

Application Details	
Application Reference Number:	38/22/0279
Application Type:	Full Planning Permission
Earliest decision date:	03 October 2022
Expiry Date	21 October 2022
Extension of time	14 November 2002
Decision Level	Committee
Description:	Demolition of conservatory and garage and erection of a single storey extension to the side and rear of 6 Orchid Close, Taunton
Site Address:	6 ORCHID CLOSE, TAUNTON, TA1 3XL
Parish:	38
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mrs S Melhuish
Agent:	
Applicant:	MR N WILLIAMS & MS L FRASER
Committee Date:	10 November 2022
Reason for reporting application to Committee	Applicant is a member of staff

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 -Due to the scale, design and location of the proposed extension the development would not harm the living conditions of the occupants of the adjacent property or the character and appearance of the area and therefore the proposal complies with policy D5.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

3.1.1 Time limit of 3 years for commencement 3.1.2 Drawing numbers of approved plans 3.1.3 No further windows in the side elevations.

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement
3.2.2 Encroachment

4. Proposed development, site and surroundings

4.1 Details of proposal

The erection of a single storey flat roof extension to the rear of the property to replace the existing conservatory and flat roof garage, to provide an additional bedroom and kitchen/diner. The bedroom extension will be brought in line with the rear elevation of the main dwellinghouse.

The extensions will be finished in brick work under a flat roof. The scheme initially showed the structure of the garage predominately remaining unchanged, however in light of the comments from the adjacent neighbour, amended plans have been submitted that show the existing garage being demolished and an extension built in its place. This will wholly within the Applicant's land and using either a raft or eccentric foundation. As originally submitted, a high level window is shown in the front elevation and patio doors in the rear. Triple patio doors are shown in the back of the rear extension and no windows in either side elevation. Any installation of further windows in the future have been controlled by condition.

The application is being brought to Committee as the Applicant is a member of staff.

4.2 Sites and surroundings

6 Orchid Close is a modern semi-detached property finish brick and render under a tiled pitched roof. To the side is an original flat roof garage with parking to the front, a conservatory has been added to the rear of the property.

5. Planning (and enforcement) history

No planning history for the property.

6. Environmental Impact Assessment

Not applicable.

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the proposed development is an extension to an existing dwelling it does not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 31 August 2022

8.2 Date of revised consultation: 19 October 2022

8.3 Press Date:

8.4 Site Notice Date: 12 September 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
SCC - ECOLOGY	Not required	Flat roof garage, well sealed.
SCC - TRANSPORT DEVELOPMENT GROUP	Refer to standing advice.	Noted

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

1 letter has been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
None	
Support	Officer comment
None	

8.7.1 Summary of objections - non planning matters:-

No consent will be given for a structure over the boundary line,
Drains run alongside the neighbour;'s property
The Party Wall Act should be respected and property should be protected during construction
Any damage to property - do the Council compensate?
Garden should remain enclosed, any access will be subject to supervision
Stability of property as substantial earth works will take place.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are listed below:

DM1 - General requirements,
D5 - Extensions to dwellings,

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

There is no Neighbourhood Plan in place.

9.1 National Planning Policy Framework

The application accords with the general principles of the NPPF.

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The principle of extending a residential property is acceptable subject to compliance

with the relevant policies.

10.1.2 Design of the proposal

The scheme was initially submitted showing the garage to be converted to an additional bedroom and both this and the proposed extension finished in render, however given that the front of the property is finished in brick at ground floor level and rendered above, it was considered that brick would be a more appropriate finish. Amended plans had been submitted to show this.

The application has been further amended to show the existing garage to be demolished to enable a single storey extension to be built in the same position as the garage with either new raft or eccentric foundations that will ensure that all the development will be within the applicant's land. As originally submitted, the side extension will be brought in line with the rear of the host property thus removing the existing gap; this extension will have a flat roof, which will reflect the existing garage that is to be demolished. Whilst in design terms, flat roof extension projecting to the side of a dwelling may not be acceptable, each is considered on its own merits and therefore, given that the extension will be well set back from the road, alongside number 6 and the neighbouring property, it is considered acceptable; the overall scheme complies with policy D5 (Extensions to dwellings) of the Taunton Site Allocations and Development Management Plan

10.1.3 Access, Highway Safety and Parking Provision

There will be no change to the existing access arrangements at the property and whilst the garage space will be lost there will be parking available within the front garden and in front of the new extension.

10.1.4 The impact on the character and appearance of the locality

The amended plans show the existing garage to be demolished and a single storey extension built in its place. The extension will be in such a position that it is set back the depth of dwellinghouse and the front garden, this will reduce any impact that the extension will have on the street scene or the character of the area as a whole.

10.1.5 The impact on neighbouring residential amenity

This application originally sought to convert the existing garage to an additional bedroom and replace the existing conservatory with a single storey extension. The external structure of the garage would have remain unchanged along the boundary with the neighbour at number 4 Orchid Close, except for a small extension to the front. The applicant's have amended the scheme to replace the garage with a single storey extension in the same position, which will overcome the neighbour's concerns with regards to encroachment. The extension will be brought forward (as shown on the original submission) to in-fill an area between the Applicant's property and the side gable end of the neighbouring property, thereby having no adverse impact in terms of overlooking or loss of light.

The single storey extension to the rear will replace an existing conservatory. Whilst

the extension will be built alongside the boundary, given the depth of the extension, there will be no adverse impact on the living conditions of the occupants of number 8 Orchid Close.

The comments received from the neighbour at number 4 Orchid Close are not planning considerations but issues that will need to be agreed as civil matters. The Agent has amended the application in order that the extensions will be finished in brick, this will be easier to construct without needing to render the extension and by proposing a raft or eccentric foundation, this will ensure that no encroachment will take place into the adjoining boundaries.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Not payable in this instance.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and Informatives/ Reason/s for refusal

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 6615-ACC-00-ZZ-DR-A-0200 Rev P6 Proposed Floor Plans & Elevations

(A3) DrNo 6615-ACC-00-ZZ-DR-A-0400 Rev P2 Proposed Site Plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no windows shall be installed in the east (side) elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.