

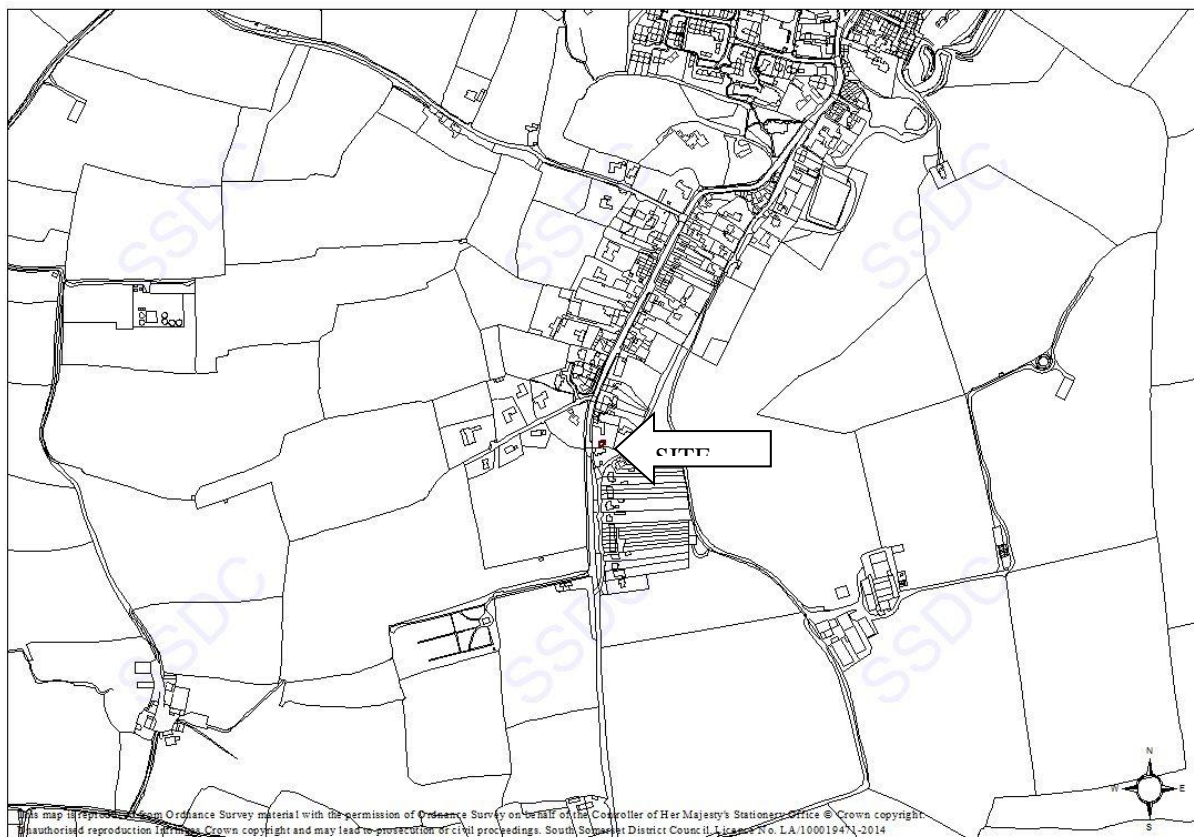
## Officer Report on Planning Application: 14/03456/FUL

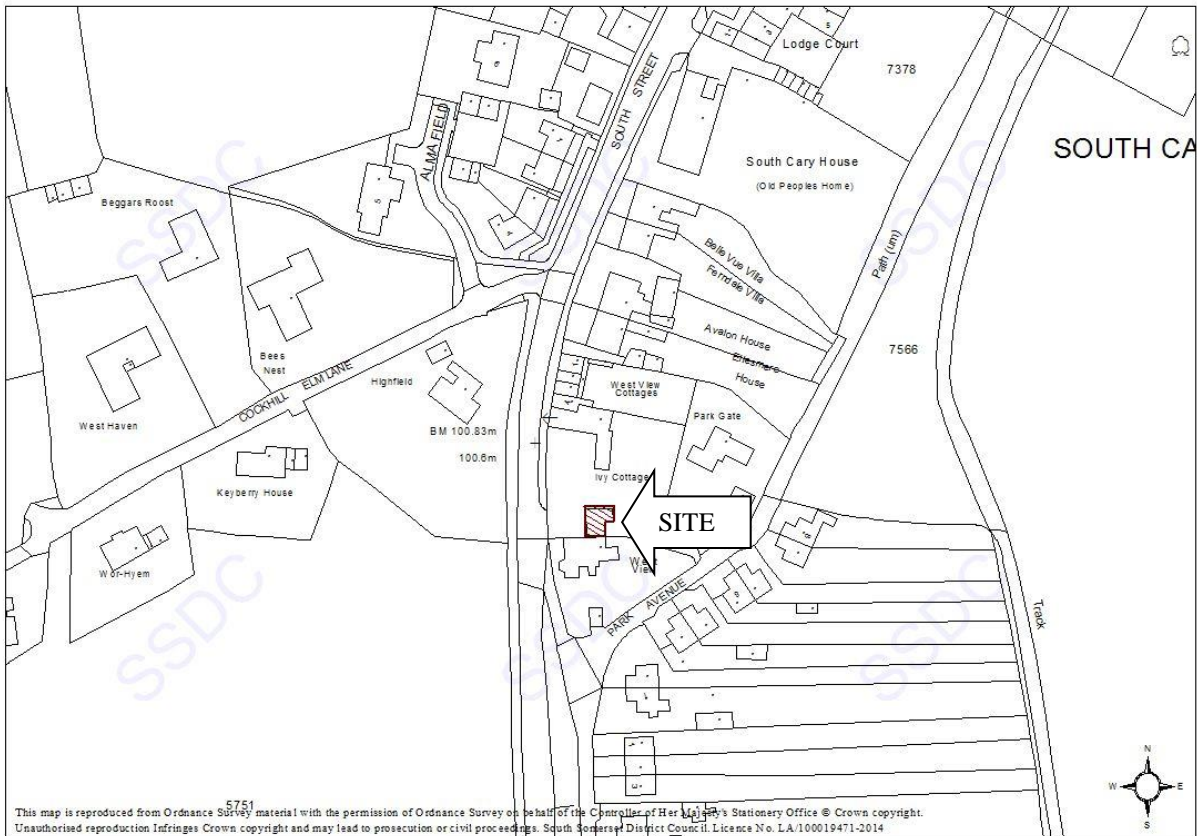
<b>Proposal :</b>	Repairs and external alterations to garage and stable building for use as ancillary annexe accommodation (GR:363672/131631)
<b>Site Address:</b>	Limestones South Street Castle Cary
<b>Parish:</b>	Castle Cary
<b>CARY Ward (SSDC Member)</b>	Cllr N Weeks Cllr H Hobhouse
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	3rd October 2014
<b>Applicant :</b>	Mr Graham House
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Other Householder - not a Change of Use

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to the committee at the request of the ward members, with the agreement of the area vice chair, to allow the concerns of the neighbours to be addressed in a public forum.

### SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the repairs and external alterations to an existing domestic outbuilding for use as ancillary annexe accommodation. The property is a two storey attached house constructed from natural stone, with painted timber window frames and a slate roof. There is a two storey outbuilding constructed of brick and natural stone, with a slate roof within the curtilage, although it is physically attached to a neighbouring property. The house is located close to various residential properties and within a development area and conservation area as defined by the local plan. The proposed alterations include internal alterations to form a living room with en-suite shower room and kitchenette on the first floor, and a garage, entrance hall and utility room on the ground floor. Externally the proposal involves the replacement of the existing windows and doors and the installation of two roof lights and a flue to the rear elevation roof slope.

## HISTORY

14/02254/FUL - Alterations to garage and stable building for use annexe/holiday let accommodation - Application withdrawn 29/07/2014

## 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):**

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EH1 - Conservation Areas

**National Planning Policy Framework**

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**

**Parish / Town Council** - Agreed proposal. Suggests conditions to:

Resolve party wall issues

Link the annexe to the house via section 106 agreement to ensure annexe cannot be sold separately.

Resolve issues of privacy at the back through screening or having the back door non-opening.

They suggest issues of the gates to site/access should be looked at again in the light of current traffic problems in South Street.

**County Highway Authority** - Standing advice applies

**SSDC Conservation Officer** - He notes the alterations required to facilitate this conversion are straightforward and respect the modest character of the building. He states that he has no objection to the scheme. New windows are proposed so he suggests the use of a joinery condition.

**REPRESENTATIONS**

Letters of objection were received from the occupiers of 18 neighbouring properties, one from the manager of South Cary House Residential Home, and one from a solicitor representing the occupier of a neighbouring property (who also wrote on their own behalf). Objections were raised on the following grounds:

- Concern over increased vehicular activity at an already extremely dangerous point. Concerns relate to parking, turning, access, and visibility.
- Concern that the application is the same as the last scheme (withdrawn) and that the building may still be used as a holiday let.
- The development is in a conservation area and therefore requires careful consideration.

**CONSIDERATIONS**

**History and Principle of Development**

An application was submitted earlier this year to convert the subject building into a self-contained unit of tourist accommodation. The application was withdrawn on the advice of

the LPA in relation to concerns over any increased use of the existing substandard vehicular access. The current application is merely for the external alterations required to facilitate the use of the accommodation as habitable accommodation.

The proposed internal alterations and the use of the building as habitable accommodation ancillary to the residential use of the primary dwelling does not require planning permission. Therefore, although the use of the building as ancillary annexe accommodation is mentioned in the description of development, it is only the proposed external alterations that require permission, and as such it is only these aspects that can be considered here.

The principle of development is therefore considered to be acceptable.

### **Visual Amenity**

The building is within a conservation area. As such the SSDC conservation officer was consulted. He concluded that the proposed external alterations are straightforward and respect the character of the building. He suggested the use of a condition to secure appropriate joinery details. As such, the alterations are considered to be of an appropriate design and detailing that would have an appropriate relationship with the main dwelling in terms of scale and design. The materials are considered to be appropriate. On this basis it is not considered that they would harm the character of the property or have a detrimental impact on the visual amenity of the conservation area.

### **Residential Amenity**

Concerns have been raised regarding the impact of the scheme on the privacy of the adjoining property, in particular regard to steps leading to an existing rear elevation door. However, as discussed above, the proposal does not represent a change of use for the building so the steps could be used in the way envisioned by the current application, with no reference to the planning system. As such, it would be unreasonable to impose a condition restricting the use of the rear access, as has been suggested locally. That said, the submitted plans indicate the positioning of a screen/trellis between the steps and the windows of the adjoining property, presumably in order to address this concern. Given that it could be argued that the external alterations proposed facilitate the greater use of the building for domestic purposes, and therefore greater use of the offending steps, it would not be unreasonable to condition that details of the screen are agreed with the local planning authority and that the screen is retained in perpetuity.

It is not considered that the proposed alterations would have any other significant impact on the residential amenity of adjoining occupiers.

### **Highways**

The majority of the local concern has been in regard to the access and parking arrangements of the proposal. The Highway Authority was consulted and referred to their standing advice. The proposal does not represent a change of use, merely the formation of a fifth bedroom to serve a four bedroom property. As such the standing advice is not applicable in terms of visibility splays. In terms of parking provision the Somerset Parking Strategy does not demand an increase in provision when extending a property from four bedrooms to five bedrooms. As such, although the local concern is noted, it would be unreasonable to object to the proposal on highway safety grounds.

### **Other Matters**

The town council have suggested that the annexe should be linked to the host building by way of S106 legal agreement. However, such a link is not necessary and would serve no useful planning purpose. The actual ownership of the building is of no relevance to the planning system, only the use of the building. Any change of use of the building away from ancillary residential accommodation would require planning permission in its own right, and could be considered on its merits at that time.

The town council have also stated that party wall issues should be resolved. However, such issues are not a matter for the planning system, and are instead a matter to be resolved between the interested parties with reference to The Party Wall etc Act 1996.

A neighbour has asserted that as the property is within a conservation area extra care should be taken in determining the application. This is accepted, and the SSDC conservation officer was consulted to that end.

Finally, a concern has been raised that the proposal is no different to the withdrawn application to change the use of the building into a self-contained unit of holiday accommodation, and that if approval is granted the applicant will go ahead and change the use anyway. Such a change would be a breach of planning control and could be subject to enforcement action. However, it is not what has been applied for in this case and therefore cannot be considered further here.

## **Conclusion**

Accordingly the proposal is considered to comply with policies EH1, ST5 and ST6 of the South Somerset Local Plan.

## **RECOMMENDATION**

Permission be granted for the following reason:

01. The proposal, by reason of its size, scale and materials, respects the character of the conservation area, and causes no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of Policies EH1, ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and provisions 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: 1323/02 received 04 August 2014

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

03. The materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policies EH1 and ST6 of the South Somerset Local Plan (Adopted April 2006).

04. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policies EH1 and ST6 of the South Somerset Local Plan (Adopted April 2006).

05. No work shall be carried out on site unless details of the trellis/screen have been submitted to and agreed in writing by the Local Planning Authority. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity and to comply with Policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

**Informatives:**

01. The applicant is reminded that this application was made on the basis of 'householder' development. As such, it should be noted that the accommodation hereby approved should only be used as domestic accommodation ancillary to the residential use of the house known as Limestones.

The use of the accommodation hereby approved as a separate residential property, holiday let, or any purpose not ancillary to Limestones will require the approval of a further application for planning permission.

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