

## Officer Report on Planning Application: 14/02794/OUT

<b>Proposal :</b>	Outline application for the erection of 1 no. single storey dwelling (with all matters reserved) (GR:366361/123456)
<b>Site Address:</b>	Knapp House The Knapp North Road Charlton Horethorne
<b>Parish:</b>	Charlton Horethorne
<b>BLACKMOOR VALE Ward (SSDC Member)</b>	Cllr T Inglefield Cllr W Wallace
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	20th August 2014
<b>Applicant :</b>	Mr & Mrs P Lynch
<b>Agent:</b>	Mrs Janet Montgomery Wessex House, 8 High Street, Gillingham, SP8 4AG
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered, and in light of objections raised locally.

### SITE DESCRIPTION AND PROPOSAL





## **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):**

ST2 - Villages

ST3 - Development Area

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EH5 - Setting of Listed Buildings

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**

**Charlton Horethorne Parish Council** - Objects to the application. Individual comments of councillors raised objections on the following grounds:

- The site is outside the development area and there is no need to loosen the boundaries.
- Any bungalow would be very close to the Granary's garden.
- The development boundary is not out of date.
- The site is close to the northern neighbour's boundary and will affect their present open outlook.
- The proposal may set a precedent for similar applications in similar positions.
- Another dwelling built in the garden of an existing property is never a good plan.

**County Highway Authority** - Standing advice applies

**SSDC Conservation Officer** - Notes the additional section drawing, which he states demonstrates that the site is capable of taking a new single storey dwelling with little impact on the street scene of North Road. He notes that domestic gardens exist on three sides of the site, and a modern dwelling in a back land position (Staddlestones) to the north sets a certain precedent. He concludes that infilling this area with a dwelling is considered to be acceptable on the basis that it preserves the character of the conservation area.

## REPRESENTATIONS

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

- The scheme is similar to and suffers the same disadvantages of application 12/04562/FUL which was refused by the council because it did not accord with the development plan and because of the adverse effect on adjoining properties.
- The proposal could set a precedent for future departure from the principle of not allowing 'backland' development.
- An approval could set a precedent for further building on the adjoining field.
- The proposal is outside the development boundary, which has recently been reconfirmed. Approval could set a precedent for further development outside the development line.
- The site is very close to the garden of The Granary and therefore inappropriate.
- The proposal could cause drainage and run-off problems for The Granary.
- A bungalow is not the type of housing identified as being required in the village.
- The proposal would overlook the garden of The Granary.
- The garden of The Granary is already overshadowed. The proposal would exacerbate this.
- The occupier's of The Granary would not wish to have services running through their land.

## CONSIDERATIONS

### History and Principle of Development

Applications to erect a bungalow in a not dissimilar location were made in 1981 and 1983. Both applications were refused. The latter was refused on the grounds that:

*"The erection of a dwelling in this elevated position away from the road frontage and at the rear of other properties, would result in an unsatisfactory layout of development which would prove mutually disadvantageous to the occupiers of both existing and proposed dwellings."*

However, the planning policy context in 1981 and 1983 was completely different to the current policy context, and as such the previous refusals are not considered to be a material consideration for the current scheme. Furthermore the siting of the proposed bungalow is not identical, being significantly further from the frontage property than the previous proposals.

The proposed dwelling is located outside the defined development area of Charlton Horethorne, on an existing greenfield site, and therefore in a position where development is normally strictly controlled by policy ST3 of the South Somerset Local Plan.

However, it should be noted that the policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date, with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3, however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

In this case it is noted that Charlton Horethorne is relatively sustainable, benefiting as it does from a number of services, including a primary school, shop, garage, inn and hotel, church, and village hall. Therefore, notwithstanding the local concerns in relation to principle, the

location is considered to be a sustainable location for the proposed single dwelling in accordance with the aims and provisions of the NPPF, and the thrust of saved local plan policies.

### **Highways**

The highway authority was consulted as to the impact of the scheme on the local highway network. They referred to their standing advice. As the application is outline with all matters reserved, including access, the development is difficult to assess against the standing advice at this stage. Nevertheless there is no reason to assume that the requirements of the standing advice and the Somerset Parking Strategy cannot be achieved on site. This would be fully assessed at the reserved matters stage.

### **Visual Amenity**

The site is located adjacent to a conservation area and not far from a grade II listed building. As such the SSDC Conservation Officer was consulted as to the impact on the visual amenity of the area. He concluded that the site is capable of taking a new single storey dwelling with little impact on the street scene of North Road. He noted that domestic gardens exist on three sides of the site, and that the modern dwelling in a back land position (Staddlestones) to the north sets a certain precedent. As such, the proposed dwelling is considered to be acceptable on the basis that it preserves the character of the nearby conservation area and has no adverse impact on the setting of the nearby listed building.

Therefore, subject to a satisfactory detailed design at the reserved matters stage, the proposal is considered to have no adverse impact on visual amenity in compliance with policies EH1, EH5, ST5 and ST6 of the South Somerset Local Plan.

### **Residential Amenity**

The parish council and the occupiers of neighbouring properties have raised concern about the impact of the proposal on residential amenity. In particular concerns have been raised regarding the impact on the garden area of the property known as The Granary. However, it is considered that a single dwelling could be accommodated on site without causing demonstrable harm to the residential amenity of adjoining occupiers, as any impact would not be significant by way of overlooking, overbearing, or overshadowing especially to the areas of garden closest to the dwelling and to the dwelling itself. Further concerns have been raised regarding the potential loss of outlook. However, such a loss of a private view is not a reason to constrain the proposed development.

Therefore, subject to a satisfactory detailed design at the reserved matters stage, the proposal is considered to have no adverse impact on residential amenity in compliance with policies ST5 and ST6 of the South Somerset Local Plan.

### **Other Matters**

The parish council have stated that a property built in the garden of another is never a good idea. This argument is far less than a self-evident fact, as the parish council appear to implying. In any case the land in question falls outside the defined residential curtilage of the main dwelling.

A concern has been raised that approval would set a precedent for further expansion onto green field land, 'back land' development, and for development outside of the development area. However, every application would be considered on its own merits, and whilst the

circumstances are considered to be appropriate in this particular case, a development further from the services and facilities of the settlement, or in a position less well related to the existing pattern of development may not be considered so favourably.

A comparison has been drawn between the current application and a scheme elsewhere in the village refused at the beginning of 2013. However, the schemes are materially different in a number of regards and the decision is being taken in a changed policy context.

A concern has been raised that the proposal could cause run-off problems for the occupiers of The Granary. However, no evidence has been submitted to substantiate such a concern, and there is no reason to assume that a single dwelling in this location would cause any drainage issues.

A neighbour has noted that bungalows are not the type of housing identified as being required in this village. It is not clear what is being referred to, but in any case bungalows are a legitimate form of development, which would not be out of keeping with local character.

Finally, the occupiers of The Granary have stated that they do not want services to be routed through their property. Whilst their concerns in this regard are noted, it would be a matter between the interested parties and not a reason to constrain the development.

## **Conclusion**

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

## **RECOMMENDATION**

Permission be granted for the following reason:

01. Charlton Horethorne 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, immediately adjacent to the settlement limit would respect the character of the locality and the setting of the nearby conservation area with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with policies ST2, 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 carried out in accordance with the block and location plans 14086-1C received 23 July 2014.

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

02. Details of the access, appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

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.

---