

## Officer Report On Planning Application: 14/03405/FUL

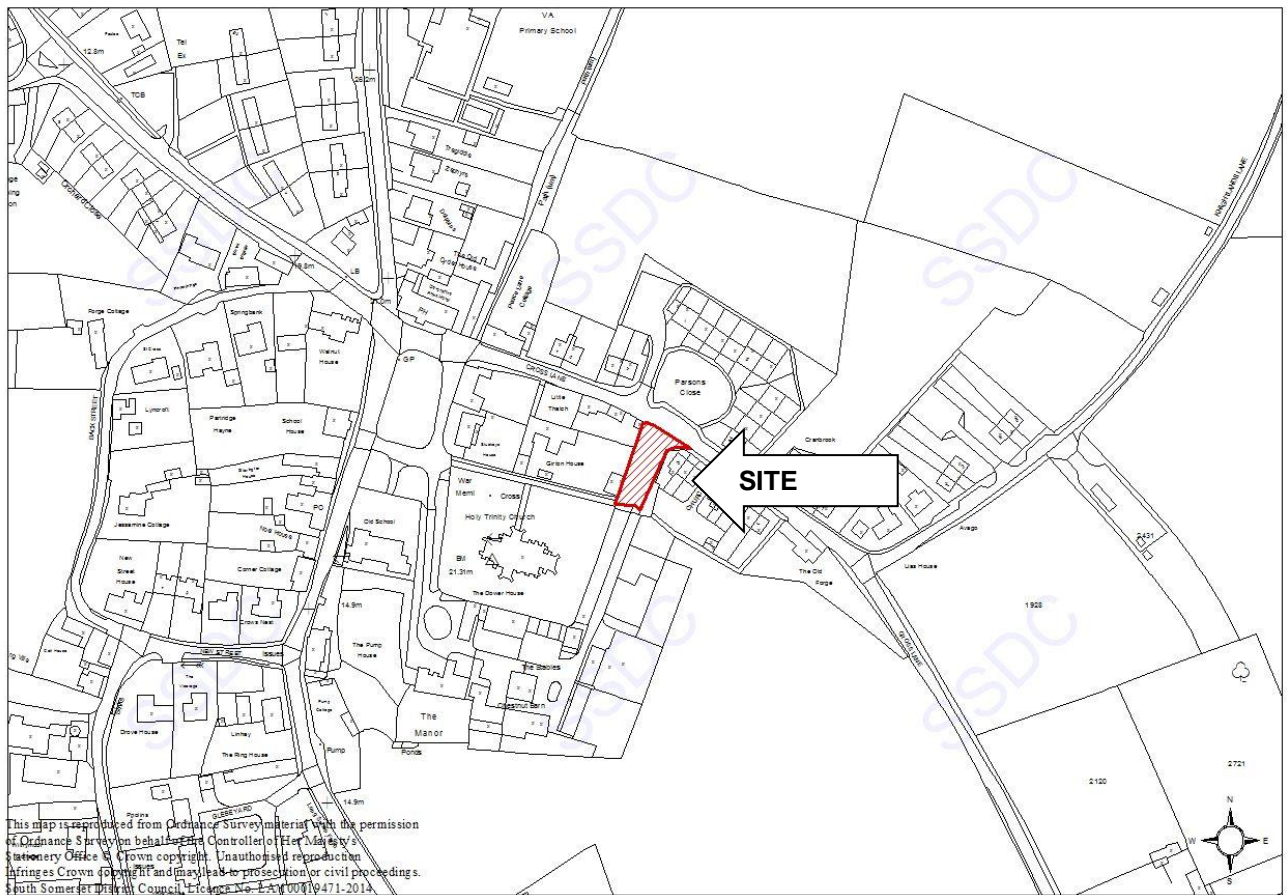
<b>Proposal :</b>	Erection of a gatehouse dwelling (GR: 347012/125350)
<b>Site Address:</b>	Land At The Manor Cross Lane Long Sutton
<b>Parish:</b>	Long Sutton
<b>TURN HILL Ward (SSDC Member)</b>	Cllr S Pledger
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	23rd September 2014
<b>Applicant :</b>	Mr Shane Pledger
<b>Agent: (no agent if blank)</b>	Mr Richard Rowntree Lake View Charlton Estate Shepton Mallet Somerset, BA4 5QE
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASONS FOR REFERRAL TO AREA NORTH COMMITTEE:

The applicant for this application is Shane Pledger, a South Somerset District Council Councillor, as such under the adopted Scheme of Delegation (part f, paragraph 151) this application cannot be determined under delegated powers and must be referred to the Committee for resolution.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking full planning permission to erect a two-storey dwellinghouse.

The application site occupies a central location within Long Sutton close to the village shop, pub and primary school and is within the defined development area and conservation area. The site is surrounded predominantly by residential development with a grade II listed property immediately to the west (Little Thatch) and close to the grade I listed Holy Trinity Church, which is to the southwest of the site. Access to the site is off Cross Lane and via a shared drive which leads to the existing development at Manor Farm to the south. A public right of way passes along this drive immediately to the east and south of the application site.

## HISTORY

08/00577/FUL: Alterations to existing access drive and walls and erection of a detached dwelling. Refused for the following reasons:

- *“The erection of a dwelling in very close proximity to a range of substantial, mature trees that are in the ownership of a third party will have a significant impact upon the amenity of future occupiers of the dwellings in terms of loss of light and the over-bearing impact together with the potential for the creation of a damp and uninviting rear garden and the ongoing fear of damage being caused by the trees. It is therefore considered that the relationship between the proposed dwelling and the trees is unacceptable and will create a sub-standard living environment for the future occupiers of the dwellings. The proposal is therefore contrary to Policy ST6 of the South Somerset Local Plan.”*

An appeal was lodged against this decision and was dismissed on the basis that the

amenities of future occupiers of the proposed dwelling would be unacceptable by virtue of the restricted levels of light, particularly to the sitting room windows, due to trees growing within the neighbour's garden to the west. The Inspector also noted that the relationship between the proposed dwelling and the neighbouring trees would be uncomfortable and very likely to result in requests for pruning (creating an unnatural flat-sided canopy) or feeling of the trees. She considered that the retention of the trees was important in creating a good streetscene and preserving the high quality of development that is inherent to the character and appearance of this part of the Conservation Area and the setting of the listed buildings.

08/00579/LBC: Demolition and replacement of boundary walls. Permitted.

07/05048/FUL: Erection of one dwellinghouse and alterations to existing wall and access drive. Withdrawn.

07/05050/LBC: Demolition and replacement of boundary walls. Withdrawn.

07/02947/FUL: Erection of one dwellinghouse and alterations to existing walls and access drive. Withdrawn.

07/02950/LBC: Demolition of existing boundary walls. Withdrawn.

## **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.

The development plan comprises the South Somerset Local Plan and the policies of most relevance to the proposal are:

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 – Conservation Areas

EH5 - Development Proposals Affecting the Setting of Listed Buildings

National Planning Policy Framework:

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 11 - Conserving and enhancing the historic environment

## **CONSULTATIONS**

**Long Sutton Parish Council:** No issue with the principle of development at this location, the council had concerns as to the design, namely the bay windows. It was felt that this was not a feature of this part of the parish. The Council voted to object on the basis of the design, namely the bay windows.

Should the plans be amended removing the bay windows to be replaced with mullion style windows then the Council would be minded to support this application.

As an informative a member of the council expressed concern regarding the large tree adjacent to the plot and the need for care during works so as to try and protect the tree.

**County Highways:** Referred to their standing advice which sets out the following

requirements:

- Visibility splays of 43m in either direction measured 2.4m back from the edge of the carriageway;
- Entrance gates to open inwards and set back a minimum of 5 metres from the carriageway edge;
- A minimum level of on-site parking of 2.5 parking spaces plus space for turning.

**Conservation:** Only verbal comments have been received to date stating that they have no objection subject to conditions to control detailed materials and design.

**Arborist:** No objection.

Initial comments - The Walnut has a radial Root Protection Area requirement of 5.76 metres. It is set back from the boundary wall by 3 metres. Although the foot-print of the build is within this area, the presence of the wall appears likely to have asymmetrically influenced the development of the roots. The crown of the Walnut overhangs the site by 4 metres. I would recommend that the crown is sympathetically re-shaped by an appropriately experienced arborist to provide clearance for the required scaffolding. I believe that a service strip clearance is to be maintained between the proposed house and the boundary wall, which will allow future cutting back.

The x 2 Cypress trees adjoining the boundary are approximately 5 metres in height. I have advised the Applicant that future occupiers of the dwelling are likely to resent this obstruction to daylight, possibly leading to a formal complaint to the Council under Part 8 (High Hedges) of the Anti-Social Behaviour Act 2005.

Whilst the Cypress trees are a consideration, it is a neighbour issue that I don't believe ought to constrain the proposal. However, a modest scheme of tree and shrub planting would seem appropriate if a consent were granted.

Further comments - I have advised both the Applicant and the neighbouring owner of the adjoining Cypress trees, about the requirements of the High Hedges legislation (Part 8 of the Anti-Social Behaviour Act 2003).

I have also advised the Applicant about how to sympathetically prune back the crown of the Walnut away from the scaffolding required to construct the gable-end of the proposal.

In my opinion, it should be feasible to conduct a reasonably sympathetic siding-up of the crown. If a consent is to be granted, I would be grateful if you would consider imposing a condition to agree specifications for the tree pruning.

## **REPRESENTATIONS**

Written representations have been received from one local resident stating that the comments in the Design and Access Statement in relation to the bus services for the village are inaccurate. They state that over the last 25 years there has never been a sensible bus service in Long Sutton and recently, apart from the Nippy Bus, there has been none at all.

## **CONSIDERATIONS**

This application follows a number of previous unsuccessful applications for a dwelling on this site the most recent of which was in 2008, which was refused.

**Principle:**

The application site is located within Long Sutton's development area as defined by the South Somerset Local Plan, as such new residential development in this location is considered to be acceptable in principle.

**Impact on visual amenity, the setting of the conservation area and adjacent listed building:**

Although the site may not appear at first glance to be a natural infill site, the modest scale and lodge like design of the proposed dwelling is considered to respond well to the context of the locality and as such it should sit comfortably on this site without appearing unduly cramped. The Parish Council raised an objection to the bay windows proposed on the east and north elevations of the dwelling however the application has been amended, substituting the bays with more simple mullion type windows, fully addressing this issue.

Within the neighbour's garden to the west are a mature Walnut tree and some cypress trees which the Planning Inspector within their report identified as making an important contribution to the setting of the conservation area and the adjacent listed building (Little Thatch). The Inspector was concerned at the scale and nature of the works that would be required to these trees, particularly the Walnut which overhangs the site, to enable this development and would likely result in an odd shape to the Walnut to the detriment of the conservation area and listed building.

Whilst the scale of the works to the Walnut tree are likely to be very similar for this revised application, the Council's tree officer is satisfied that the works could be achieved in a sympathetic manner and has recommended a condition to ensure the details of these works are agreed prior to the commencement of any works.

On this basis there is no reason why the development and the associated trees works could not be carried out in such a manner that would not preserve the character and setting of the conservation area and the adjacent listed building.

**Residential amenity:**

Given the relatively modest height of this two-storey dwelling and its position set away from the neighbouring properties to either side and position of the first floor windows the proposed development raises no substantive neighbour amenity concerns.

The previous issues raised in respect of restricted levels of light for the main living accommodation have been broadly overcome under this current scheme. Whilst nothing appears to have altered in terms of the impact of the neighbour's trees overhanging this site, the design of the proposed dwelling is such that the main living room is served by an additional bay window to the east side and it is noted that the kitchen diner is also served by double aspect windows. Therefore whilst the neighbour's trees are still likely to restrict light to this new property due to dual aspect design and internal layout of the main living accommodation such light issues are not in this instance considered to be so severe as to be unacceptable. In all other respects the level of amenity afforded the future occupiers of this property are considered to be acceptable.

**Highway safety:**

Access to the proposed development will be via an existing shared drive and access. Visibility for this access leading on to the public highway to the north is considered to be

acceptable and the level of parking (3 spaces) complying with the parking requirements set out within the Somerset County Parking Strategy. On this basis the proposal is considered to broadly comply with the highway authority's standing advice and to raise no significant highway safety concerns.

It is noted that public rights of way pass along the east and south boundaries of the site, however, there is no reason why the development should cause an obstruction or adversely affect the amenity of users of these rights of way.

### **Conclusion:**

For the reasons set out above, this revised scheme is considered to have addressed the previous refusal reasons and the matters raised by the Planning Inspector. The proposed development is considered to preserve the character and setting of the conservation area and adjacent listed building, to raise no substantive residential amenity concerns or to be prejudicial to highway safety and as such is recommended for approval.

### **RECOMMENDATION**

Grant permission for the following reason:

The proposed dwelling represents a sustainable form of development that makes efficient use of land whilst respecting the character and setting of the conservation area and adjacent listed buildings, without demonstrable harm to residential amenity or being prejudicial to highway safety. The development therefore accords with the aims and objectives of the National Planning Policy Framework and saved Policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan.

### **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 drawings numbered F1198-100C and F1192-101C.

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) particulars of the materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
- b) full details of all new walls and boundary walls, including the materials, coursing, bonding, mortar profile, colour and texture, to be provided in the form of a sample panel to be made available on site;
- c) details of the recess, materials and external finish for all external doors, windows and openings;
- d) details of all roof eaves, verges and abutments, including detailed section drawings, and all new guttering, down pipes and other rainwater goods, and external plumbing;



- e) details of all gates, fences and the surface material for the parking and turning area.

Reason: To safeguard the character and setting of the adjacent listed building and surrounding conservation area to accord with Policies EH1 and EH5 of the South Somerset Local Plan.

- 04. The development hereby permitted shall not be commenced unless details of the internal ground floor levels of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 05. Prior to implementation of this consent, a specification of tree pruning, relating to the Walnut tree adjoining the Western gable-end of the proposed dwelling, shall be submitted to and agreed in writing by the local planning authority.

The approved tree pruning specification shall be implemented in-entirety, in accordance with British Standard 3998: 2010 – Tree Works; prior to the construction of the development.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance Policy ST6 of the South Somerset Local Plan 2006 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended)[1].

- 06. The area allocated for parking on the submitted plan, drawing number F1198-100C, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

- 07. 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 above ground floor level within the west elevation of the dwelling hereby permitted without the prior express grant of planning permission.

Reason: In the interest of residential amenity to accord with Policy ST6 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), there shall be no extensions to this dwelling without the prior express grant of planning permission.

Reason: To safeguard the character and setting of the adjacent listed building and surrounding conservation area to accord with Policies EH1 and EH5 of the South Somerset Local Plan.

09. 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 garages shall be erected other than those expressly authorised by this permission.

Reason: To safeguard the character and setting of the adjacent listed building and surrounding conservation area to accord with Policies EH1 and EH5 of the South Somerset Local Plan.

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