 | Management of Heritage Assets |
| NH6 | Nature conservation & biodiversity protection & enhancement |

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

| | |
|------|---|
| NH5 | Landscape character protection |
| SC1 | Hierarchy of settlements |
| SV1 | Development at primary and secondary villages |
| SD1 | Presumption in favour of sustainable development |
| T/8 | Residential Car Parking |
| NH13 | Securing high standards of design |
| NH1 | Historic Environment |
| NH2 | Management of Heritage Assets |
| NH6 | Nature conservation & biodiversity protection & enhancement |

Determining issues and considerations

This is an outline application with all matters reserved for the erection of 1 No. detached dwelling with alterations to parking area and removal of garage.

The most relevant policies from the adopted West Somerset Local Plan to 2032 are:

SD1 (Presumption in favour of sustainable development), SC1 (Hierarchy of settlements); SV1 (Development at primary & secondary villages), NH1 (Historic environment), NH2 (Management of heritage assets), NH5 (Landscape character protection), NH6 (Nature conservation and the protection and enhancement of biodiversity), NH13 (Securing high standards of design) and NH14 (Nationally designated landscape areas). Also applicable would be saved policy T/8 (Residential car parking) of the West Somerset District Local Plan (Adopted April 2006).

Principle of Development

This site is located within the settlement limits of Kilve. Under Policy SC1 of the West Somerset Local Plan to 2032 this location is designated as a primary village within which limited development can be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area. Within the village are a number of local services which comprise of a post office / convenience store, a public house and a village hall. The provision of an additional house in this general location would help to support these services and in doing so reduce the need to travel and on this basis I consider that this proposal would satisfactorily accord with the requirements of this policy.

The position of the site, whilst to the rear of "Midways" is to be accessed from a private road which branches off from Millands Lane. This private road already has two dwellings which are located off it and form a small cul-de-sac type of development. The proposed plot would be at the southern most extent of the private access way and so would have the appearance of adding to this cul-de-sac rather than being a form of back land development. The size of plot to be created would not be dissimilar to others in the nearby locality and would provide for both adequate amenity space to be retained with "Midways" as well as adequate space for the new dwelling. The width and depth of the plot would be sufficient to allow for a dwelling to be constructed on it that would reflect the size of other surrounding dwellings without having a cramped appearance.

As this is an outline application there is no indication given at this stage as to the size or design of the proposed dwelling however consideration must still be given to the potential impact a dwelling on this site would have on the amenities of adjoining dwellings. The properties fronting onto the Main Road (A39) are located approximately 35 metres to the south of where a dwelling could be located on the proposed plot. I consider that a carefully designed dwelling could satisfactorily be accommodated without causing significant detriment to the amenities of those properties through overdominance, overshadowing or loss of privacy. Similarly the two existing dwellings off the private road (which are to the north of the site) are distant enough to be unlikely to be significantly affected by these issues provided careful consideration is given to detailed design at the reserved matters stage.

It has been clarified with the conservation officer that the existing garage to be demolished as part of this proposal is not curtilage listed as part of the "Hood Arms" which is itself a Grade II listed building. The creation of one additional dwelling in this position within the existing built up area of Kilve would have no significant impact on the Quantock Hills Area of Outstanding Natural Beauty whose designation covers this location furthermore the AONB Board in their response have indicated that they

have no comment to make on the proposal.

Concern has been raised by one local resident that bats may be present in this general locality. This proposal would involve the demolition of an existing garage as well as development in an existing garden area, however, as this is an outline application it is considered that this concern may be adequately addressed through an appropriate informative attached to an outline consent to make the applicants aware of their legal obligations with respect to protected species. Further information can also be required as part of a reserved matters application.

The indicative layout provided demonstrates that adequate car parking could satisfactorily be provided for both the new dwelling as well as for "Midways". Although the proposed parking for "Midways" is located approximately 55 metres from that dwelling this echoes a situation currently existing on site and as such would be considered acceptable. It should be noted that no parking for "Midways" is available at the front of that property as it is located immediately adjacent to the A39.

A number of the responses received from nearby residents have raised concern about the generation of additional traffic arising from the creation of a further dwelling in this location particularly given the narrowness of Sea Lane. The Highway Authority advise that the increase in traffic would be unlikely to result in significant highway safety or capacity issues and as such they do not raise any objection to the development proposals.

On the basis of the above I consider that this outline proposal would satisfactorily accord with the relevant policies of the West Somerset Local Plan to 2032 and as such I recommend conditional permission of this proposal.

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

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|---|---|
| Application No: | <u>3/21/19/107</u> |
| Parish | Minehead |
| Application Type | Full Planning Permission |
| Case Officer: | Richard Hawkey |
| Grid Ref | Easting: 297878 Northing: 145028 |
| Applicant | Mr J Sykes Brown |
| Proposal | Erection of a conservatory on the north-west elevation |
| Location | The Dene House Nursing Home, Bircham Road, Alcombe, Minehead |
| Reason for referral to Committee | |

Recommendation

Recommended decision: Grant

Recommended Conditions

- 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:

(A3) DRNO 1:100 PROPOSED CONSERVATORY ELEVATIONS

(A3) REV B SITE PLAN

Reason: For the avoidance of doubt and in the interests of proper planning.

Informative notes to applicant

1 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. Although the applicant did not seek to enter into

pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 The applicants attention is drawn to the comments received from Wessex Water made in their correspondence dated 20th February 2020 in respect of the need to apply for a sewer build over agreement with Wessex Water in respect of the proposed development.

Proposal

This application seeks consent for the erection of a conservatory at the Dene House Nursing Home, Bircham Road, Minehead.

Site Description

The application site consists of a single storey building which was granted consent in 2018 / 19 for use as a dementia care nursing home. This location is within the developed area of Minehead and is positioned immediately to the south of Bircham Road (A39). To the west of the application site is located Dene Lodge Nursing Home and to the south and east are residential dwellings.

Relevant Planning History

3/21/17/025 Extension and conversion of 3 bed bungalow into a 6 no. bed bungalow as an assisted living unit annexe to Dene Lodge Nursing Home. Granted 4th July 2017

3/21/18/026 Demolition of bungalow and erection of 6 bed bungalow as assisted living unit annexe to Dene Lodge Nursing Home. Granted 20th July 2018

NMA/21/19/002 Non material amendment to application 3/21/18/094 for erection of single storey dementia care nursing home. Granted 18th September 2019

Consultation Responses

Minehead Town Council - Recommend refusal: overdevelopment of the site; creeping development; Wessex Water comments can be viewed as objections; number of previous agreed planning application conditions have not been adhered to.

Highways Development Control - No observations

Wessex Water - No objection raised but advises that the applicant should contact them to discuss a sewer build over agreement should planning permission be granted.

Representations Received

7 letters of objection have been received (including from the Ward and Town Councillor in which the following issues have been raised:

- Concern that this development is increasing the size of Dene House and becoming a 'creeping' development.
- Proposals for this site just keep getting bigger
- Works have taken place which have not been approved under previous applications.
- The application does not show drainage pipes or the no build location
- Request this application is heard by the planning committee
- The sloped access directly onto Bircham Road approved under a previous application has actually been built as steps

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 |
| NH13 | Securing high standards of design |

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

| | |
|------|--|
| SD1 | Presumption in favour of sustainable development |
| SC1 | Hierarchy of settlements |
| MD1 | Minehead Development |
| NH13 | Securing high standards of design |

Determining issues and considerations

This application seeks consent to add a conservatory on to the north west elevation of the existing dementia care building recently constructed on site.

The most relevant policies from the West Somerset Local Plan to 2032 are SD1 (Presumption in favour of sustainable development), SC1 (Hierarchy of settlements), MD1 (Minehead / Alcombe development) and NH13 (Securing high standards of design).

This proposal seeks consent to add a conservatory with a footprint measurement of 4.5 metres by 4.9 metres to the recently constructed dementia care building. The structure is a typically designed conservatory with a dwarf brick wall (of matching brick work), glass panel walls and ridged glass roof over. The height of the conservatory is to be approximately 3.4 metres.

This is a modestly sized conservatory located on a part of the site where it would result in no loss of privacy to adjoining residential dwellings nor appear overdominant to them or result in any overshadowing. Whilst this proposal would increase the built footprint of the building by approximately 22m² I do not consider that this would result in a building on site that would appear cramped or the site overdeveloped.

This facility will not result in any additional residents being accommodated at the site but will provide dementia patients with a light and airy conservatory in which to sit during inclement weather and do so in a secure and safe environment.

In a letter of objection received comment has been made regarding the sloped access onto Bircham Road which was granted under the previous consent. It was noticed during the officer site visit that this had instead been constructed as a shallow stepped access. The officer was informed that it was changed to be steps as the gradient of the proposed slope would be unsafe for wheelchair use particularly as the access is directly onto Bircham Road (A39). The access will still allow emergency access directly into the dementia care unit from the A39 as originally intended but will prevent the potential danger of accidental wheelchair access onto the adjacent busy road. The applicant has submitted a revised site plan which reflects this change.

Whilst concern has been raised in objection letters to site drainage, Wessex Water have been consulted on this application and have raised no objection. They have however indicated that following the grant of planning permission the applicant should contact them in respect of applying for a sewer build over agreement. It is recommended that a suitably worded informative to remind the applicant of this is added to any consent notice.

On the basis of the above it is considered that this proposal would satisfactorily accord with the relevant policies of the adopted Local Plan and I therefore recommend conditional permission of this proposal.

In preparing this report the planning officer has considered fully the implications and

requirements of the Human Rights Act 1998.

38/20/0062

MS C BRICE

Erection of detached double garage at 10 Birch Grove, Taunton as amended by Drg No. changing roof design from dual pitched to hipped pyramid

Location: 10 BIRCH GROVE, TAUNTON, TA1 1EE

Grid Reference: 322296.125189

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (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:

(A1) DrNo 1981.2/100 Existing Plans and Elevations
 (A1) DrNo 1981.2/200A Proposed Plans and Elevations(Superceded)
 (A1) DrNo 1981.2/200B Proposed Plans & Elevations (Superceded)
 (A1) DrNo 1981.2/200C Proposed Plans and Elevations

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), 2018, the prior written permission of the local planning authority shall be obtained for the insertion of any new windows, other than any hereby approved, above ground floor level in any elevation by the submission of a planning application made for this purpose.

Reason: To safeguard the privacy of adjacent properties and the adjacent public right of way.

4. The area allocated for parking on the submitted plan (Drg No.1981.2 / 200C) shall be kept clear of obstruction at all times and shall not be used other than

for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2018 (or any order revoking and re-enacting that Order), the use of any garage erected, as part of this development hereby permitted shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation or any other purpose whatsoever.

Reason:- In order to ensure the privacy of the adjacent neighbours and in the interests of highway safety.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Proposal

The proposal is for a detached double garage 6.5m width, 6.3m deep (measured externally) with a roof ridge at 5m and eaves at approximately 2.5m.

Site Description

The site contains a two-storey brick Victorian semi-detached dwelling which has recently been extended at ground floor level on the rear elevation. The site is located on the southern side of Birch Grove, within the Staplegrove Road Conservation Area. This Conservation Area predominantly consists of late nineteenth to early twentieth century suburban development and is defined by the railway to the north and River Tone to south, east and west. The boundary to the fore of the dwelling is low level brick wall with piers and metal pedestrian gate located on the north-east at the junction of Birch Grove and The Avenue. As the time of the officers site visit the east boundary was under construction.

Relevant Planning History

38/19/0389 - Erection of a pair of painted metal and timber gates along with brick piers and low level brick wall to site boundary - CA

38/19/0374 - Erection of a single storey side and rear extension - CA

38/19/0248 - Erection of single storey side and rear extension - CA

38/00/0245 Erection of conservatory at Flat 1, 10 Birch Grove Taunton - CA

38/98/0286 Retention of self-contained flat at 10 Birch Grove Taunton as amplified by plans received 24th August, 1998 - AP

38/88/0367 Single storey rear extension to the ground floor flat at 10 Birch Grove, Taunton as amended by plan no. mwh.88. 001 dated 10th November, 1988 - CA.

Consultation Responses

Ward Member - Objection

Suggest this application is withdrawn and re-submitted as a single storey garage that

- a) Does not detract from the character and setting of the Conservation Area in the way this proposal does
- b) Does not result in loss of amenity (e.g. light) for neighbouring properties

If not withdrawn and re-submitted the proposal should be refused on following reasons: -

- Its massing and size is out of scale with outbuildings in the area and seems designed to accommodate an additional storey within the roof (perhaps intended for future residential development)
- Its architectural style is totally out of sympathy with the Victorian and Edwardian architecture of the houses and outbuildings of the area, noted as a key feature of the architectural and historic interest of the Conservation Area.

Concerned at the reported removal of an established Magnolia Tree - would welcome clarification as to the steps taken to safeguard other trees in the vicinity.

Conservation Officer - Objection

- The proposal will impact on the neighbouring dwelling 'Hatfield',
- Agreed that the proposal is improved by the pyramid roof but still considered that it appears as overdevelopment of the site which masks the side elevation of Hatfield
- She considered that Hatfield needs a bit of space around it to appreciate it.

Tree Officer - Raised concerns regarding the garages siting in close proximity to the boundary wall and a neighbours apple tree.

- Consideration was given to the possible relocation of the garage by moving it 4m from its current location
- Digging of a trial hole was accepted as a way forward to assess if/how much of the trees root from No.9 had encroached into No.10's garden.
- Evidence from the trail hole showed that it was unlikely that much tree root in the area

Representations Received

5 x objections

- Objection to specification: specifically height, elevation and pitch of the garage roof structure.
- 5.5m is unnecessary for a building to be used to store cars
- Will materially obstruct the rear aspect of neighbour
- Roof height will lead to a loss of light for neighbours
- Mature Apple tree sits within 2m of the proposed garage therefore its roots may be disturbed by excavations
- Proposal is overdevelopment of the site which does not preserve or enhance the character of the area
- Request a flat roof, minimum distances from neighbours properties and trees.
- Is accommodation proposed in the roof space?
- Possible future development including roof lights which would overlook

- neighbours bedrooms
- The reduction of 0.5m does not make a difference to previous concerns; only a flat roof would be suitable
- Permitted Development Rights should be removed to ensure that the garage does not become an annexe
- Proposal will obscure the views of the neighbouring dwelling from the highway
- Extension has used brick that is a poor match to the existing dwelling

Amended Roof Design Plans

7 x objections

- Roof is still too high
- Adverse impact on apple tree roots which would require the garage to be re-located
- Suggest garage is brought forward by 2m so as to not impact on the apple tree
- The garage will abut 3 properties which will be adversely impact on due to the height of the roof
- Flat roof garage is more suitable
- Loss of privacy and light

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), the Taunton Site Allocations and Development Management Plan (2016), 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.

DM 1 - General Requirements

CP8 - Environment

Listed Buildings and Conservation Areas Act 1990 section 72

National Planning Policy Framework - Chapter 16

Staplegrave Conservation Area Appraisal.

Determining issues and considerations

The Principle of Development

The principle of development is accepted, subject to design, as the proposal relates to an existing dwelling within the development boundary for Taunton.

Design

The proposal has been amended to reduce the height of the garage and secondly to address the roof design in order to reduce the mass and bulk of the scheme and so protect the adjacent neighbours in terms of amenity value.

The proposal now has a hipped pyramid roof, with a maximum height of 5m. This is tall for a garage, however conditions will be imposed for no windows/rooflights as the local authority would not wish to see further development of the garage in terms of habitable accommodation. The standard conditions in terms of use for the garage would also be applied to ensure that the garage was used for its purpose; that of a private, domestic garage. This is considered necessary to ensure that there is adequate off-street parking and to ensure that the garage is not used for any other purpose including living accommodation.

The amended design is considered acceptable in the conservation area as its mass and bulk has been reduced, it is sited away from the highway and will be screened by the existing dwellings. The amended scheme is considered not to cause unacceptable harm to any affected building or street scene and it therefore considered acceptable under policy DM1.

The proposal will provide a garage that will enable the dwelling to have off-street parking which is considered to be an enhancement of the existing street scene. Whilst there will be space to the fore of the garage for additional car parking the use of a garage will help reduce the visual impact of vehicles parked within the domestic curtilage. The proposal is therefore considered to accord with policy CP8 which seeks to conserve and enhance the natural and historic environment by not permitting development proposals that would harm these interests or the settings of the towns.

Conservation Officer

The conservation officer has objected to the proposal due to its design and impact on the neighbouring dwelling 'Hatfield', however she does agree that the proposal is improved by the pyramid roof but still considered that it appears as overdevelopment of the site which masks the side elevation of Hatfield which is sited as high quality non designated heritage asset. She considered that Hatfield needs a bit of space around it to appreciate it.

Whilst the view of the specialist is noted it is not shared as the site for the garage is in the corner of the plot which will allow for screening by the existing dwelling and new extension whilst the pyramid roof will reduce the mass and bulk of the proposal and reduce its impact upon the neighbours in terms of overshadowing and loss of amenity.

Tree Officer

Concerns were raised in regards to the garages siting in close proximity to the boundary wall and a neighbours apple tree. Consideration was given to the relocation of the garage by moving it 4m from its current location, however the digging of a trial hole was accepted as a way forward to assess if/how much of the trees root from No.9 had encroached into No.10's garden. The evidence submitted from the trail hole showed that the wall foundations were deep. The tree officer considered that 'with these quite deep foundation and the existing hard surface at number 10, it is unlikely that there would be much root there to be damaged by the new garage, as most roots would be in the garden of 9.' Following this review of the site no planning conditions were requested.

Highway Matters

The proposed garage has internal measurement of 6m x 6m which meets the size

set by SCC as the highway authority for a double garage. The proposal will use an existing vehicular access point and whilst not strictly necessary under highway standards, a turning area is provided on site which will reduce traffic movements on to the highway. The site has planning consent for painted metal and timber gates along with brick piers and low level brick wall to site boundary, therefore it is not considered necessary to condition the gates.

Other Matters

The ward member has objected in regards to the garages massing and size which they consider to be out of scale with outbuildings in the area and seems designed to accommodate an additional storey within the roof (perhaps intended for future residential development) and on its architectural style which they considered is totally out of sympathy with the Victorian and Edwardian architecture of the houses and outbuildings of the area

The design of the roof has been amended twice: once to reduce the height to 5m from 5.5m and then from a dual pitched roof to a pyramid hipped roof in order to reduce the bulk and massing of the proposal and its impact upon neighbours in terms of overshadowing and loss of light. Conditions will be imposed regarding the roof of the garage to ensure no windows/rooflights are installed and that the garage should be used solely as a private and domestic garage. These conditions are considered necessary to ensure that the proposal is used for its intended purpose and so ensure the site has the benefit of adequate off-street parking. Any possible future use for the building is not a planning consideration for this application and would be assessed by a planning application if/when any changes were purposed.

Several of the neighbours have objected to the proposal mainly in terms of its height and possible future development. One of the main concerns is the use of the roof space for habitable accommodation. This proposal has no first floor plans to show such accommodation and no rooflights/windows are included in this proposal. There is no objection to the roof space being used for storage and a planning condition would be used to control the insertion of rooflights/windows., thus there is no impact in terms of overlooking/loss of privacy. The standard garage condition would be used to ensure that the garage is used as a private and domestic garage. It is therefore considered that the issue of possible future development can be successfully addressed by imposing the above conditions. These conditions would require the submission of planning application(s) for any changes to the roof and/or the garages use. The use of a pitched roof is considered appropriate for this proposal which is in a conservation area where high design quality is required.

It is agreed that the mature apple tree that sits within 2m of the proposed garage should be protected. The applicant has dug trials and submitted evidence to show that there are deep foundations on the boundary wall and no roots appearing to have encroached into No.10's garden area. The tree officer is content that no planning conditions are required to address the root protection area of the apple tree.

The garage is set back from the highway and would be well screened by the existing dwellings, therefore it is considered to have minimal impact upon the existing street screen. One neighbour did suggest the garage being brought closer to the highway, however this is not considered appropriate as the garage would be then visible within the street scene due to the reduction of screening from the existing dwellings.

In terms of overdevelopment, the dwelling which has recently been extended. However it is located on a corner plot and will still have sufficient amenity space should this application be successful.

It has been claimed that the chosen brick for the extension is a poor match, and does not reflect the existing dwelling, however this matter has only come to light now rather than during the construction stage. It is however not too late for our enforcement team to investigate this issue.

The ward member has expressed concerns at the reported removal of an established Magnolia Tree to enable works on this development and has requested clarification as to the steps taken to safeguard other trees in the vicinity. There are no Tree Preservation Orders for the development site, and in conservation areas, notice is required for works to trees that have a trunk diameter of more than 75mm when measured at 1.5m from ground level (or more than 100mm if reducing the number of trees to benefit the growth of other trees). There is no monitoring of tree development in conservation areas by this authority, instead there is a reliance on owners and members of the public bringing to our attention any queries or unauthorised tree works. This issue will however be reported to our enforcement team to investigate. If necessary replacement tree(s) can be planted as there is a duty to replace a tree that dies in a conservation area under section 206 of the Town and Country Planning Act 1990.

Conclusion

The garage is located to the rear and in a corner of the dwellings amenity space, directly opposite the existing vehicular access. The eaves of the building at 2.5m is slightly higher than the permitted height of a boundary wall, whilst the roof has been designed so that all elevations slope towards the garages centre to a point that is 5m in height, thus reducing its mass, bulk and impact upon neighbouring dwellings. Conditions will be imposed to ensure that the garage is used for private and domestic purposes and that any future windows/rooflights would be assessed by the submission of a planning application.

The proposal is considered not to cause unacceptable harm to the dwelling, its neighbours, the existing street scene and the historic environment and so complies with policies DM1 and CP8.

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

Contact Officer: Denise Todd

APPEALS RECEIVED – 28 MAY 2020

Site: Land off Combeland Road, Minehead

Proposal: Alleged unauthorised building on land off Combeland Road, Minehead

Application number: ECC/EN/18/00107

Appeal reference:

Enforcement Appeal: APP/W3330/C/20/3247632
