

## Officer Report on Planning Application: 14/03507/FUL

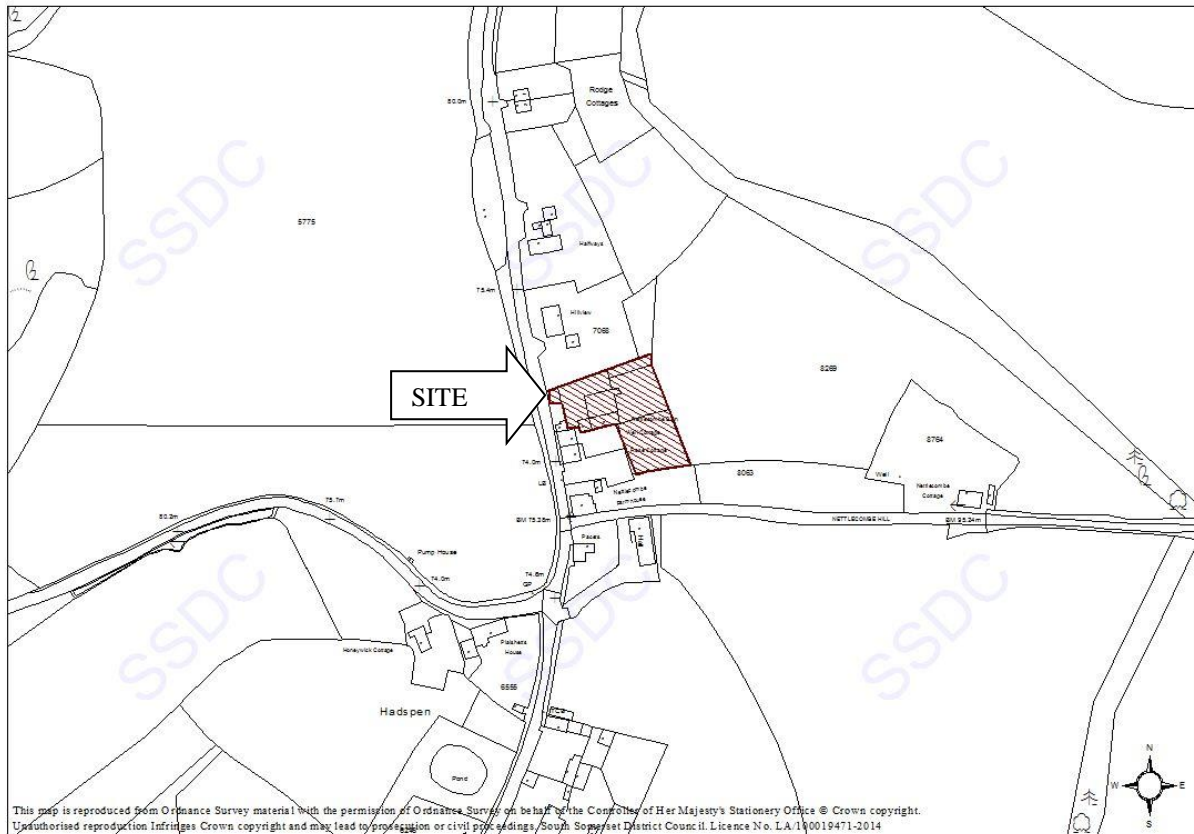
<b>Proposal :</b>	Replacement dwelling (GR 365717/132666)
<b>Site Address:</b>	Nettlecombe Barn Hadspen Castle Cary
<b>Parish:</b>	Pitcombe
<b>TOWER Ward (SSDC Member)</b>	Cllr Mike Beech
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	24th September 2014
<b>Applicant :</b>	Mr And Mrs C Alderson
<b>Agent:</b>	Yiangou Architects Ltd Mr A Lewis Dyer House 3 Dyer Street Cirencester Gloucestershire GL7 2PP
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is to be considered by Area East Committee at the request of the Ward Member, with the agreement of the Area Chair, to enable Members to fully debate the proposal and consider whether the revised scheme addresses the previous reason for refusal (13/02727/FUL).

### SITE DESCRIPTION AND PROPOSAL





The site is located within the village of Hadspen and is in the designated conservation area. It includes a yard area to the north, formally a farmyard, and a large rear garden to the east of the house with a paddock beyond that extends up a steep hill to the east and is surrounded by woodland. Currently on site is an existing single storey dwelling, a former barn that has subsequently been extended. This is located along the southern boundary and shares the boundary with the adjoining property to the south, Well Cottage. Also on site a number of outbuildings, which are proposed to be removed.

This application represents a re-submission of a previously refused scheme, with revisions made to the proposed dwelling, and additional supporting information submitted, in the hope of addressing the previous refusal reason. The dwelling is still to be constructed of natural sourced rubble stone for the walls, pantiles to match the existing tiles and metal painted gutters and downpipes. Glazed screens and windows will be painted aluminium.

The application is supported by a Design and Access Statement, Planning Statement, Heritage Impact Assessment and Landscape and Visual Impact Assessment.

The main changes made to the previously refused proposal are as follows:

- Reduction in length of 2 storey element by approximately 800mm.
- Omission of garage, utility and boot room in single storey element adjoining southern boundary, in favour of providing two additional bedrooms and ensuite bathroom.
- Retention of south wall of existing building and existing boundary treatment.
- Additional roof lights to the two storey roof line and enlarge roof lights to the single storey roof.
- Amended window details, including narrower openings to the two storey gable ends.
- Since submission, the proposal has also been amended to further reduce the size and

mass by omitting the two storey flat roofed element.

## **RELEVANT HISTORY**

13/03599/CON - Demolition of a dwelling within a conservation area - Application Refused - 15/11/2013 for the following reason *"The proposed demolition of this heritage asset, for which no reasonable justification has been put forward, would be detrimental to the character and appearance of the conservation area. As such the proposal is contrary to saved policy EH2 of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework."*

13/02727/FUL: Demolition of dwelling and the erection of a replacement dwellinghouse - Application Refused - 15/11/2013 for the following reason *"The proposed replacement dwelling, by reason of its size, scale and design, would result in an incongruous form of development, to the detriment of the character and appearance of the conservation area and the visual amenities of the locality."*

02/01850/FUL - The erection of a ground floor extension - Application permitted with conditions - 13/08/2002

02/00979/FUL - The erection of an extension on eastern elevation - Application Refused - 12/06/2002

99/00790/FUL - The erection of a porch to dwelling, a garden shed and stables/hay barn - Application permitted with conditions - 22/02/2000

98/02123/FUL - The erection of a ground floor extension - Application permitted with conditions - 05/11/1998

92/00902/FUL - ALTERATIONS AND THE CONVERSION OF REDUNDANT STABLE INTO A SINGLE STOREY DWELLING - Application permitted with conditions - 05/03/1993

90/01090/FUL - ALTERATIONS AND CONVERSION OF BARN INTO A SINGLE STOREY DWELLING WITH GARAGE - Application permitted with conditions - 12/12/1990

## **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 policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.

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

ST3 - Development Areas  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
EC3 - Landscape Character  
EC8 - Protected Species  
EH1 - Conservation Areas

EP6 - Demolition and Construction Sites

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

Goal 9 - A Balanced housing Market

Other Relevant Documents

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

## CONSULTATIONS

**Pitcombe Parish Council:** The Parish Council considered the originally submitted plans at a meeting on 12th August 2014 and made the following observations:

*The Council noted the reasons for the refusal of the previous application by the District Council which related to size, scale and design being incongruous and to the detriment and appearance of the area and the visual amenities of the locality. The Council also noted that its objections to the previous application had also related to the size, scale, design and impact of the scheme. These had been issues of principle which needed to be addressed in any further application.*

*The Council acknowledged that the current scheme had been amended from the previous application, specifically the retention of the wall adjoining the adjacent owner's property and the re-ordering of the internal layout.*

*Having considered the proposals, however, the Council did not feel that the previous reasons for objection had been addressed sufficiently or effectively. The size and scale of the development remained too large and unsuitable for the site. The design was out of keeping with the character of the local Conservation Area and not complementary. Specific examples were the large glass windows on the south facing elevation and the addition of three large lights overlooking the adjacent property. The visual appearance of the proposed building remained incongruous and to the detriment of the appearance of the area. For these reasons the Council objected to the proposal and also agreed to request that it be determined by the Area East Committee.*

On considering the amended plans to omit the two-storey flat roofed element, the Parish Council made the following additional comments:

*The Council acknowledged that the design of the building had been changed and considered this to be an improvement. It was also noted that the size of the proposed building had been reduced slightly.*

*The Council remained of the view however that the size and scale of the proposed development remained too large; was disproportionate in relation to the original building and unsuitable for the site. The small reduction in size was not significant enough to address the Council's previous concerns. The design, size and scale remained out of keeping with the character of the local conservation area and was not complementary. The appearance of the proposed building remained incongruous and detrimental to the appearance of the area. The Council re-affirmed its objection to the application as expressed in the amended plans.*

**County Highway Authority:** County Council standing advice should be applied.

**County Archaeologist:** No objections on archaeological grounds.

**SSDC Environmental Protection Officer:** No comments.

**SSDC Landscape Architect:** No objection. The following comments are made: *"I note the amended detail of the proposed replacement dwelling, and recollect the earlier application.*

*It lays within a small hamlet, which has a tightly drawn conservation area. Most of the housing are singular plots, the majority which address the road. Though set back, this is based upon an existing barn and earlier consented structures, such that the proposal has a credible plan form. I have no issue with the principle of this proposal, and note the minor modifications to the overall footprint which ensure avoidance of an uncharacteristic massing effect, to thus be acceptable. I have also reviewed the LVIA submitted with the proposal, which usefully indicates the visual envelope to be minimal. I have no substantive landscape issues to raise."*

**SSDC Conservation Officer:** No objection subject to standard conditions to cover materials, detail of the window and door system, eaves and verge, extract vents and flues and external fittings (lights, metre boxes, etc). The Conservations Officer's comments are as follows: *"I have no objection to the rebuilding of the existing converted barn. It has been substantially extended and altered during conversion, and is of limited historic significance. In terms of the appropriateness of the new build extensions this small hamlet has a fairly scattered built form with some buildings along the road edge and some set back. The host building as well as 'Halfways' are set back, addressing the road gable on. Extending the building in this manner with a parallel extension set back from the road is appropriate, respecting the existing built character. Although the extension is large in terms of footprint, its overall massing is fairly modest and traditional; and will not look out of place in this position. The proposal is therefore considered to preserve the character of the conservation area, and as such I can advise that I have no objection to the scheme."*

## **REPRESENTATIONS**

Seven letters of objection have been received from the occupiers of three local dwellings: Well Cottage, Nettlecombe Cottage and Nettlecombe Farmhouse. The nature of the objections fall into various categories, these include:

### **Size, Scale and Appearance**

- Even though the plans have been revised, the proposed dwelling is still inappropriately large. It is disproportionate to the dwelling it is to replace and also to the locality and will set an undesirable precedent in terms of scale.
- The amendments are minimal and even with the loss of the two storey flat roof element, this does not affect the overly large and sprawling nature of the proposed building.
- The proposed changes are minimal and do not address the reasons that the proposal

was originally refused.

- The roof lights and various glazed areas will lead to light pollution to the detriment of the area and also residential amenity.
- The proposal no longer includes garaging. Presumably an application will be made later for this, which will lead to further development of the site.

#### Residential Amenity

- The provision of three large opening roof lights on the southern roof slop of the single storey element, which serve a corridor with an open doorway to the kitchen will lead to light pollution and noise to the detriment of residential amenity. It would be better if these were reduced to two smaller roof lights with only one being opening. Also any light should be downward facing to avoid light intrusion into the neighbouring garden.
- If approved, builders will need to erect scaffolding within and have access to the rear of Well Cottage. It should be ensured that any damage to the neighbouring garden is put right like for like.
- Can it be conditioned that no additional windows or other openings are able to be put into the south or west facing walls, including venting and pipes.

#### Other Issues

- The size of the existing dwelling has increased from 100 sq.m in the original application to 135 sq.m in this latest scheme. Which is correct? This is considered to be misleading as the increase in size is made to look smaller.
- The accuracy of viewpoints included within the Landscape and Visual Impact Assessment are questioned. It is felt that the report should not be used in considering this application due to containing many errors.
- No application appears to have been received to demolish this building within a conservation area. Does this application for a replacement dwelling suffice?

### **APPLICANTS CASE**

We have considered the reasons for refusing planning permission and conservation area consent for the previous proposals in November 2013. As a consequence specialist heritage and landscape consultants have been instructed to assess the previous proposals and the context within which they were to be placed. Following an initial decision to reduce the size of the proposals, the specialist consultants were asked to advise on the merits of submitting a revised scheme.

In recognition of the views of local residents and the Parish Council on the previous proposals, the applicant has entered into constructive and on-going dialogue with the immediate neighbour at Well Cottage whilst the project team hosted a public exhibition and presentation. The proposals were amended and refined following the receipt of comments and feedback.

The submitted HIA (Heritage Impact Assessment) and LVIA (Landscape and Visual Impact Assessment) both show that the current proposals are appropriate in all respects. Together with additional analysis contained in this Statement, we have shown the demolition of most of the existing barn together with the construction of a replacement dwelling is entirely appropriate in terms of its relationship with adjoining dwellings, impact on the conservation area and the local landscape.

In our view the proposals conform to the requirements set out in Local Plan Policies ST5, ST6 and EH2 as well as the NPPF.

For these reasons we sincerely hope planning permission will be granted.

(Extract from the conclusion section of *Planning Statement*, p18, dated July 2014)

## **CONSIDERATIONS**

The replacing of the existing property on a one for one basis is considered to be acceptable in principle and accords with both local and national policy objectives for promoting sustainable development. Notwithstanding this however, careful consideration has to be given to the proposed replacement scheme, with particular consideration given to the impact on the visual amenities of the local area, impact on the character and appearance of the conservation area, whether any unacceptable harm is caused to the residential amenity of local residents and whether there would be any severe impact on highway safety.

This application is a re-submission of a previous scheme 13/02727/FUL, which was refused at Area East Committee in November 2013. This original proposal was refused for the following reason:

*"The proposed replacement dwelling, by reason of its size, scale and design, would result in an incongruous form of development, to the detriment of the character and appearance of the conservation area and the visual amenities of the locality."*

The applicant has made some revisions to the proposal, which include reducing the length of the two-storey element by approximately 800mm, omission of a two-storey flat roofed projection to the south elevation, re-arrangement of the internal layout and alterations to the size and positioning of some of the openings. Furthermore, additional reports have been submitted in the form of a 'Landscape and Visual Impact Assessment' and a 'Heritage Impact Assessment' to increase the evidence base in support of the proposal, particularly in seeking to establish the impact that the redevelopment of this site will actually have on the character of the conservation area and the visual amenities of the locality. The applicant hopes that these amendments and additional supporting evidence will address the reason for refusal.

### **Impact upon Visual Amenity**

The footprint of the replacement dwelling is reduced slightly as a result of the reduction of the length of the two storey element. The visual impact is further lessened, particularly when being viewed from the adjoining highway, as a result of the omission of the flat roofed protrusion on the south elevation. The submitted Landscape and Visual Impact Assessment also provides additional supporting evidence in respect to the impact that the dwelling will have on the surrounding landscape.

The Council's Landscape Architect has given the proposal consideration and reviewed the Landscape and Visual Impact Assessment and concluded that the proposed scheme has a credible plan form and is designed to avoid an uncharacteristic massing effect. Furthermore, the findings of the Landscape and Visual Impact Assessment, which indicate that the visual impact will be minimal, are supported. Overall, having taken into account the size of the plot, the specific design, including revisions to reduce its scale and mass, the location and form of adjoining dwellings and existing trees on the site it is considered that the proposed development is acceptable. As a result of these amendments and submitted supporting information, the scheme is considered to satisfactorily address the previous reason for refusal so as to allow a recommendation of approval.

### **Impact upon Conservation Area**

As with consideration of visual amenity, the applicant has provided further supporting information by way of a Heritage Impact Assessment, which concludes that the demolition of the existing building should not be seen as having an adverse impact on the character and

appearance of the conservation area and that the proposal will meet the requirement to preserve and potentially enhance the conservation area.

The Council's Conservation Officer has considered the revised proposal. In assessing the scheme against the established built form of the hamlet and local pattern of development, also taking into account the manner other buildings have been extended in the immediate vicinity, it is felt that despite the size of the extension, the massing of the proposal is fairly modest and traditional and will not look out of place in this position. It is therefore considered that the proposal preserves the character of the conservation area.

### **Impact upon Residential Amenity**

The previously considered scheme was not refused on residential amenity grounds and therefore it is appropriate to consider that there would be no unacceptable harm to residential amenity. It is of course appropriate to consider any changes to the proposal that may have a different impact.

Despite the previous acceptance of the proposal in respect to residential amenity, the applicant has tried to change the scheme to take into account issues raised by the immediately adjoining occupier to the south, Well Cottage. These include the removal of garaging and utility rooms within the single storey part of the building and replacement with two bedrooms and a corridor abutting the southern boundary, which should reduce the level of activity taking place close to the neighbouring property. It is also now proposed to retain the southern boundary wall to reduce the disturbance to the neighbour and also allow retention of established garden and planting.

One new objection has however been received in that three roof lights are proposed and that these are increased in size and will serve an open corridor linking into the proposed kitchen/dining room. It is felt that this will lead to light pollution to the detriment of residential amenity. The applicant has responded to a suggested reduction in size and number by confirming that these have been designed specifically to allow light into an otherwise unlit area of the property and improve levels of light in the adjoining kitchen. Notwithstanding this, it is not considered that the provision of these roof lights will cause unacceptable harm to residential amenity. In the previous the agent suggested that conditions could be imposed to ensure that the proposed new roof lights were fixed shut and that permitted development rights could be withdrawn for any additional windows. It is considered appropriate to repeat this requirement, which will further reduce the impact of the proposal on neighbouring amenity.

Also as suggested in respect to the previous application, a scheme should be submitted to minimise noise and disturbance during construction, in the form of a Construction Environment Management Plan (CEMP). This would require details of the phases of construction and mitigation measures to be submitted to minimise disturbance.

### **Highways**

The Highways Authority refer to their Standing Advice in the determination of the application. At present there is an existing access onto the classified road that serves the dwelling. This situation is not proposed to be altered. An existing gate that opens outward is to be altered to open inwards. While no garaging is now proposed, the paved forecourt is still considered to provide sufficient parking and turning on site to enable vehicles to enter and exit the site in forward gear. These aspects however need to be conditioned to ensure the level of parking on the site and sufficient turning on site.

### **Conclusion**



The proposed replacement dwelling has been revised and additional supporting information provided as the applicant seeks to address the refusal of previous scheme 13/02727/FUL. As a result of the changes made and the lack of objection from the Council's key consultees, it is considered that the proposed development adequately preserves the character of the conservation area and local area in general and provides an appropriate modern dwelling in line with the saved policies of the development plan and the aims and objectives of the NPPF.

## **RECOMMENDATION**

Grant permission subject to the following conditions

### **01. Justification**

The replacement dwelling due to its design and form respects the character of the conservation area and provides an appropriate modern dwelling. The proposal also does not adversely affect residential or visual amenity. The proposal therefore complies with saved policies ST5, ST6, EC3, EH1 and EP6 of the South Somerset Local Plan and the provisions of chapters 4, 7, 11, 12 and the core planning principles of the National Planning Policy Framework.

## **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: '1551.080 Rev A', received 30th July 2014 and '1551-110 Rev E', '1551-11 Rev D', '1551-1112 Rev D' and '14/1439/02', received 26th September 2014.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No development hereby approved shall be carried out until particulars of 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, roofs and new boundary walls;
- b) sample panels of stonework shall be provided on site for inspection;
- c) details of the design, materials, external finish and recessing for (including the provision of samples where appropriate) to be used for all new doors, windows (including roof lights), boarding and openings.
- d) details of the design of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5;
- e) details of all new cast metal guttering, down pipes, other rainwater goods, external plumbing, extract vents and flues;
- f) details of position and colour finish of meter cupboards, gas boxes and any external lighting..

Once approved such details shall be fully implemented and thereafter shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the conservation area, in accordance saved policies ST5, ST6, EC3 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

04. No works shall be undertaken unless details of all proposed levels including finished floor levels are submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual and residential amenity and to safeguard the character and appearance of the conservation area, in accordance with saved policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

05. No works, including associated site vegetation clearance, landscaping, demolition of existing structures, ground-works, operation of heavy machinery or the storage of materials occurring on-site, shall be undertaken unless a scheme of tree protection measures shall be submitted to and agreed in writing with the Council and it shall include the following details:

- (i) A statement of intent describing site-specific tree protection measures
- (ii) a location plan and specification of tree protection fencing and;
- (iii) a commitment to ensuring that a pre-commencement site meeting takes place between the builder/project manager and the Council's Tree Officer (01935 462670), which shall be arranged at a mutually convenient time to allow for the Council's inspection and approval of the protective fencing.

On approval of the protective fencing, the agreed tree protection measures shall be implemented in their entirety for the duration of the construction of the development (inclusive of any landscaping operations).

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the objectives of saved policies ST6 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

06. No works shall be undertaken unless a Construction Environmental Management Plan (CEMP) the development has been submitted to and approved in writing by the Local Planning Authority. Subsequent development shall be carried out in accordance with the requirements of the approved CEMP.

The statement shall provide details for:

Working hours during which construction works shall take place;

Procedures for noise and dust mitigation during construction;

Storage of plant and materials used in constructing the development;

Wheel washing facilities or other measures to ensure that mud and other debris are not deposited on the local highway network;

Reason: To safeguard residential amenity and to safeguard the character and appearance of the conservation area, in accordance with saved policies ST5, ST6 and

EH1 of the South Somerset Local Plan and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

07. The proposed roof lights on the southern elevation of the single storey element along the boundary with Well Cottage shall be fixed shut and permanently retained in this condition.

Reason: In the interests of residential amenity, in accordance saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

08. The parking and turning area indicated as 'paved forecourt' on approved plan '1551-110 Rev E' shall be kept free from obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

09. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) there shall be no additional openings, including windows and roof lights, and vents or flues installed to the southern elevation of the single storey element that shares a boundary with Well Cottage without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity and to safeguard the character and appearance of the conservation area, in accordance saved policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

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), there shall be no extensions to the dwelling hereby approved without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity and to safeguard the character and appearance of the conservation area, in accordance saved policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

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