

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

Location: 10 BIRCH GROVE, TAUNTON, TA1 1EE

Grid Reference: 322296.125189

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

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(A1) DrNo 1981.2/200A Proposed Plans and Elevations(Superceded)
(A1) DrNo 1981.2/200B Proposed Plans & Elevations (Superceded)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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order), 2018, the prior written permission of the local planning authority shall be obtained for the insertion of any new windows, other than any hereby approved, above ground floor level in any elevation by the submission of a planning application made for this purpose.

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

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

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

Reason: In the interests of highway safety.

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

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

Notes to Applicant

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

Proposal

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

Site Description

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

Relevant Planning History

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

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

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

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

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

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

Consultation Responses

Ward Member - Objection

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

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

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

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

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

Conservation Officer - Objection

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

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

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

Representations Received

5 x objections

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

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

Amended Roof Design Plans

7 x objections

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

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM 1 - General Requirements

CP8 - Environment

Listed Buildings and Conservation Areas Act 1990 section 72

National Planning Policy Framework - Chapter 16

Staplegrave Conservation Area Appraisal.

Determining issues and considerations

The Principle of Development

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

Design

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

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

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

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

Conservation Officer

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

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

Tree Officer

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

Highway Matters

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

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

Other Matters

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

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

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

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

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

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

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

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

Conclusion

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

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

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

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