

Officer Report on Planning Application: 14/02094/FUL

Proposal :	Erection of a 2 bedroom bungalow (GR 370688/121933)
Site Address:	Land to the rear of 35 Bowden Road, Templecombe.
Parish:	Abbas/Templecombe
BLACKMOOR VALE Ward (SSDC Member)	Cllr T Inglefield Cllr W Wallace
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	7th July 2014
Applicant :	Mr & Mrs Nick Colbert
Agent:	Mrs Janet Montgomery Wessex House, High Street Gillingham, SP84AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee as the applicant is a district councillor.

SITE DESCRIPTION AND PROPOSAL





The application seeks permission for the erection of a detached one and a half storey dwelling. The site consists of an area of empty land (former garden) to the rear of two terraced red brick dwellings. The site is located within the Templecombe development area. The site is close to various residential properties.

It is proposed to form a vehicular access into the site from Overcombe. The proposed dwelling will be constructed of brick under a tiled roof.

HISTORY

13/02725/FUL - Erection of a 2 storey detached dwelling - Application refused 15/11/2013 for the following reasons:

01. *"The proposal represents unjustified over-development of greenfield land, which fails to respect the form, character and setting of the locality, and would not preserve or complement the key characteristics of the location. It would also result in the loss of an open space or gap in the built development which currently offers positive visual and environmental value. In these respects, the proposal represents poor design, and is contrary to the aims and objectives of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.*

02. *The proposal would unacceptably harm the residential amenity of occupiers of neighbouring properties resulting from overlooking and an unacceptably intrusive presence close to existing dwellings and outdoor amenity space. Future occupiers of the proposed development would enjoy unacceptable residential amenity by reason of the close proximity to neighbouring dwellinghouses, the upper storey windows of which would directly overlook the outdoor living space and windows of the proposed development. In these respects, the proposal is contrary to the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006."*

11/01659/FUL - Erection of 2 two bedroom dwellings with garages - Application refused 14/07/2011 for the following reasons:

01. *"The proposal represents unjustified over-development of greenfield land, which fails to respect the form, character and setting of the locality, and would not preserve or complement the key characteristics of the location. It would also result in the loss of an open space or gap in the built development which currently offers positive visual and environmental value. In these respects, the proposal is contrary to the aims and objectives of PPS3 and Policy ST6 of the South Somerset Local Plan, 2006.*

02. *The proposal would unacceptably harm the residential amenity of occupiers of adjacent properties owing to the proximity of the two dwellings to the outdoor living space which would be directly overlooked. Future occupiers of the proposed development would enjoy unacceptable residential amenity by reason of the close proximity to neighbouring dwellinghouses, the upper storey windows of which would directly overlook the outdoor living space and windows of the proposed development. In these respects, the proposal is contrary to Policy ST6 of the South Somerset Local Plan, 2006."*

11/01659/FUL was dismissed at appeal 13/06/2012

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

EU4 - Drainage

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Templecombe Parish Council - Objects for the following reasons:

- The proposal will exacerbate existing parking and access problems, including access for emergency vehicles.
- The proposal is an overdevelopment of the site. The garden left for numbers 35 and

35a would be greatly reduced and unusable.

- The proposal is not compatible with other properties in the area.
- The proposal is detrimental to the amenity and environment of the area.
- Vehicular movements out of the proposed access would cause a traffic hazard.
- The one and half storey building is out of keeping with the area.

County Highway Authority - Refers to standing advice

REPRESENTATIONS

Objections were received from the occupiers of six neighbouring properties. Objections were raised on the following grounds:

- The proposal is similar to that which was applied for and refused under application 02/02087/OUT.
- Some of the previous reasons for refusal (unjustified overdevelopment of greenfield land, replacing a green gap with a building, and future occupier's standard of amenity) have not been addressed.
- The proposal will exacerbate existing parking issues.
- An application for a bungalow in the area was refused as out of character.
- A bungalow facing the road (parallel with) would be out of character with the area.
- The proposal will overlook neighbours property as the fence is only one metre high.
- The site is already overdeveloped.
- There is Japanese Knotweed in the garden which should be eradicated before the site is developed.
- Applicant's assertion that development should be allowed because the plot has become a dumping ground is disingenuous as most of the waste has been generated by the applicant's building activities.

CONSIDERATIONS

History and Principle of Development

The site is with the Templecombe development area as defined by the local plan. As such the principle of residential development is considered to be acceptable and the scheme falls to be considered on its merits, specifically whether or not the proposal satisfactorily addresses the previous reasons for refusal.

In 2011 an application to develop the plot with a pair of two storey dwellings was refused, and in 2012 the scheme dismissed at appeal. The inspector concluded that, in contrast to the approved dwelling opposite, the dwellings would cut across the parallel pattern of the existing terraces. She also stated that a substantial portion of road side garden and hedge would be replaced with buildings and driveways, thereby reducing the green gap and detracting from the existing character and appearance of the area. She concluded that the impact on neighbouring residential amenity would not be unacceptable, but that the living conditions of the future occupiers of the proposed dwellings would be unacceptable, as they would have a limited amount of outdoor amenity space, which would be overlooked at very close range by the upper floor windows on nos. 14 and 15. In 2013 a revised scheme was submitted for a single two storey dwelling. It was not considered that this scheme satisfactorily addressed the inspector's concerns.

The current proposal attempts to address the previous reasons for refusal, by reducing the height and scale of the proposed dwelling and by changing its orientation to reflect local prevailing character.

Visual Amenity

The proposal must be considered against the inspector's concerns in relation to the impact on visual amenity caused by the proposed development of the plot. The current proposal is for a single storey dwelling orientated to reflect the pattern of the existing terraces and the more recent dwelling known as 'Eden' on the opposite side of the road. The gap in the existing hedge required to accommodate vehicular access to the site, is significantly smaller that would have been required by the 2011 scheme. It is therefore considered that the inspector's concerns regarding the impact of the proposal on the character of the area have been satisfactorily addressed, by reducing the loss of 'green gap' and setting the dwelling into the prevailing orientation of other dwellings in the locality.

Therefore, notwithstanding the concerns of the parish council and neighbouring occupiers in relation to the impact on visual amenity, it is considered that the proposal will respect the character of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

Residential Amenity

In regards to the 2011 scheme the inspector's main concern was the adequacy of the outdoor amenity space that could be provided for any future occupiers. In particular she was concerned that the proposed garden would be overlooked from close range by the upper floor windows of nos. 14 and 15. The current scheme shows the predominant garden area to serve the dwelling on the north side of the property, away from nos. 14 and 15 and with the proposed dwelling offering some screening from this view. As such, it is considered that the inspector's concerns have been satisfactorily addressed in this regard. Notwithstanding the concerns of neighbouring occupiers, the proposal, by reason of its size, position, orientation, and window layout, would cause no demonstrable harm to the residential amenity of adjoining occupiers.

Highways

Concerns have been raised by the parish council and neighbouring occupiers regarding the access and parking arrangements. The Highway Authority has referred to their standing advice. The proposed access and parking levels broadly accord with the standing advice and the parking standards set out in the Somerset Parking Strategy. On neither of the previous refusals on the site has the impact of the development on highway safety or parking provision been given as a reason for refusal. The currently proposed arrangements will have no worse an impact than on these previous schemes. It would therefore be unreasonable to introduce this as a reason for refusal now. In any case, notwithstanding the concerns of the neighbouring occupiers and the parish council, the impact on highway safety is considered to be acceptable.

Other Matters

A neighbour has raised a concern that the proposal is similar to a scheme refused under application 02/02087/OUT. However, since this application was refused, the local context has changed significantly, with the approval and construction of the dwelling known as 'Eden'. Furthermore the design and orientation of the currently proposed bungalow is quite different to that refused under 02/02087/OUT.

A concern has been raised regarding the presence of Japanese Knotweed within the site. Whilst the weed is pernicious and should be eradicated from the plot, its presence does not represent a constraint to development.

A neighbour has stated that the applicant's assertion that development should be allowed because the plot has become a dumping ground is disingenuous as most of the waste has been generated by the applicant's own building activities. Whether or not this true, no weight has been given to this particular argument put forwards by the applicant.

The parish council has raised a concern that the garden remaining for nos. 35 and 35a would be so small as to be unusable. However, the gardens are considered to be of a size that provides a perfectly adequate level of outdoor amenity space for the occupiers.

Conclusion

Notwithstanding the concerns of the parish council and the neighbouring occupiers it is considered that the previous reasons for refusal have been satisfactorily addressed.

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the area, highway safety, or residential amenity.

RECOMMENDATION

Permission be granted for the following reason:

01. Templecombe by reason of its size and provision of services and facilities is considered a sustainable location in principle for appropriate development. The erection of a dwelling on this site would respect the character of the locality, with no demonstrable harm to residential amenity, or highway safety. As such the proposal complies with policies ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 14066-1A received 17 June 2014.

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

03. No work shall be carried out on site until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- c.. details of all hardstanding and boundaries
- d. details of the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

04. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities in accordance with policies St5 and ST6 of the South Somerset Local Plan.

05. Before the dwelling hereby permitted is first occupied, the access over the first 5m of its length shall be properly consolidated and surfaced (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority, before works are carried out on the access.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

06. Before the dwelling is occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto any part of the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

07. The area allocated for parking on the submitted plan, drawing no. 14066-1A received 17 June 2014, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles used in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no entrance gates shall be hung at the vehicular access hereby approved.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

09. Before any of the development hereby permitted is commenced details of the finished floor levels of the dwelling to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Such level shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, without the prior express grant of planning permission.

Reason: In the interests of residential amenity and in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: In the interests of visual amenity and in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no outbuildings erected in the curtilage of this building without the prior express grant of planning permission.

Reason: In the interests of visual amenity and in accordance with policies ST5 and ST6 of the South Somerset Local Plan.
