

[SWT VIRTUAL MEETING WEBCAST
LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Sue Buller, Dixie Darch, Roger Habgood, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meetings to follow

3. 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.)

4. 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>5. 05/20/0027</p> <p>Replacement of summer house and construction of gazebo at Rumwell Park, Wellington Road, Rumwell</p> | <p>(Pages 5 - 10)</p> |
| <p>6. 05/20/0028/LB</p> <p>Replacement of summer house and construction of gazebo at Rumwell Park, Wellington Road, Rumwell</p> | <p>(Pages 11 - 14)</p> |
| <p>7. 38/20/0151</p> <p>Conversion of terrace building (part of former police station) into 6 No. dwellings at Burton Place, Taunton</p> | <p>(Pages 15 - 24)</p> |
| <p>8. 43/20/0061</p> <p>Change of use of land to domestic at the side of 21 Sylvan Road, Wellington (resubmission of 43/19/0103)</p> | <p>(Pages 25 - 28)</p> |
| <p>9. Latest appeals and decisions received</p> | <p>(Pages 29 - 46)</p> |
| <p>10. Planning Performance Report - For Information Only</p> <p>This paper provides the performance information for the planning department's key indicators for the first 4 months (April – July) of the 2020/21 financial year. This is for information only.</p> | <p>(Pages 47 - 48)</p> |



JAMES HASSETT
CHIEF EXECUTIVE

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Following Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will be live webcasting our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting](#) website.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

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 be answered by the Portfolio Holder or followed up with a written response.

Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

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05/20/0027

MR A ROUS

Replacement of summer house and construction of gazebo at Rumwell Park, Wellington Road, Rumwell

Location: RUMWELL PARK, WELLINGTON ROAD, RUMWELL, TAUNTON,
TA4 1EH

Grid Reference: 319680.123648

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:

(A4) Site Location Plan

(A4) Block / Site Plan

(A3) DrNo 17-225-03/A Proposed Gazebo Courtyard

(A3) DrNo 17-225-04 Proposed Summerhouse

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

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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

This application proposes to replace an existing, currently dilapidated summerhouse with another larger summerhouse. The proposed design will be 7.5m long x 3m deep and 3.1 high with an open porch 1.3 x 3m to the front. It is proposed to build the new structure with timber frame, and timber boarding under a natural slate roof with timber windows.

There is a hot tub which is located next to an existing lean-to built brick structure within the courtyard north of the house. It is proposed to build a gazebo to cover this hot tub and provide a BBQ area. The gazebo would have a timber frame measuring approximately 7.4 metres in length and a height to the eaves of 2.2 metres and a maximum height of 3.2 metres. The section over the hot tub would have a flat roof to accommodate for the neighbouring high level window at the former Coach House. It should be noted that this application is partly retrospective as some of the timber gazebo is already in place.

Site Description

The site concerns the garden of the Grade II listed Rumwell Park. Rumwell Park is a mid 19th century Italian style villa sited within its own grounds situated on the western outskirts of Taunton.

To the north of the main house lies an enclosed concrete paved courtyard. To the north of the courtyard on the boundary with Elm Farm is a lean-to brick built and slate roofed building, now a sauna. The west of the boundary is formed by another single storey lean to store and the east boundary is a high stone wall. The gazebo would be positioned in between the lean to brick built building and the high stone wall.

To the west of the main house beyond the northern courtyard stands a dilapidated timber built summer house, facing south, on a raised paved plinth. The building is bounded to the north by a high stone wall. The building is approximately 15 metres from the main house and screened from it by another stone wall, trees and vegetation.

The site is accessed via a driveway, north of the A38. This driveway is partly shared by another property, Four Winds, and can also be used to access Elms Farm.

Relevant Planning History

05/20/0028/LB Replacement of summer house and construction of gazebo at Rumwell Park. Recommended for approval.

05/28/0034 Change of use and conversion of former coach house to 1 No. dwelling with erection of garage to serve main dwelling at Elm Farm, Rumwell Park Lane. CA – 12/10/2018.

Consultation Responses

BISHOPS HULL PARISH COUNCIL - OBJECTS to this application with the following comments:

The proposed development would result in infringement of natural light to the neighbouring property.

Both the summer house and the Jacuzzi buildings will cause concerns in relation to accessing the neighbour's boundary wall as the new build will be too close should the neighbours wall require attention.

Please also note that work has already begun on the Jacuzzi framework even though the application states no work yet started.

Representations Received

6 objections were received which raise concerns regarding:

- Noise and nuisance
- Litter
- Traffic on shared driveway
- Size and height
- Use
- Light entering coach house
- Incorrect information in Design and Access Statement regarding obscure glazed window at Coach House
- Ownership and maintenance of north and west wall
- Impact on the Coach House, of Elms Farm
- Commencement of works
- Partially visible from access

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.

ENV3 - Special Landscape Features,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,

Local finance considerations

Community Infrastructure Levy

Not applicable.

Determining issues and considerations

The main issues in the consideration of this application are the principle of the development, its design, amenity impacts and the impact on Grade II listed Rumwell Park House.

The principle of development

Policy SP1 confirms that the application site lies in open countryside and as such policy DM2 is the relevant policy that deals with development in the open countryside.

Whilst Policy DM2 is the relevant policy for development in the countryside. This application concerns a small structure that would be adjacent to a high wall which adjoins a neighbouring newly converted dwelling. As such, it would be incommensurate to use Policy DM2 to assess this structure. Given its size and placement, it is considered to be acceptable in this location.

The summerhouse would replace an existing dilapidated summerhouse. It would also be located adjacent to a high wall and would be on top of an existing hardstanding. For the same reason as noted above and the fact that a summerhouse would correspond with the established residential nature of the site, the principle is considered to be acceptable.

The existing use of the site has come under scrutiny, however, the LPA can confirm a dwelling let out for short-term holiday or leisure use can still be considered a dwellinghouse within Use Class C3 of the 'Use Classes Order'. If there are further concerns a complaint can be made to the Council's Enforcement Team.

Design

The gazebo would be constructed of a timber support frame with part welsh slate roof and part glazed flat roof. This structure has already been partially constructed and the site visit revealed that the thin timber post would remain fairly inconspicuous when viewed against the render wall behind it. The sloping slate roof would match that of the existing brick built lean-to to the west and would therefore be consistent.

The summerhouse would also be constructed of timber with a welsh slate roof consistent with the gazebo and appropriate for a garden setting. It would be no higher than the existing summerhouse and no higher than the existing wall behind it. Its scale and height would not be excessive and as such, is considered to be acceptable.

Concerns have been raised that the gazebo would be visible from the road. This is not considered to be correct as the road has a 40mph limit and it would be extremely difficult, if not impossible, to catch a glimpse view of it through the small gap in the courtyard wall when driving by.

Amenity

Initially, the proposed gazebo had a pitched roof which covered a side elevation high level window at the Coach House. This section of the roof has now been flattened which would help to avoid any impact occurring for the high level window at the former Coach House.

The complaints regarding noise and nuisance and litter as a result of holiday makers visiting the house are not considered to be an issue that should be considered as part of this application.

Similarly, it is not considered that the construction of a gazebo and summerhouse would lead to increased traffic on the shared driveway.

In regards to the concerns raised regarding the ownership and maintenance of the boundary wall, this is a legal and not a planning matter.

As such, it is considered that no amenity impacts would arise as a result of the gazebo.

Effect on the setting of Rumwell Park _

As Rumwell Park is a Grade II listed building, the affect the proposed gazebo and replacement summer house would have on its setting needs to be taken into account. As previously mentioned, the gazebo would be nestled to the north of the Rumwell House and next to an existing brick built lean-to. Due to its positioning within a courtyard which is accessed through a gap in the courtyard wall it would be difficult to view the structure unless peering through this gap. As such, the proposed gazebo by virtue of its location, scale, and materials to be used will not adversely affect the character of the listed building.

The Summerhouse replaces an existing building in disrepair, it is remote from the main house and bounded on two sides by high stone walls. The replacement building will be constructed of materials of a better quality, which is considered to be an improvement on the existing dilapidated structure.

Conclusion _

In light of the above assessment, the application is recommended for an approval.

05/20/0028/LB

MR A ROUS

**Replacement of summer house and construction of gazebo at Rumwell Park,
Wellington Road, Rumwell**

Location: RUMWELL PARK, WELLINGTON ROAD, RUMWELL, TAUNTON,
TA4 1EH

Grid Reference: 319680.123648

Listed Building Consent: Works

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A4) Site Location Plan

(A4) Block / Site Plan

(A3) DrNo 17-225-03/A Proposed Gazebo Courtyard

(A3) DrNo 17-225-04 Proposed Summerhouse

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

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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

This application proposes to replace an existing, currently dilapidated summerhouse with another larger summerhouse. The proposed design will be 7.5m long x 3m deep and 3.1 high with an open porch 1.3 x 3m to the front. It is proposed to build the new structure with timber frame, and timber boarding under a natural slate roof with timber windows.

There is a hot tub which is located next to an existing lean-to built brick structure within the courtyard north of the house. It is proposed to build a gazebo to cover this hot tub and provide a BBQ area. The gazebo would have a timber frame measuring approximately 7.4 metres in length and a height to the eaves of 2.2 metres and a maximum height of 3.2 metres. The section over the hot tub would have a flat roof to accommodate for the neighbouring high level window at the former Coach House. It should be noted that this application is partly retrospective as some of the timber gazebo is already in place.

Site Description

The site concerns the garden of the Grade II listed Rumwell Park. Rumwell Park is a mid 19th century Italian style villa sited within its own grounds situated on the western outskirts of Taunton.

To the north of the main house lies an enclosed concrete paved courtyard. To the north of the courtyard on the boundary with Elm Farm is a lean-to brick built and slate roofed building, now a sauna. The west of the boundary is formed by another single storey lean to store and the east boundary is a high stone wall. The gazebo would be positioned in between the lean to brick built building and the high stone wall.

To the west of the main house beyond the northern courtyard stands a dilapidated timber built summer house, facing south, on a raised paved plinth. The building is bounded to the north by a high stone wall. The building is approximately 15 metres from the main house and screened from it by another stone wall, trees and vegetation.

The site is accessed via a driveway, north of the A38. This driveway is partly shared by another property, Four Winds, and can also be used to access Elms Farm.

Relevant Planning History

05/20/0027 Replacement of summer house and construction of gazebo at Rumwell Park. Recommended for approval - 03/09/20.

05/28/0034 Change of use and conversion of former coach house to 1 No. dwelling with erection of garage to serve main dwelling at Elm Farm, Rumwell Park Lane. CA – 12/10/2018.

Consultation Responses

BISHOPS HULL PARISH COUNCIL - OBJECTS to this application with the following comments:

The proposed development would result in infringement of natural light to the neighbouring property.

Both the summer house and the Jacuzzi buildings will cause concerns in relation to accessing the neighbour's boundary wall as the new build will be too close should the neighbours wall require attention.

Please also note that work has already begun on the Jacuzzi framework even though the application states no work yet started.

HERITAGE – no comment.

Representations Received

3 objections were received which raised concerns regarding:

- Noise and nuisance
- Litter
- Traffic on shared driveway
- Use
- Design
- Amenity

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.

CP8 - Environment,
ENV3 - Special Landscape Features,

Determining issues and considerations

Applications for listed building consent must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

This requires that in considering whether to grant listed building consent, the Local Planning Authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which

it possesses”

The gazebo would be nestled to the north of the Rumwell House and next to an existing brick built lean-to. Due to its positioning within a courtyard which is accessed through a gap in the courtyard wall it would be difficult to view the structure unless peering through this gap. As such, the proposed gazebo by virtue of its location, scale, and materials to be used will not adversely affect the listed building.

The Summerhouse replaces an existing building in disrepair, it is remote from the main house and bounded on two sides by high stone walls. The replacement building will be constructed of materials of a better quality, which is considered to be an improvement on the existing dilapidated structure and would not cause harm to Rumwell Park house.

Subject to the above the proposal is considered to be acceptable and would accord with Policy CP8 of the Taunton Deane Core Strategy.

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

Contact Officer: Abigail James

38/20/0151

PHOTINIA LTD

Conversion of terrace building (part of former police station) into 6 No. dwellings at Burton Place, Taunton

Location: 9-11 BURTON PLACE, TAUNTON, TA1 4HD

Grid Reference: 322379.124174

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 264-030 Elevations as Proposed
 (A1) DrNo 264-012 Floor Plans as Proposed
 (A3) Drno 264-011B Site Plan as Proposed
 (A3) DrNo 264-020 General Section as Proposed
 (A3) DrNo 264-010 Site Location and Block Plans

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

3. Prior to the construction of the development, hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possess to comply with Policy CP8 of the Taunton Deane Core Strategy.

4. Notwithstanding the details regarding the materials for new windows stated within the application form, there shall be no installation of windows in new openings unless revised details are agreed in writing by the Local Planning Authority. The revised details shall include a full schedule of materials, technical plans to an appropriate scale, cross sections, colour and finish. The approved windows shall be installed in accordance with the approved details.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possess to comply with Policy CP8 of the Taunton Deane Core Strategy.

5. Notwithstanding the details regarding the materials for new windows stated within the application form there shall be no replacement of existing windows without the prior grant of permission for such works under a Listed Building Consent. Such an application shall include a full heritage justification including an assessment of the existing windows, method statement, materials, details of the recess, colour and finish (including the method of opening) for the new windows.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possess to comply with Policy CP8 of the Taunton Deane Core Strategy.

6. Prior to any works relating to the eaves, rainwater goods, foul waste and provision of external services and ventilation a full schedule of the works shall be submitted and approved in writing by the Local Planning Authority. The schedule shall include materials, specification (including the submission of technical drawings to an appropriate scale if necessary), colour and finish. The development shall be carried out and completed in accordance with the approved details and shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possess to comply with Policy CP8 of the Taunton Deane Core Strategy.

7. Prior to the first occupation of any of the dwellings hereby approved, cycle and bin storage facilities shall be constructed in accordance with details that shall be submitted and approved in writing by the Local Planning Authority. The submitted details shall include full scale plans and details of materials including colour and finish. The facilities shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport to comply with Policies A1, A of the Taunton Deane Site Allocations and Development Management Plan.

8. (i) The development shall be carried out and completed in accordance with a hard and soft landscaping scheme that shall have been submitted and

approved in writing by the Local Planning Authority. The scheme shall include details of the species, siting and numbers to be planted, details of all hard surfacing (including submission of samples if necessary).

(ii) The soft landscaping shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area to comply with Policy CP8 of the Taunton Deane Core Strategy.

Notes to Applicant

1. The applicant is advised that listed building consent is required for the conversion works as the building is curtilage listed in association with the Grade II listed goal. The applicant is further advised that listed building consent must be granted prior to the commencement of any works to the building.
2. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
3. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

The application proposes the change of use and conversion of Burton Place into six dwellings comprising the following:

- 2 x 1-bed dwellings;
- 3 x 2-bed dwellings;
- 1 x 3-bed dwelling.

Access would be gained from the rear of the terrace. An amenity area is included to the rear of the properties. No parking spaces are proposed as part of the

development. The proposal includes the demolition of an existing lean to extension to the rear of the building and the construction of a replacement lean to extension.

Site Description

The site consists of a red brick terraced building which fronts Burton Place. The building is considered to be curtilage listed in association with the former gaol building. It was originally used by the TA in 1910 in connection with the wider use of the adjacent former gaol site. Since then it is understood to have been occupied in connection with the use of the wider Police Station site.

To the rear there is a single storey flat roof building that forms the rear site boundary but is outside the application site. This building was originally constructed as the treadmill building in association with the former goal and is also listed.

Relevant Planning History

None relevant

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies
SCC- PARKING SERVICES-

Properties that do not have an existing permit allocation would not be added into the scheme.

If a property within an permit zone is converted into multiple units, the number of permits allocated to that initial property does not change.

For example, no. 4 Hypothetical Street is in a permit zone with no off-street parking so has a full permit allocation of:

- one first residents permit (cost £60 / £30 / £0 depending on vehicle emissions);
- one second residents permit (£100);
- one visitors permit (£60);
- plus a full allocation of 100 single use one-day visitor vouchers (scratch cards).

If the property is converted into two flats, the residents (or property owner if it becomes a rental property) should agree how the permit allocation is divided. For example, one flat may 'get the first permit and the visitor vouchers, and the second flat 'gets' the second permit and the visitor permit. This can be allocated on the permit system we use.

If the property was redeveloped into 5 flats, the permit allocation may be on a first come, first served basis.

We would not increase the permit allocation for new dwellings because the number of parking places does not change. Increasing the permit allocation because existing properties were redeveloped or new residential properties were created would be unfair on all other existing residents who may then have difficulty finding a parking place due to a larger demand for an unchanged supply.

SCC - COUNTY ARCHIVIST – As far as we are aware there are limited or no archaeological implications to this specific proposal and we therefore have no objections on archaeological grounds. The buildings are part of the former Police Station complex and it may be that an historic building recording condition is required by your Conservation Officer and we would urge you to check if that is appropriate here.

Other development of buildings and yards associated with the Police station complex may well require a Written Scheme of Archaeological Investigation.

HERITAGE – No objections (verbal advice)

WESSEX WATER – No objections. Comments made regarding new drainage and water supply connections, surface water and safeguarding Wessex Water

SCC - ECOLOGY - The site as a whole supports bat. I have observed signs of night roosting lesser horseshoe bats in one part and the police station tunnel to Shire Hall supports a maternity colony of Daubenton's bats.

Informative requested reminding developers of the legal protection afforded to bats and bat roosts.

DEVELOPMENT ENABLING-

CP5 from the Core Strategy along with Policy C2 and Appendix D of Taunton Deane Adopted Site Allocations and Development Management Plan (Dec 2016) stipulates the provision for new open space. Provision of 0.8 hectare of children and teenager play space is required per 1000 persons. This constitutes a mixture of both informal play space and formal equipped play space. For new developments children's play should provide a minimum of 20sq meters of equipped children's playing area for all dwellings of 2 or more beds in the form of Local Equipped Play Area (LEAP) and Neighbourhood Equipped Play Areas (NEAP).

The trigger for play provision is 6 or more family dwellings (2 bedrooms +). Based on the proposed scheme of 6 dwellings with 4 of the dwellings being 2 bed + the development falls below the requirement for onsite and offsite play.

Representations Received

Following consultation representations have been received from 28 nearby households, 27 objecting and 1 in support of the proposal. The following issues are raised:

- Concerns over lack of parking provision within the permit zone and significant parking congestion particularly in the evenings.
- Proposed properties should include parking provision.
- Non residents park before 08.00 in the permit area.
- Available space has been significantly reduced by driveways being constructed and double yellow lines.
- Additional areas could be added to E09 to alleviate the congestion such as part of The Crescent, three spaces outside the Police Station and parking area within Shire Hall.
- Properties in Orchard Rise rely on the permit parking spaces.

Support:

- Proposal would be an improvement to the area. Overall more positive than negative despite concerns over lack of parking.

Planning Policy/Legislative Context

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities have 'special regard to the desirability of preserving the building or its setting'.

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.

SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
CP1 - Climate change,
CP4 - Housing,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
DM4 - Design,
A1 - Parking Requirements,
D10 - Dwelling Sizes,
D7 - Design quality,
ENV4 - Archaeology,
A5 - Accessibility of development,
C4 - Protection of community facilities,
D12 - Amenity space,

Local finance considerations

Community Infrastructure Levy

The proposed development measures approx. 480sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £33,500.00. With index linking this increases to approximately £47,750.00.

Determining issues and considerations

Principle of development:

The key issues relate to the loss of floor space associated with the police station and the principle of converting the listed building into residential accommodation. Policy C4 of the Taunton Deane Site Allocations and Development Management Plan

relates to the protection of community facilities. It states:

"The loss or change of use of existing community, cultural and social facilities will only be permitted where:

- A. Evidence is submitted to demonstrate that there is no longer a community need for the facility; and*
- B. The facility is no longer financially viable; and*
- C. It could not be put to another similar, community use; or*
- D. Replacement facilities are provided on site, or within the vicinity to meet the needs of the local population.*

In the case of destination facilities serving more than one community, it must be demonstrated that the need can be met in an alternative or existing facility in Taunton, Wellington or a defined rural centre and is accessible to its intended users by a range of sustainable transport modes".

In this instance the police station and all associated facilities have been moved to a different location in the centre of Taunton. The subject building is therefore currently redundant and there is no prospect of the use needing to continue in this location. An alternative facility has been provided and accordingly it is considered that the proposal would accord with the above policy. In addition to the above, the change of use to residential use is considered to present an optimum use of the building in terms of its future preservation and accordingly the proposal is considered to be appropriate in heritage terms in accordance with Policy CP8 of the Taunton Deane Core Strategy.

Heritage:

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities have 'special regard to the desirability of preserving the building or its setting'.

The external and internal alterations proposed are considered to be acceptable and will preserve the character, historic interest and fabric of the listed building. Conditions relating to matters such as hard and soft landscaping, cycle storage, and details of external alterations, including materials are considered necessary and reasonable in planning terms. A listed building consent application will be required which will further consider the fabric of the building and may include additional conditions. This consent will have to be in place prior to works commencing on the building. Subject to conditions it is considered that the proposal would accord with Policy CP8 of the Taunton Deane Core Strategy.

Residential amenity:

The use of the building for residential purposes will not create any additional undue issues in relation to the impact on adjoining occupiers by way of noise, disturbance and overlooking. The dwellings will exceed the minimum floor space requirements set out in Policy D10 of the Taunton Deane Site Allocations and Development Management Plan. There will be an area of amenity space to the rear of the

properties. This space will not be divided by fencing into individual plots to retain a sense of openness although it is anticipated that individual plots will each be allocated an area of space. Whilst the size of the space is small and not completely private, in the circumstances it is the best compromise that can be provided within the constraints of the site and whilst preserving the setting of the listed building. Having regard to the above it is considered that whilst there is not full compliance with Policy D10 the proposal is nevertheless considered to be acceptable in this regard for the above reasons.

Highway safety and parking:

The application does not propose any car parking within the site. The Highway Authority have indicated that 'standing advice' applies. The site is considered to be a highly sustainable location, within a short walk of a wide range of employers, local services, facilities, recreation and public transport. Policy A1 of the Taunton Deane Site Allocations and Development Management Plan refers to parking standards for new development. It sets out a maximum of 1 space for new developments in the town centre. It also states that car free developments will be sought in appropriate locations such as within or adjacent to Taunton and Wellington Town Centres.

A significant number of objections have been received from local residents particularly in Westgate Street expressing concerns over the lack of parking within the development and the impact on existing residents ability to find a parking space. This site is located within a residents parking permit zone. It is understood that the enforcement times that a permit is needed are 08.00-20.00 Monday – Saturday. There are no restrictions on Sundays. The County Council parking services department have commented that it is the Councils policy not to allocate additional permits to new where an existing property is subdivided. Accordingly, occupiers would not be able to park within the permit zone. This factor partially mitigates the concerns expressed by local residents, although there would be added competition for spaces outside the enforced times. The alternative options to retain the parking areas to the rear of the properties would be substandard in terms of the impact on the setting of the listed building and in terms of amenity space for occupants which would conflict with Policy D10 and accordingly there are drawbacks with both of these options. A central aim of the planning system is to encourage sustainable modes of travel and this is set out in the NPPF and Policies A1 and C5 of the Taunton Deane Site Allocations and Development Management Plan and Policy CP6 of the Taunton Deane Core Strategy. Within a town centre location, the expectation would be that the lack of parking spaces would be more likely to attract occupiers with low car use/ownership and would encourage a greater use of alternative means of travel such as car pool clubs, sharing, car hire etc.

The concerns and frustrations of local residents are fully acknowledged in this instance. The acceptability of the proposal is dependant on weighing up the competing issues outlined above. There are no objections from the Highway Authority and there is no clear evidence that the proposal would harm highway safety. Additionally the proposal would not conflict with Policy A1 as the site is adjacent to the town centre.

Having regard to the above, it is considered despite the objections received, that there are insufficient grounds to warrant refusal of the application on highway and parking congestion grounds. The proposal would therefore be acceptable in this regard and would comply with Policies A1, A5 of the Taunton Deane Site

Allocations and Development Management Plan and Policies CP6 and DM1 of the Taunton Deane Core Strategy.

Bin and cycle storage:

The applicant has indicated areas for bin and cycle storage on an amended plan. It is considered acceptable to agree these details via a planning condition. The applicant has indicated that bins can be sited on the pavement adjacent to the building frontage on bin day. These arrangements are considered to be acceptable in relation to general amenity and highway safety.

Ecology:

The County Ecologist has been consulted and has commented that bats have been recorded in the vicinity of the site, however it is considered highly unlikely that bats would be encountered during construction. Given this very low likelihood an informative is recommended to be included within the decision that reminds the developer of their legal duties in respect to protected species. The proposal would therefore comply with Policy CP8 of the Taunton Deane Core Strategy.

Archaeology:

The site is located within an Area of High Archaeological Potential and County Archaeology Site. The Somerset Heritage Trust have commented that given the nature of the development converting an existing building and very limited external works there would be limited or no implications for archaeology. Accordingly planning conditions in respect to archaeology are not required.

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

Contact Officer: Mike Hicks

43/20/0061

MR A LANE

**Change of use of land to domestic at the side of 21 Sylvan Road, Wellington
(resubmission of 43/19/0103)**

Location: 21 SYLVAN ROAD, WELLINGTON, TA21 8EG

Grid Reference: 314309.120387

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:

(A4) DrNo L01 Location Plan
(A3) DrNo P01A Proposed & Existing Plans
(A3) DrNo P03 Proposed 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) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no side extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

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

Change of use of land to extend domestic curtilage, including the erection of a 1.8m fence to the rear and a 0.9m fence to the front of the land. The plot is roughly triangular shaped and measures approximately 33m long by 5m wide (maximum). The plans show the existing tree would be retained.

Site Description

This application concerns a sliver of land adjacent to 21 Sylvan Road, adjacent to Birch Road as the site is on corner a plot. The area of land is currently laid to grass and open, with a mature tree and road sign near to southern edge. A pavement runs to the eastern side and the red brick boundary of the curtilage to 21 Sylvan Road to the western side.

Relevant Planning History

43/18/0087 Change of use of land to domestic curtilage on land to the side. Withdrawn 24/09/2018.

43/19/0103 Change of use of land to domestic at the side. Withdrawn 23/01/2020.

43/13/0140 Change of use of land to be incorporated into domestic curtilage at 23 Sylvan Road. Conditional Approval 14/01/2014.

Consultation Responses

WELLINGTON TOWN COUNCIL - to refuse the application for the following reasons:

- The application was felt to compromise road safety
- The fence is over-large as well as being in a vehicular blind-spot
- The area is generally an open-plan estate, and this application is out of keeping
- It was surprising that the application had been allowed to proceed with the current proposals given the severe appearance of the proposed fencing
- The County Highways team object to the application due to their strong concerns
- It was noted that local residents have objected on grounds of road safety

SCC - TRANSPORT DEVELOPMENT GROUP - Previous applications for similar works to this area have been submitted, the most recent, 43/19/0103, attracted a

recommendation of refusal from the Highway Authority due to concerns regarding available visibility. The applicant has included in this current application drawings that show that visibility of 2.4m x 16m from the cul-de-sac to the rear of 21 Sylvan Road onto Birch Road can be achieved. Given the nature of the road and the consequent speed of vehicles travelling in this area this visibility is considered acceptable in this location.

The 900mm fence to the front portion of the land would allow visibility to/from Sylvan Road and could be erected along the existing domestic curtilage without the need for planning permission.

Given the above considerations the Highway Authority does not object to the proposal

Representations Received

9 objections were received which raised concerns regarding:

- Visibility
- Appearance
- Hazardous
- Loss of green space

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.

DM1 - General requirements,

Local finance considerations

Community Infrastructure Levy

Not applicable.

Determining issues and considerations

The main considerations in the determination of this proposal are its principle, potential design and amenity impacts, and highway safety.

The proposal is for the change of use of land to domestic use which is adjacent to a

domestic garden in a residential area. As such, the principle of the change of use is acceptable.

In terms of visual amenity, the housing estate is characterised by its open aspects, including large open front gardens and driveways and verges on many corner sites. Enclosing and incorporating the verge to the side of No.21 would have impacts in terms of altering this character of the estate. There is a precedent on the other side of the street at 23 Sylvan Road/Birch Road where permission was granted in 2013 for a very similar development under planning reference: 43/13/0140 which indicates that the proposal would not have beneficial visual impacts. However, this example is not so incongruous that it would justify a refusal of this application. It is, however acknowledged that if further corner properties were to enclose land to the front and side of their dwellings, this would gradually erode the open and visually attractive green open spaces around this estate. It is also important to remember that an enclosure not exceeding 1m in height can be erected currently without planning permission and so the 900mm element of the proposal would not require an application.

As such, in visual terms this proposal is considered to be acceptable. However, allowing unlimited development to the side of the property could significantly impact on the streetscape and visual amenity, it is therefore appropriate to impose a condition restricting permitted development rights within the land proposed for the change of use.

There were some concerns regarding visibility from the access road to the rear of No 21 Sylvan Road and as such the applicant has provided visibility splays that show that visibility of 2.4m x 16m from the cul-de-sac to the rear of 21 Sylvan Road onto Birch Road can be achieved. This has been deemed to be acceptable by the Highways Officer and the Planning Officer, given the speed of vehicles travelling in this area. As mentioned previously, the fence at the front/front side of the property being 900mm in height would not require planning permission and as such visibility splays are not necessary here.

In light of the above assessment, it is recommended that planning permission is approved.

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

Contact Officer: Abigail James

APPEALS RECEIVED – 17 SEPTEMBER 2020

Site: Land south of Beacon Road, Minehead

Proposal: Outline application for the erection of 5 No. dwellings

Application number: 3/21/19/007

Appeal reference: APP/W3330/W/20/3257876

Enforcement Appeal:

Planning Decision Made By: Chair decision - Refused

Site: Silk Mills Cottage, Silk Mills, Holford, TA5 1RY

Proposal: Change of use from woodland to residential with reinstatement of the original stone cottage

Application number: 3/16/18/003

Appeal reference: APP/W3330/W/20/3257419

Enforcement Appeal:

Planning Decision Made By: Delegated Decision - Refused

DECISIONS – 17 SEPTEMBER 2020

Site: IVYLEN, STAPLEY ROAD BISCOMBE, CHURCHSTANTON, TAUNTON, TA3 7PZ

Proposal: Demolition of bungalow and outbuildings and erection of 1 No. dwelling with farm office and store rooms at Ivylen Farm, Staple Road, Biscombe, Churchstanton

Application number: 10/29/0017

Reason for refusal: Dismissed

Decision Maker: Delegated Decision – Refusal



Appeal Decision

Site visit made on 17 August 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/W3330/W/20/3251345

Ivylen, Stapley Road Biscombe, Churchstanton, Taunton TA3 7PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Noel Sharpe against the decision of Somerset West and Taunton Council.
 - The application Ref 10/19/0017, dated 23 June 2019, was refused by notice dated 14 November 2019.
 - The development proposed is described as 'replacement dwelling including farm office, and store rooms'.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. I have noted that the description of development varies between the appellant's application and appeal forms, with a further variation on the Council's Decision Notice. I have taken the description from the application form but omitted the reference to location as this is not part of the development. Similarly, I have noted minor inconsistencies in the site address

within the evidence. For the avoidance of any doubt I have taken the site address from the appellant's application form.

Main Issues

3. The main issues are:

- i) the effect of the proposal on the character and appearance of the area including the landscape and scenic beauty of the Blackdown Hills Area of Outstanding Natural Beauty; and
- ii) the principle of development having particular regard to the scale and location of the proposal in light of the relevant policies of the development plan and the National Planning Policy Framework.

Reasons

Character and appearance

- 4. The appeal site is located on the slopes of a verdant valley within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The site is occupied by a bungalow and a number of outbuildings that have no architectural value. The site is within a rural agricultural context including a barn immediately to the east. In support of their proposal, the appellant has provided photos of a number of properties within their Design and Access Statement and at appendix 1 of their Appeal Statement, including a three- storey Georgian property. However, I have limited information to explain how they relate to the appeal site. Moreover, I have observed a number of residential properties on both sides of the valley near the appeal site. These vary in scale, siting and materials, but are generally modest and simple.
- 5. The proposal seeks to replace the existing range of structures at the site and erect a single replacement building. This would have accommodation over three-storeys and include the farm office and stores within part of the proposed single-storey element at the front. Consequently, although cut into the slope and therefore appearing as a two-storey form from the highway, the mass and bulk of the building would be substantial. Furthermore, the design, including the shallow hipped roof form, fenestration, and ornate porch; along with the substantial single-storey projection to the front adds to the imposing and unbroken scale and mass of the building as seen from the highway. Whilst set further back and at a lower level to the existing, the siting would not mitigate the impact in this rural area where more modest housing prevails.
- 6. Furthermore, the proposal would be clearly visible from the opposite side of the valley, including the right of way at Craigend House. From here the grandiose character and appearance of the building would be very evident within the landscape due to its three-storey scale, location on the valley hillside, and form, including elements such as the lower ground floor projection and terrace.
- 7. This is a highly sensitive location and the National Planning Policy Framework (the Framework) is clear that great weight needs to be given to conserving and enhancing the landscape and scenic beauty of the AONB. Furthermore, paragraph 172 states that the scale and extent of development within this area should be limited.
- 8. The proposal involves the change of use of land, extending the residential use into the paddock to the north. Even if I were to accept that the proposal would result in a net reduction in the residential land use at the site, the linear projection of the

proposed residential use into the field to the north poses significant concerns of itself. This would show little regard for the existing landscape features, including field patterns and hedgerows. It would leave small and awkward pockets of agricultural land, unlikely to be suitable for commercial agricultural use and management. I note the appellant's justification for the revised siting includes making better use of the topography and providing more space for vehicular access and turning. However, even if I take the appellant's various justifications cumulatively, I still find that the extension of the residential use to the north weighs against the scheme.

9. Finally, the appellant has indicated that a scheme of landscaping could be used to mitigate any visual impacts. Whilst I place some weight on the potential for planting and consider that this could be secured through conditions, landscaping should not be used to hide development that is otherwise unacceptable. Furthermore, views are liable to change, and landscaping cannot be considered as a permanent feature.
10. Therefore, in conclusion on this main issue, I find that the proposal would harm the character and appearance of the area including the landscape and scenic beauty of the AONB. As such, the proposal would conflict with Policies CP8 and DM4 of the Taunton Deane Core Strategy 2011-2028, Development Plan Document, September 2012 (CS), Policy D7 of the Taunton Deane Adopted Site Allocations and Development Management Plan, December 2016 (SADMP), Policy PD2 of the Blackdown Hills Area of Outstanding Natural Beauty Management Plan 2019-2024 and Sections 12 and 15 of the Framework. These policies seek amongst other aims to achieve high-quality design that encourages a sense of place through promoting local distinctiveness, reflecting the site and context, and sensitive siting and scale.

Principle of development

11. Policy DM2 of the CS sets out that in locations such as this that replacement dwellings will be supported subject to a number of criteria including, that the proposal should not be substantially larger than the existing dwelling. Additionally, given that the proposal is a mixed-use development, I find that it is reasonable to make some additional allowance for the area allocated for the agricultural use given that this may also be supported by Policy DM2.
12. Furthermore, the appellant has stated that the proposal has been designed specially to support their needs beyond the residential and agricultural uses. This includes working from home in association with a software business. However, the submitted plans do not annotate any area for the business and I have little evidence as to the extent or scale of the activity and associated floor space requirements. As such, I have afforded this little weight.
13. The appellant acknowledges that the proposal would increase the domestic footprint at the site even if the additional agricultural use and lower-ground floor development is excluded from any calculation. Whilst I acknowledge the conclusions of the appellant's Geotechnical Survey¹ which found the need for deep foundations, I do not find that this, or the costs of development, provide adequate justification for discounting the lower-ground floor element of the proposal from the assessment of the scheme's size. Furthermore, I find that the lower-ground floor area significantly contributes to the scale and mass of the

development. The proposed three-storey building, with single-storey projections to both the front and rear, would be substantially larger than the chalet bungalow and array of modest outbuildings that it would replace.

14. I have had careful regard to the policies of the Framework when read as a whole, in particular the paragraphs on rural housing and supporting a prosperous rural economy. The Framework sets out at paragraph 77 that in rural areas, decisions should respond to local circumstances and support housing developments that meet local needs. There is little evidence to suggest that the proposal meets an identified need beyond the specific circumstances of the appellant.
15. I note that the appellant has set out that there is no other suitable housing in the area to meet their needs and since purchasing the property has significantly invested in the business and integrated into the community. Furthermore, I have had careful regard to the appellant's 'Ivylen Farm Business Plan'. I afford the provision of this operation some weight given the likely benefit to the rural economy and the recent Coronavirus pandemic. However, based on the evidence before me, including the limited extent of the identified

¹ Geotechnical Assessment by South West Geotechnical Ltd, dated September 2018, Report No. 10413 Version 1

area for agricultural or business use in the building, I consider that the same or similar benefits could likely be achieved without the identified harm.

Furthermore, whilst paragraphs 83 and 84 support meeting local business needs, it remains important to ensure that development is sensitive to its surroundings, particularly in locations such as this.

16. Therefore, in conclusion on this main issue, I find that the principle of development is not supported having particular regard to the scale and location of the proposal in light of the relevant policies of the development plan and the Framework. As such, the proposal does not accord with Policy DM2 of the CS or Sections 5 and 6 of the Framework. These seek amongst other aims to promote sustainable development in rural locations.
17. Given that the proposal would replace a modest chalet bungalow with a substantially larger dwelling, the proposal would reduce the stock of smaller rural housing. However, I have very limited evidence regarding local housing needs and the consequent implications in regard to inclusive communities. As such, whilst I note the Council's reference to Policy CP5 of the CS I do not find any clear conflict with that policy in this specific instance.

Other matters

18. The appellant has provided examples of other planning approvals within the district in order to seek to justify their proposal. However, I do not have the benefit of full details and, in any event, based on the evidence I find that they are not identical to the proposal before me. As such, I afford them little weight.
19. The appellant has provided a Condition Assessment² concluding that the existing dwelling is in need of works and that the associated costs would be 'considerable'. I have no evidence to reach a contrary conclusion. However, I find this to be a broadly neutral consideration. Policy DM2 of the CS requires, in order to justify a replacement dwelling, for it to be uneconomic to bring the existing dwelling

to an acceptable state of repair. Nonetheless, I do afford some weight to the benefit of providing a replacement dwelling with, for example, enhanced levels of energy efficiency.

20. Additionally, the appellant has raised concern that the Council failed to consider the proposal in a positive or proactive fashion. Whilst a source of clear frustration for the appellant, this has no significant bearing on the planning merits of the case.

21. Even if I were to take the benefits of the proposal cumulatively, I do not find that they would outweigh the harm that I have identified.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR

² Condition Assessment by Croft Surveyors Ltd; inspection undertaken 27 January 2020.

Site: THE OLD WATERWORKS, CHIPSTABLE ROAD, CHIPSTABLE,
TAUNTON, TA4 2PZ

Proposal: Change of use of land from agricultural to domestic at The Old Waterworks,
Chipstable Road, Chipstable (retention of works already undertaken)

Application number: 109/19/0012

Reason for refusal: Allowed

Decision Maker: Delegated Decision – Conditional Approval



The Planning Inspectorate

Appeal Decision

Site visit made on 17 August 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2020

Appeal Ref: APP/W3330/W/20/3251234

The Old Waterworks, Chipstable Road, Chipstable, Taunton TA4 2PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Trevor & Lisa Morrow against the decision of Somerset West and Taunton Council.
 - The application Ref 09/19/0012, dated 11 November 2019, was approved on 25 March 2020 and planning permission was granted subject to conditions.
 - The development permitted is a change of use of land from agricultural to domestic.
 - The condition in dispute is No 2 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting the 2015 Order with or without modification, no outbuildings, enclosures, swimming pools or other structures as described in Part 1, Class E, shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.
 - The reason given for the condition is: To ensure that the proposed development does not harm the character and appearance of the area.
-

Decision

1. The appeal is allowed and the planning permission Ref 09/19/0012 for a change of use of land from agricultural to domestic at The Old Waterworks, Chipstable Road, Chipstable, Taunton TA4 2PZ granted on 25 March 2020 by Somerset West and Taunton Council, is varied by deleting condition No 2.

Background and Main Issue

2. It is clear from the plans and accompanying details that the development comprises a change of use of land to residential and the erection of stock-proof fencing. The Council dealt with the proposal on this basis and so shall I. Planning permission has been granted for the development subject to a condition to restrict the carrying out of permitted development rights as set out within Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015.
3. Therefore, the main issue is whether the condition is necessary in the interests of the character and appearance of the area.

Reasons

4. The appeal site is located on the edge of Chipstable, a small settlement set in an undulating rural landscape. The Council highlights that although not subject to any special designations the landscape has an intrinsic pastoral beauty. I agree with this assessment. As such, I find additional care in considering the potential implications of allowing the change of use, such as from implementing permitted development rights, to be prudent.
5. The Council state that they are not seeking to prevent development but retain control, citing allowance for up to half of the site to be developed under permitted development rights. However, given the topography of the site I find such levels of development to be unrealistic, with little more than a theoretical possibility. Furthermore, the Council have expressed concern in relation to domestic paraphernalia, but this is largely beyond the condition's scope.
6. The site is occupied by a converted water authority building, although it is now clearly of a residential character. The building is modest in scale, occupying the site frontage with the garden located to the rear. The area subject of this appeal is generally raised above the dwelling and has a verdant character. Views of the site are restricted by the dwelling and landscape features, including, high hedges along the narrow rural lanes which provide a strong screen from the highway. Additionally, I note that the land continues to rise beyond the appeal site. This also mitigates visual impacts.
7. The site is comparable in size to a number of other gardens within the loose-knit built-form of the village. I am unaware of these having restrictions on permitted development rights. From my site observations I have noted a number of examples of domestic structures within these gardens, some in locations set behind the houses on raised ground. These gardens and domestic structures form part of the character and appearance of the area.
8. Having careful regard to this site context I am also mindful that the National Planning Policy Framework sets out at paragraph 55 that the number of planning conditions should be kept to a minimum. Furthermore, national guidance states that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application are unlikely to meet the tests of reasonableness and necessity¹.
9. Therefore, in conclusion on the main issue I find that the condition is not necessary in the interests of the character and appearance of the area.
10. For the reasons given above I conclude that the appeal should succeed. I will

vary the planning permission by deleting the disputed condition.

James Taylor

INSPECTOR

¹ Planning Practice Guidance: Paragraph: 017 Reference ID: 21a-017-20190723

Site: 10 BIRCH GROVE, TAUNTON, TA1 1EE

Proposal: Erection of detached double garage at 10 Birch Grove, Taunton as amended by Drg No.1981.2/200C changing roof design from dual pitched to hipped pyramid

Application number: 38/20/0062

Reason for refusal: Allowed

Decision Maker: Committee – Refusal



The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref:

APP/W3330/D/20/3254784 10

Birch Grove, Taunton TA1 1EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Charlotte Brice against the decision of Somerset West and Taunton Council.
 - The application Ref 38/20/0062, dated 12 February 2020, was refused by notice dated 11 June 2020.
 - The development proposed is the erection of a detached double garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached double garage at 10 Birch Grove, Taunton, TA1 1EE in accordance with the terms of the application Ref: 38/20/0062, dated 12 February 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be in accordance with the following approved plans; 1981.2/100 and 1981.2/200C.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the garage hereby permitted have been submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved samples.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garage hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of 10 Birch Grove and their visitors.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the roof of the development hereby permitted.
- 6) The allocated Turning Area in plan 1981.2/200C shall be kept clear of obstruction at all times and shall not be used other than for the manoeuvring and parking of vehicles in connection with the development hereby permitted.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area which is within the Staplegrove Road Conservation Area.

Reasons

3. The appeal site is located within the Staplegrove Road Conservation Area (CA), a designated heritage asset where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the CA. The special interest of the CA primarily derives from the high architectural quality of the Victorian and Edwardian dwellings within the designated area.
4. The appeal property is a brick built Victorian semi-detached house with a pitched roof form. It occupies a prominent corner plot position whereby the front faces Birch Grove and the flank, which includes a two storey rear projection, faces The Avenue. A recent single storey flat roof extension has wrapped around the rear projection. The proposed double garage would be sited on an existing vehicle hardstanding located between the southern end of the extension and Hatfield, the neighbouring house on The Avenue.
5. At around 6.5m wide and 6.3m deep the footprint of the building would not be unusual for a double garage. Although the approximately 5m height of the roof ridge would be tall, it would not appear excessive. As the development would be set behind the building line on The Avenue, it would preserve the spaciousness between the built form and the highway which is an important part of the character of the street scene. There would not be a sense of the over-development of the site and the front of the garage would neatly align with the projection of the side extension. The proposed materials, namely red brick walls, plain clay tiles and a timber sectional garage door would also be sympathetic to the character of the host property and the wider area.
6. Although the roof would interrupt wider public views of the architectural detailing on the north side of Hatfield, this would only relate to the lower rear part of the flank of the neighbouring building and the detailing would remain visible in more

close-up public views. The proposed hipped pyramid roof would positively reflect the pitched roof form of the main part of the house and the garage would be beneficial in reducing the adverse visual impact of vehicles parked within the domestic curtilage of the house.

7. In light of the above, it is concluded the proposed development would not have an unacceptably harmful effect on the character and appearance of the area. It would preserve the character and appearance of the CA. The development would not conflict with Policy DM 1 of the Council's Adopted Core Strategy 2011-2028 which, amongst other things, seeks to ensure development does not unacceptably harm the character and appearance of an area.

Other Matters

8. The development would be set back around 1m from the site boundaries and the pyramid roof form would result in the roof slope rising away from the neighbouring properties, with a limited high level mass and bulk. The development would therefore not be overbearing or cause unacceptable harm to the amenity of the occupiers of neighbouring properties in respect of overshadowing.
9. The Council's Tree Officer commented that a mature apple tree in the rear garden of 9 Birch Grove would not be harmed by the proposed development as the evidence indicates the roots do not substantively extend into the appeal site due to the deep foundations of the boundary wall. There is no reason to come to a different view.
10. The concern the garage could be converted into ancillary residential accommodation or lead to inadequate off-street parking provision is noted, as is the concern windows could be inserted in the roof leading to the overlooking of neighbouring properties. However, these concerns can be overcome by the imposition of two conditions suggested by the Council which would ensure the garage is kept as a domestic garage and the installation of any windows in the roof would be prevented.

Conditions

11. In addition to the two conditions previously noted, the standard time limit condition is imposed, as is a condition specifying the approved plans to ensure certainty. A condition in respect of the approval of the external materials to be used is imposed in the interests of preserving the character and appearance of the CA. A condition to ensure the identified turning area within the site is retained is imposed in the interests of highway safety. The wording of some of the conditions suggested by the Council have been amended for conciseness and accuracy and so they better reflect the guidance in the National Planning Policy Framework and planning practice guidance.

Conclusion

12. For the reasons given above and having regard to all other matters raised, it is concluded the appeal should be allowed.

C J Ford

APPOINTED PERSON

Site: CHURCH COTTAGE, 31 CHURCH ROAD, TRULL, TAUNTON, TA3 7LG

Proposal: Replacement of 3 No. windows and 1 No. door to rear of Church Cottage, 31 Church Road, Trull

Application number: 42/20/0016

Reason for refusal: Dismissed

Decision Maker: Delegated Decision – Refusal



Appeal Decision

Site visit made on 11 August 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 07 September 2020

Appeal Ref: APP/W3330/D/20/3252865

31 Church Road, Trull, Taunton, Somerset TA3 7LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Power against the decision of Somerset West and Taunton Council.
 - The application Ref 42/20/0016, dated 25 February 2020, was refused by notice dated 6 May 2020.
 - The development proposed is replace 3 windows and back door in extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area which is within the Trull Conservation Area.

Reasons

3. The appeal site is located within the Trull Conservation Area (CA), a designated heritage asset where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the CA. The site also forms part of the setting of three listed buildings; All Saints Church (Grade I), Tomb of Edward Berrie (Grade II) and Trull War Memorial (Grade II). These are similarly designated heritage assets and special attention must be paid to the desirability of preserving the setting of these buildings.
4. The CA covers the historic central part of Trull and the character of this part of the

CA is primarily derived from the dominance of the church. The appeal property forms part of a small group of dwellings to the south east of the church and is a two storey semi-detached cottage of traditional design. It has a single storey rear extension which is a lean-to form with a deeper gable ended mid-section.

5. The main two storey part of the house and the gable ended section of the extension are finished in stone while the lean-to parts of the extension are painted brick. Excluding two rooflights, the whole property has timber windows and doors in a matching colour. The consistency in the materials and colour of the windows and doors results in the property having a visually pleasing coherent appearance.
6. Within the small group of dwellings there are examples of timber, Upvc and metal frame windows. However, it is those of timber construction, as found at the appeal property, that harmonise with the traditional character of the dwellings and thereby make a positive contribution to the locality. Although the neighbouring dwellings to the south east use Upvc extensively, they are located outside of the CA.
7. The proposal is to replace the 3 timber windows and the timber door in the rear extension with 3 white Upvc windows and a golden oak effect composite door. The Upvc window frames would have a bulkier profile than timber. They would also have a more modern shiny and reflective appearance. As a result, they would fail to harmonise with the traditional character of the dwelling. The variance in materials and colour between the proposed door and the windows would also eliminate the existing consistency in the rear elevation. Consequently, there would be significant harm to the character and appearance of the dwelling.
8. It is acknowledged that only the window closest to the road is currently visible in public views. The window alongside 29 Church Road is hidden by the deeper mid-section of the extension while the rear door and its neighbouring window are screened by planting and timber outbuildings. However, as these latter features lack permanence, the harm derived from the rear door and the neighbouring window may be revealed over time. It is therefore considered the inappropriate relationship with the traditional character of the house would be evident and the positive contribution made to the locality would be undermined.
9. Given the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the area. It would fail to preserve or enhance the character or appearance of the CA. It would detract from views of the listed buildings and thereby fail to preserve their setting. The development would conflict with Policies DM 1 and CP 8 of the Council's Adopted Core Strategy 2011-2028 and Policy H2 of the made Trull Neighbourhood Plan to 2028. Amongst other things, the policies seek to ensure development does not unacceptably harm the character and appearance of an area and the historic environment.
10. The National Planning Policy Framework specifies that where a development would lead to less than substantial harm to a designated heritage asset, as would be applicable in this case, the harm should be weighed against the public benefits. It is noted the appellant intends to replace the timber frame windows in the main part of the house with Upvc. Unlike the windows and door in the extension, these are not controlled by a planning condition which requires them to be maintained as timber. While the appellant therefore considers the proposal would ensure the windows and door in the extension would match the main part of the house, the appeal can only be assessed against the property as it currently stands. Accordingly, no public

benefits may be derived from the appeal proposal.

Conclusion

11. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

C J Ford

APPOINTED PERSON

SWT Performance report							
Full definition	Target	Unit	Apr-July	Denominator	Apr-July	Numerator	Apr-July
% of major planning applications determined within 13 weeks (or within agreed extension of time)	75	%	100%	Total number of major planning applications received	10	Total number of major planning applications completed within 13 weeks or agreed extension	10
% of minor planning applications determined within 8 weeks or agreed extension of time	65	%	84%	Total number of minor planning applications received	105	Total number of minor planning applications completed within 8 weeks	88
% of other planning applications determined within 8 weeks or an agreed extension of time.	80	%	90%	Total number of other planning applications received	220	Total number of other planning applications completed within 8 weeks or an agreed extension	198
% of planning appeals received that have been overturned		%	16%	Number of appeals received	19	Number of appeals overturned	3

