

21/21/0005

MS J CATHCART

Erection of a single storey extension to the rear and canopy at the front of the ancillary accommodation known as Cosy Cott at Toms House, Langford Budville Road, Langford Budville

Location: TOMS HOUSE, LANGFORD BUDVILLE ROAD, LANGFORD
BUDVILLE, WELLINGTON, TA21 0QZ

Grid Reference: 311094.12274 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:

(A3) DrNo 2021005 004 Location and Block Plan

(A3) DrNo 2021005 006 Proposed Drawings of Cosy Cottage

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

3. The extended building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as Toms House.

Reason: To prevent the building being occupied as a separate unit of accommodation.

4. The following will be integrated into the design of the buildings and site plans:

A. Installation of 1x Kent bat box, purchased or built, on to the building facing

southwest at a height above 3m.

B. Installation of 1x standard bird boxes, purchased or built, on to the building between 1.5-3m in height on the north-eastern elevation and maintained thereafter.

Photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to occupation.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

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.
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. The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Proposal

This application seeks approval for the erection of a single storey gable extension off the rear (west) elevation of the ancillary annexe accommodation, to provide two additional bedrooms for the household and specifically for the accommodation of two carers for the applicants' son whose needs require the 24 hour care of two carers. The proposed extension would project by 5.30m, reach a max.height of 4.50m with eaves at 2.30m from ground level. New windows are proposed on the south east and north west elevations of the extension. Proposed materials will match the existing building. Permission is also required for the retention of a 2.50m high canopy/veranda projecting off the front elevation, as canopies and verandas are not permitted development.

Site Description

The main dwelling is a detached two storey 5 bed roomed dwelling, finished in render under a pitched roof of double roman tiles. Set on a level site, in an area of back land to the rear of the Martlett Inn. There is a private drive to the highway, no road frontage and it overlooks an associated field converted to domestic curtilage in 2018 to the south east. There are neighbouring dwellings to the north, north east and south west.

The detached single storey annexe/ancillary accommodation to the main dwelling, subject of this application, was converted from a garage in 2018. It is sited outside of the settlement boundary of the village. It is finished in render under a pitched roof of interlocking concrete tiles to match the main dwelling. It has velux windows in the north east roof slope. The NW boundary of the application site is formed by a 2 metre high wall and fence. To the SW the garden of the adjacent property Trevelgue is slightly elevated, with a hedge forming the boundary treatment with the application site. To the SE is the domestic land belonging to the main dwelling. Off-road parking and turning space for at least three vehicles is provided to the rear of the annexe building.

Relevant Planning History

21/18/0002 - Erection of a single storey flat roofed extension and balcony on the south east elevation and change of use of former garage to ancillary accommodation - CA

21/18/0023 - Change of use of land from agricultural to domestic and associated works including wheelchair accessible paths and erection of shed/art room - CA

21/20/0008 - Erection of a single storey extension to the annexe - WDN

21/21/0004 - Erection of summer house - Yet to be decided.

Consultation Responses

LANGFORD BUDVILLE PARISH COUNCIL - The Parish Council object to the planning application. By effectively doubling its footprint, it represents an overdevelopment of the site. The Parish Council does not believe that it represents ancillary accommodation as it is already capable of fully independent occupation, as it has a shower room and equipped kitchen area. This is a problem because the entire premises is being used as holiday lets which is in contravention of Condition 4 of Application 21/18/0002

SCC - ECOLOGY - No objection subject to inclusion of specified condition and informative.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice.

Habitats Regulations Assessment

No additional phosphates as a domestic annexe. HRA not required.

Representations Received

One in support has been received.

Four objections with concerns about:

- The use of the private road through Courtlands to access the site;
- Non-compliance with the conditions of the previous planning permission granted in 2018;
- Over development of the site;
- Possible use of the site by large groups of people visiting the site.
- A veranda has been added to the ancillary accommodation which was not on the original approval for the conversion.
- The size of the ancillary accommodation building is doubled by this proposal and therefore not subservient.
- The addition of a kitchenette makes the building much more of a self contained unit than ancillary accommodation.
- The extension would increase overnight accommodation and will affect residential amenity.
- The matter is complicated by the building being advertised as Self Catering Holiday accommodation for 4 people.
- The doubling in size of this ancillary accommodation within a residential unit that already sleeps 18 seems excessive in a village situation and will almost certainly increase traffic and general noise which is contrary to Policies D5 and D6.
- The application would substantially increase the ancillary accommodation at this village property far beyond the need of a domestic property even one for a single individual with known care needs.

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.

D5 - Extensions to dwellings,
D6 - Ancillary accommodation,
CP8 - Environment,
DM1 - General requirements,
A1 - Parking Requirements,

Local finance considerations

Community Infrastructure Levy

Not applicable.

Determining issues and considerations

The main issues in the determination of this application are the impact on visual and residential amenity. The policies against which it will be considered are D5 (Extensions to dwellings), D6 (Ancillary accommodation) and SB1 (Settlement Boundaries) of the Site Allocations and Development Management Plan 2016, DM1 (General requirements) and CP8 (Environment) of the TDBC Adopted Core Strategy 2011-2028.

As a householder planning application for extension to ancillary accommodation the main planning issues relate to the impact on the area and the subsequent use when the need for the accommodation no longer exists. It is particularly important that a new dwelling is not created in this way outside a settlement. Any new building proposed but not regarded as ancillary would therefore be assessed under policy SB1 if outside of a settlement boundary. Therefore Policies D6 (Ancillary Accommodation), D5 (Extensions to dwellings) and A1 (Parking provision) of the Site Allocations and Development Management Policy and DM1 (General Requirements) and CP8 the Environment of the Core Strategy apply.

The extension fulfills the criteria of Policy D6 (Ancillary accommodation) in that:

- A. It would be less damaging to the character of the main dwelling or the surroundings than an extension or conversion of another building.
- B. It is close enough to the main dwelling to maintain a functional relationship; shares a driveway to the highway; shares a garden and parking area with the main dwelling.
- C. It causes no harm to the residential amenity of other dwellings through loss of light, privacy or dominance on a boundary.
- D. It does not unacceptably prejudice the future amenities, parking, turning space and other services of the main dwelling.
- E. It does not harm the form and character of the main dwelling and is subservient to it in scale and design.

The criteria of Policy D5 (Extensions to dwellings) are fulfilled in that:

- A. There is no harm caused to the form and character of the dwelling, and it is subservient to it in scale and design.
- B. No harm is caused to the residential amenity of other dwellings through loss of light, privacy or dominance on a boundary.
- C. Policy A1 is satisfied as sufficient off-road parking space is provided for a dwelling of 4 or more bed rooms. Therefore the future amenities, parking, turning space and other services of the dwelling to be extended are not harmed.

The criteria of Policy DM1 (General requirements) pertinent to this type of development:

- a. Make the most effective and efficient use of land, giving preference to the recycling of previously developed land where this is in a sustainable location, and with the density of development varying according to the characteristics of the area, with the higher densities in centres and on public transport routes;
 - This application is within the domestic curtilage of the main dwelling and shares its access to the highway and amenity space.
- b. Additional road traffic arising, taking account of any road improvements involved,

would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact;

- The development will not require any road improvements and will continue to share the access and parking available with the main dwelling.

c. The proposal will not lead to harm to protected wildlife species or their habitats;

- The SCC Ecologist has no objections to the proposal and has imposed conditions regarding wildlife.

d. The appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development;

- The annex extension has no impact on the street scene and will have no significant visual impact on the area.

e. Potential air pollution, water pollution, noise, dust, lighting, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not unacceptably harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;

- Where ancillary accommodation is permitted, planning control over subsequent use or sale as a separate dwelling will be imposed. The extended annex is for the stated use of up to two carers required for the support and care of a family member. This use is considered to be acceptable and unlikely to cause nuisance or harm to residential amenity. A condition restricting the use of the annex solely to purposes ancillary to the residential use of the occupants of the dwelling is imposed and it is presumed this is sufficient to maintain the solely residential use of the annex building.

f. The health, safety or amenity of any users of the development will not be unacceptably harmed by any pollution or nuisance arising from an existing or committed use;

g. The site will be served by utility services necessary for the development proposed.

Policy CP8 states that ' Development will be supported at sustainable locations to improve green infrastructure, public access, visual amenity and the overall quality of the natural environment'

- The sustainability of this location is questionable. There is no shop in this village and no bus service to and from Langford Budville, therefore cars are the most likely form of transport. It is a given that two carers visiting and staying at the house will bring one to two additional cars with them, but the off-road parking provision at Tom's House has been shown to comply with Policy A1 (Parking provision) for a domestic dwelling of 4 or more bed rooms.

Under Policy D6 (Ancillary accommodation) the main planning issues relate to the impact on the area and the subsequent use when the need for the accommodation no longer exists. It is particularly important that a new dwelling is not created in this way outside a settlement and therefore a condition is recommended to ensure that the building remains as ancillary accommodation to the main dwelling.

A number of representations have been received raising concerns that the existing building is used as a holiday let and not as ancillary accommodation. As part of the application process, clarification has been sought from the agent who has confirmed that the building is used as ancillary accommodation. If in the future, the building is used as anything other than ancillary accommodation, it would be in breach of a planning condition and therefore appropriate enforcement action could be taken.

In conclusion, it is noted that the proposal meets the criteria of the relevant policies, is acceptable and is recommended for approval.

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

Contact Officer: Mrs M Pike