

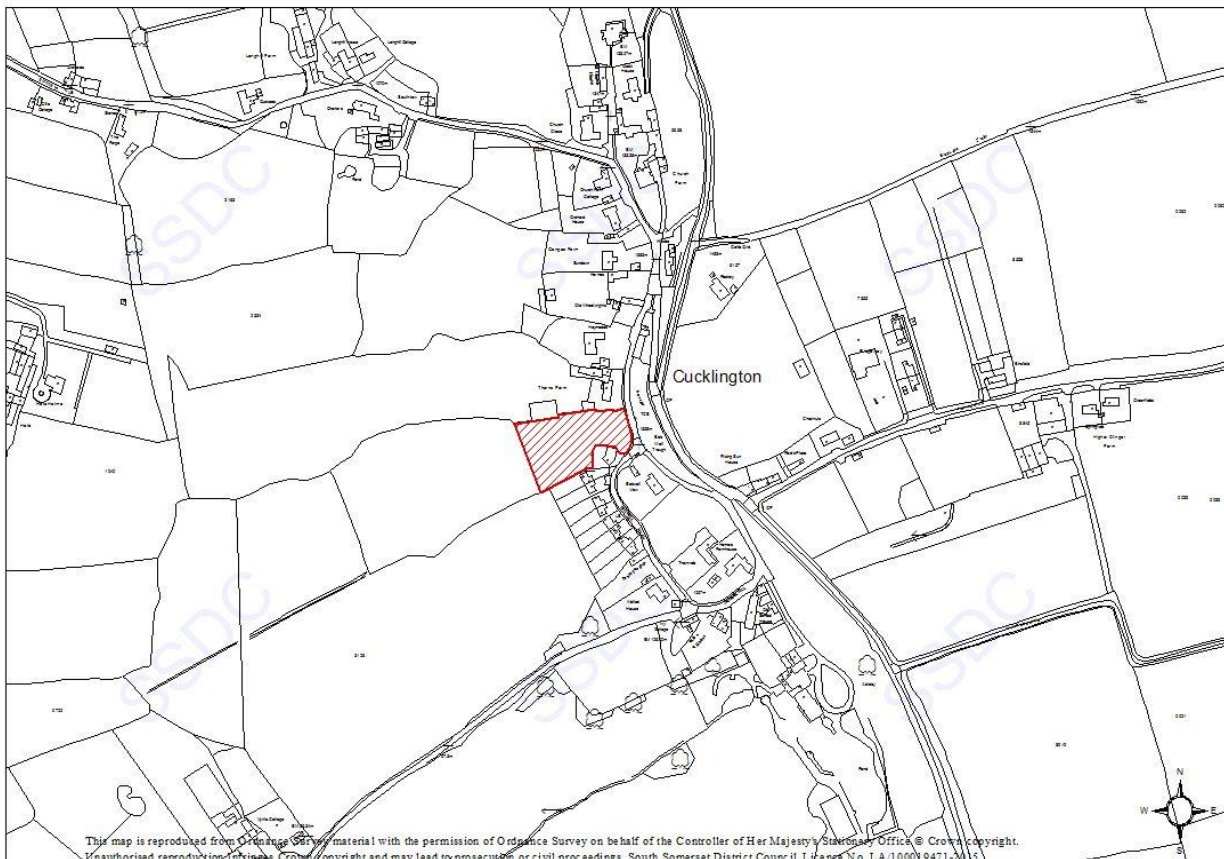
## Officer Report On Planning Application: 18/00219/FUL

<b>Proposal:</b>	Demolition of conservatory, the erection of a single storey and first floor rear extension along with the formation of a raised terrace.
<b>Site Address:</b>	Babwell Farm Common Road Cucklington
<b>Parish:</b>	Cucklington
<b>TOWER Ward (SSDC Member)</b>	Cllr Mike Beech
<b>Recommending Case Officer:</b>	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
<b>Target date:</b>	30th March 2018
<b>Applicant:</b>	Mr & Mrs Benedict Potheary
<b>Agent: (no agent if blank)</b>	Mr Andrew Jarvis Stone Cottage Studio Bittles Green Motcombe Shaftesbury SP7 9NX
<b>Application Type:</b>	Other Householder - not a Change of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman as the comments of the Parish Council and Neighbours are contrary to the officer's recommendation.

### SITE DESCRIPTION AND PROPOSAL





Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

National Planning Policy Framework

7 - Requiring good design

## **CONSULTATIONS**

**Cucklington Parish Council** - The Parish Council recommend refusal of the proposal raising the following issues:

- Disruption with vehicles.
- Overdevelopment.
- Inaccurate photos.
- Harmful effect on amenity of neighbouring property.
- Loss of privacy.
- What about ancient lights.
- Will devalue sale of Rosebank when owner engaged in its sale.
- Timber cladding out of keeping.
- Plans inaccurate showing site levels.
- Fence will be intrusive.
- Harmful impact to fabric of Grade II listed Bab Well from construction traffic.
- Loss of evening views to Babwell View.
- Out of keeping with surrounding dwellings.
- Harmful impact on views from Green Hill viewpoint.
- Major concerns of impact of movement of heavy traffic.

Conclusion, while in principle Parish Meeting has no objection to some expansion of dwelling, different approach would be less likely to cause difficulties. Instead, any new extension might be attached to north end of Babwell Farm (considerable grassy area alongside drive) and run down connect studio without filling space to south end of property, as does the current proposal with such deleterious impact on neighbouring property. Would mean extension would not intrude nearly as much on privacy, views and light of Rosebank. But assurances of traffic movement would also be necessary in this tight area of the village.

Pre-application documentation with application and confidentiality issues/public viewing? Is it likely to influence people's decision to comment on application?

Non related matters, holiday let being let in breach of permission. Parking offsite in breach of permissions requiring onsite parking. Finely cultivated front garden deteriorated into an ugly mess since moving in.

**County Highway Authority** - Standing advice applies

**Highway Consultant** - No highways issues, no objections

**Conservation Officer** - In the context of the listed Well to the southeast of the site, I am satisfied that this protected structure will not be harmed.

**SSDC Ecologist** - I broadly agree with the conclusions and recommendations of the bat survey report

(Sedgehill Ecology Services, January 2017).

This identifies bat roosts in the existing two storey loft space. There is potential for harmful disturbance, and a bat mitigation plan is included to address this risk. The roosts are otherwise to be retained.

Provided the works are carried out in accordance with the bat mitigation plan, then harm to bats should be minimal. Under this scenario, and with no significant permanent change to the bat roosts, there isn't any requirement to report on the Habitats Regulations' derogation tests.

However, I do consider it necessary to include a condition requiring implementation of the bat mitigation plan.

## **REPRESENTATIONS**

Five neighbours were notified and a site notice put up, one letter of support has been received and eight letters of objection raising the following main issues:

- Out of character in size, design and materials.
- Roofline out of keeping.
- Disproportionate size.
- Increased noise disturbance.
- Loss of privacy.
- Loss of views.
- Adverse impact on character of village.
- Impact on listed Bab Well not taken into account.
- Negative impact on amenity value of viewpoint from Green Hill
- Out of keeping within streetscene.
- Will dominate and overshadow Rosebank at front and rear.
- 3m high fence intrusive and oppressive.
- Increased parking issues in area.
- Does not conform to Cucklington Village Plan that 'new builds should conform to the character of the village'.
- Windows overlooking neighbour.
- Impact of heavy duty lorries on narrow road.
- Misrepresentation with photographs
- Not in line with SSDC design guide

## **CONSIDERATIONS**

### **Visual amenity**

The proposal involves the erection of a first floor extension over the existing single storey rear extension and the erection of a single storey extension replacing the existing small conservatory. The first floor extension is in the form of 3 gables of timber construction, set down from the existing ridge height, the centre gable protruding approximately 1m further than the other two. This will provide two additional bedrooms, one en-suite, and a family bathroom. The single storey rear extension will be on a larger footprint than the existing conservatory and will provide extended living accommodation. This will also be timber clad under a zinc lean to roof. This will open onto a newly formed terrace linking the existing detached studio building.

The gabled design and use of timber, whilst not matching the existing dwelling, are considered to be acceptable, clearly defining the proposal as a modern addition to the existing older stone dwelling. The proposal remains subservient sitting below the existing ridge and eaves height with lean to design for

the single storey element. On this basis it is not considered that it would harm the character of the property or have a detrimental impact on the visual amenity of the area.

### **Residential amenity**

Given the orientation of the property it is not considered the proposal will result in any loss of light or overshadowing to the neighbouring property to the south, Rosebank, nor to the property to the north given the distance. The property sits forward of the property to the south, Rosebank, and the first floor element of the proposal will be set approximately 5m back from the rear elevation of this neighbour. Given this distance along with the existing boundary treatment and the neighbours covered seating adjacent to the boundary it is not considered that the first floor element of the proposal will offer any direct views of the neighbouring terrace and will not result in any significant loss of privacy/overlooking. In terms of the single storey extension, will be the same distance from the boundary as the existing conservatory, however, it will have a lower floor level with steps down from the existing dwelling into the new family/dining room, thus reducing any potential impact of overlooking from this element of the proposal. In terms of the new terrace, whilst this will be closer to the neighbouring boundary to the south, Rosebank, than the existing gravel area it will still be some 5m away and will be similar in height to the existing raised decking area currently serving the studio. It is not considered that this will result in any significant harm in terms of loss of privacy/overlooking given the existing boundary treatment and neighbouring covered patio area. The windows to the south side elevation directly facing Rosebank are to be obscure glazed, this can be further conditioned to be non-opening below 1.7m internally to prevent any possible issues of overlooking. On this basis it is not considered that the proposal would harm local residential amenity.

### **Parish Council comments**

The comments of the Parish Council have been noted as follows:

Disruption with vehicles, whilst there may be some additional vehicle movement and potential for heavy traffic, this will be for a temporary period during the course of construction as would be expected of most development. Likewise, it is not considered potential construction traffic will have any detrimental impact on Bab Well given its distance from the site.

Out of keeping/overdevelopment, the proposal does not significantly increase the footprint of the existing dwelling and given the size of the plot and surrounding properties would not be considered overdevelopment or out of keeping in terms of size. Regarding the design and materials, there is no prevailing uniformity within the area in terms of design and likewise, whilst predominantly stone within the immediate streetscene there is also red brick and render along with a variety of roof materials. Given its position to the rear the introduction of timber cladding is not considered unacceptable nor the use of the gable design. I refer to my detailed comments above.

Regarding amenity on the neighbouring property, given the orientation of the properties it is not considered that the proposal will have any impact in terms of loss of light or overshadowing. The first floor element of the proposal will sit some 5m back from the rear of the neighbouring property, Rosebank, and with what exists it is not considered that this will have any significant impact in terms of loss of privacy or overlooking. The proposed new terrace area is approximately 5m from the neighbouring boundary at a similar level to the existing raised deck serving the studio. It is not considered, given the existing and proposed boundary treatments, that this element will cause any significant harm in terms of overlooking/loss of privacy. I refer to my detailed comments above.

Regarding the intrusive fence, the agent provided amended plans by email on 12 March 2018 showing a reduction of the fence height to 2m, something which could now be carried out under permitted development rights.

The issue over impact on the value of a property is not a material consideration.

Given the site visit and photos taken, the site levels appear relatively accurate.

Whilst photos have been provided a site visit was also carried out to assess the site with accuracy.

It is not considered the proposal will have any significant impact on the views of Babwell View, some 25m to the south east across the road facing a south westerly direction.

Green Hill viewpoint is some 30m to the east in an elevated position with far reaching views across the site to the west. Whilst some of the roof top of the proposal may be partially visible from here it is not considered this small element will have any significant impact on the far wider views across all the neighbouring properties along this stretch of road.

Regarding the issue of underpinning/foundations, the proposed use of timber will provide a lightweight addition over the existing extension that should overcome the issue of any additional support in terms of the foundations. However, this is a matter that will be dealt with through building control and should the matter arise for additional works will need to be addressed by the applicant in line with the building regulation compliance.

The Parish Council have also made reference to other issues raised regarding the possible breach of planning in terms of the holiday let, parking off the site and being let as a permanent dwelling more than 4 weeks along with the current state of the front garden being an ugly mess. These are not matters to be considered as part of this application and will be dealt with separately.

Regarding the inclusion of Preapp documents, this was included by the applicant, therefore, not an issue in terms of confidentiality nor is it considered this will influence if anyone would comment on the application.

### **Neighbour comments**

The comments of the neighbours have been noted. The majority of the concerns raised have been addressed in the above comments and responses to the Parish Council comments. The following are additional issues to be addressed:

Regarding an increase in noise disturbance, the proposal is increasing the footprint of an existing terrace and conservatory, it is not considered that this will cause any significant increase in noise disturbance from the use of these areas.

The proposal is to the rear of the site and given the variety of properties within the village in terms of size, design and character, it is not considered proposal will have any adverse impact on the village character. Likewise, the Cucklington village plan refers only to 'new builds should conform to the character of the village'. Given the lack of prevailing uniformity within the village, some through planning applications, and the relatively small scale of the proposal it is arguable this does not conform

The conservation officer has commented on the proposal in terms of the impact on the listed Bab Well and raises no objection.

Regarding the increase in parking issues, the proposal is a householder extension and not a new dwelling and is not considered to raise any significant new issues in terms of parking.

Regarding the impact of the view back from the valley, the proposal will be seen alongside a multitude of different roof forms and buildings, including outbuildings, in a variety of materials and in different positions all the way along the ridge. It is not considered this addition to the existing dwelling will have any significant impact on the distant views from the valley to the west or the PROW over 200m away.

Regarding the proposal not being in line with the SSDC design guide, many of the issues raised relate to issues already covered, however, I will look at them in turn as follows:

Character of area - The proposal is not overly prominent within the streetscene as it is to the rear and is extending over an existing single storey extension, not overly large in scale or dominant to the existing dwelling. It is not considered the proposal will upset the spacing between buildings given its position nor is the use of timber cladding considered out of keeping/character given the only view will be from the south approach.

Privacy and amenity - The proposal will not reduce amenity for the neighbouring properties by overshadowing given the orientation of the properties. The windows to the south side elevation will be obscure glazed and the first floor rear windows are set some 5m back from the rear of the property, given what exists it is not considered there will be any significant increase in terms of overlooking.

Character of the house and design issues - The proposal, whilst using a new material, is not considered to be out of keeping with the main dwelling, timber and render against stone is a common design feature, clearly showing the new addition to the dwelling and over time showing the historic growth. The proposal is to build over the existing rear extension and extend where there is an existing small conservatory, it is not considered the addition of approximately 57 square metres of floor space and 29 square metres on the ground floor will dominate the main dwelling. The proposal will sit below the existing ridgeline and remains subservient in form, with the timber cladding clearly showing the new elements as supporting the main dwelling.

Materials - Whilst the materials are not matching as previously explained this is not considered to be unacceptable. In terms of the roof following principle characteristics of the existing roof, the proposal is considered in keeping with the use of gables of similar width to the existing gable ends and a lean to similar to the existing. The use of differing tiles as with the use of timber will clearly demonstrate the proposal as a supporting addition to the existing dwelling. With many extensions, including some on listed buildings, materials and design can stand out as a clear addition without causing harm to the main dwelling.

Windows - The proposal has been considered in terms of overlooking, this is not considered to cause any significant impact. Likewise, any windows directly facing the neighbour that are obscure glazed can also be conditioned to be non-opening below 1.7m internally. The issue of the need for ground floor obscure glazed windows facing the neighbour, whilst they will face the boundary these will not impact on residential amenity and are considered acceptable.

Regarding wildlife and biodiversity, the bat survey provided is considered to be acceptable whilst the issue of nesting swallows in the front eaves is covered under a separate legislation, an informative will be included to advise the applicant of this. are protected under the Migratory Bird Treaty Act of 1918, which makes it illegal to intentionally kill, injure or take any migratory bird. It is illegal to intentionally damage or destroy the nest, eggs, or young of a swallow while it is being built or in use.

### **Highway comments**

The proposal is on an unclassified road with no alteration to the access, therefore, standing advice does not apply in this instance.

### **Conclusion**

The proposal is considered to be an acceptable subservient addition to the existing dwelling in terms of scale, design and materials. The proposal is considered to be acceptable in terms of visual and residential amenity and in terms of highway safety.

Accordingly the proposal is considered to comply with policy EQ2.

### **RECOMMENDATION**

Permission be granted subject to the following conditions:-

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of policy EQ2 of the South Somerset Local Plan (2006-2028).

**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. No work shall be carried out on site unless a sample of the larch cladding has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

03. No new stonework shall be constructed on site unless full details of the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of visual amenity and to comply with saved policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 of the National Planning Policy Framework.

04. No work shall be carried out on site unless a sample of the roof tile has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. Roofing works and bats - all works affecting the existing roof and loft space shall be commenced, and temporary openings created by the works shall be re-sealed, during the months of April, September and October only. All existing bat roost access points shall be retained. The works shall be undertaken in accordance with all other measures in the 'Bat Mitigation Plan' (Appendix II, 'Daytime Bat and Nesting Bird Survey Report', Sedgehill Ecology Services, January 2017).

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

06. 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 saved policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 of the National Planning Policy Framework.



07. The development hereby permitted shall be carried out in accordance with the following approved plans: Details and drawings received on 19 January 2018, drawings received on 02 February 2018 and amended drawings received by email from the agent on 12 March 2018.

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

08. The windows in the south elevation shall be glazed with obscure glass and shall be non-opening below 1.7metres, measured from the internal floor of the room, which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity and to comply with saved policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028).

**Informatives:**

01. The applicants attention is drawn to the following should there be swallows present within the site.

Swallows and their nests are fully protected under the Migratory Bird Treaty Act of 1918, which makes it illegal to intentionally kill, injure or take any migratory bird. It is illegal to intentionally damage or destroy the nest, eggs, or young of a swallow while it is being built or in use.

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