

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

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## **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**