

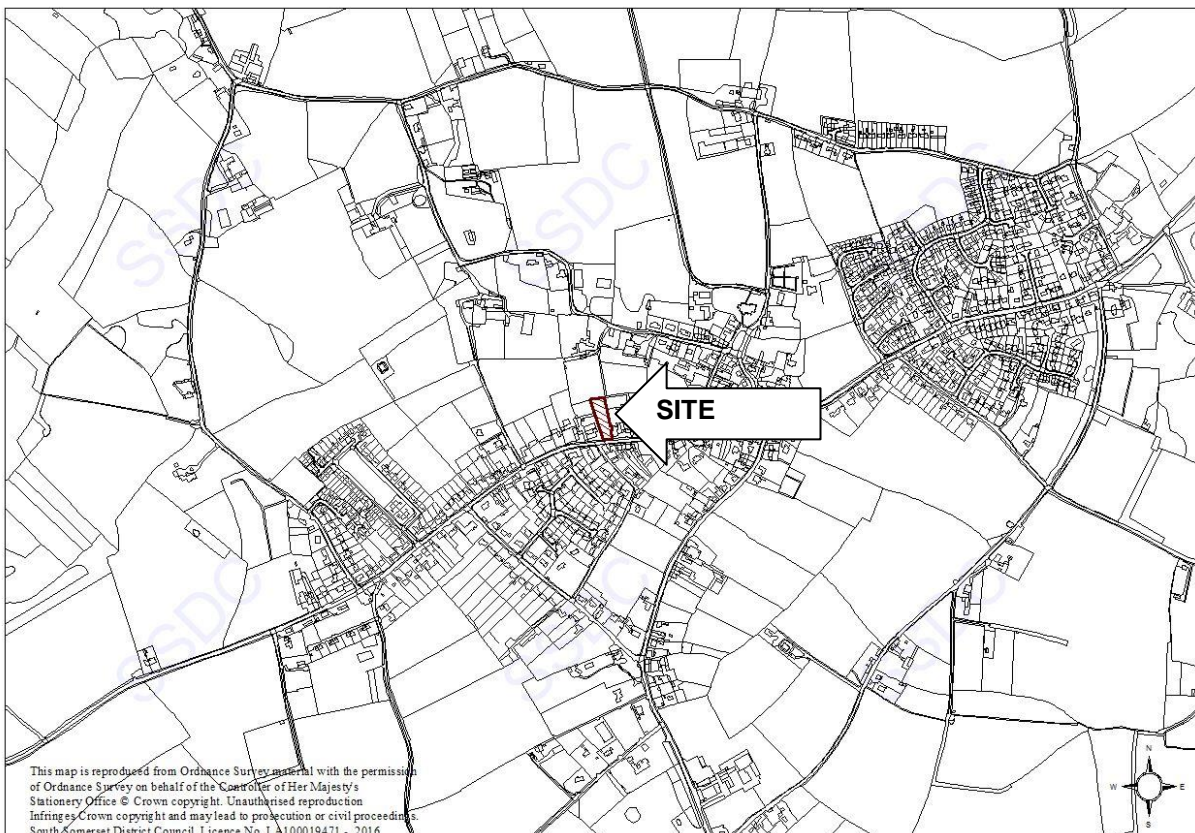
Officer Report On Planning Application: 15/04737/LBC

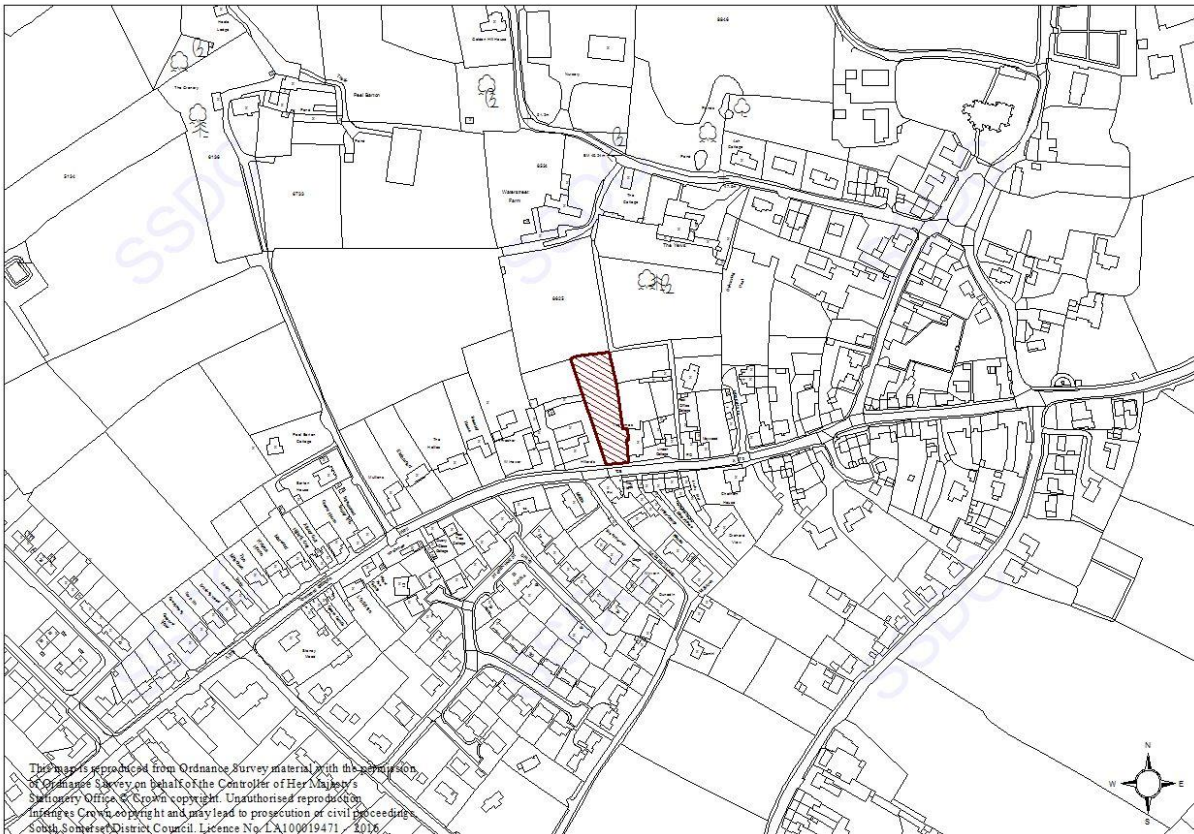
Proposal :	Erection of a dwelling, car port and revised alterations to existing access and driveway (GR:338917/125157).
Site Address:	The Limes, High Street, Curry Rivel.
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr T Osborne
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	25th December 2015
Applicant :	Mr & Mrs M Powell
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of the Ward Member, in the interests of a full discussion of the issues affecting the site.

SITE DESCRIPTION AND PROPOSAL





The site is located on the north side of the High Street, directly opposite the King William Inn. It is situated within a large garden area stretching back from the highway to the side of a Grade 2 listed dwellinghouse. To the north and west of the site, which is bounded by a high stone wall, is open agricultural land. To the east of the site, there is also agricultural land, and the remainder of the garden area of the main dwellinghouse. The southern end of the site is bordered to the west by the curtilage of a listed dwellinghouse; there are also two listed buildings across High Street to the south. The existing access to the site is at the south-western end of the property, which is bounded along the High Street by a stone wall. A recent permission has allowed for the enlargement and improvement of the access.

In a parallel planning application, permission is sought for the erection of a single dwellinghouse, a carport, and a revised improvement to the access. Listed building consent is sought for the works to the boundary wall and gateway.

HISTORY

14/05075/LBC - Alterations to existing access and driveway and the erection of a car port - permitted with conditions

14/05074/FUL - Alterations to existing access and driveway and the erection of a car port - permitted with conditions

05/02677/FUL- Erection of a conservatory - permitted with conditions

05/02516/LBC - Erection of a conservatory - permitted with conditions

POLICY

Section 16 of the Listed Building and Conservation Areas Act places a statutory requirement

on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Relevant Development Plan Documents:

South Somerset Local Plan (2006 - 2028)
EQ3 - Historic Environment

CONSULTATIONS

SSDC Conservation Officer: *This proposal is for a new dwelling in the garden of a listed building which would also require improvements to the access. The law would include all historic structures within the garden as part of the listed building, including the front wall.*

You will recall that in 2014 modest amendments were made to the existing access to mirror the access further to the east which is most likely the original access to this house. The dimension of this approval are approx. 5m at the pavement edge, 1.3m deep to a approx. 2.5m access.

This proposal for a house has necessitated a number of variations to this approval as required by highways such that the required access would be 5m back from the carriageway edge, at least 13.5m wide, with a 4.5m wide road through the gateway. It extends be in line with the conservatory on the side of the house.

For the approval for the access only the justification for the change was to improve highway safety to the existing dwelling. This resulted in an access, echoing the existing, which was well balanced and proportioned to the setting of the house, and with minimal loss of the existing historic front wall.

This new design is purely driven by highways requirements, resulting in a large and out of proportion access. By comparison a normal access for a housing estate is 5.5m, making the size of access not far short of what is needed for a multi house estate. In my view the access is too dominant in the street scene and too large and out of scale with the listed building, and is not justified for the creation of the new dwelling.

You will be aware of our statutory duties with regard to listed buildings and their settings and that the Court of Appeal requires that the Council cannot treat this as a mere material consideration to which we can simply attach such weight as we see fit. When there is harm we must give it considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

The NPPF requires that applicants for consent that affects a heritage asset must be able to justify their proposals. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. The NPPF also states that sustainable development involves seeking positive improvements to the historic environment.

Policy EQ3 requires that new development will be expected to safeguard and where appropriate enhance the setting and local distinctiveness of heritage assets.

The balance is heavily weighted for the conservation of heritage assets and against harm to both the buildings and their settings. All proposals must be fully justified. The justification for the alteration to the access is driven by a proposal to provide a new dwelling in the garden. The size of the access has been governed by highways requirements, not by what is appropriate for the listed building or its setting. This new large access is disproportionately large, with a loss to the front wall and a subsequent impact on the setting of the listed building. Locally the vehicular accesses are not overtly large such as this, and the proposal would impact on the street scene and not be locally distinctive. It fails to safeguard or enhance as required by Local Plan Policy.

Parish Council: No objection.

REPRESENTATIONS

One letter of objection has been received, raising the following issues:

- poor design;
- access is already a problem with heavy traffic and parked cars.

CONSIDERATIONS

Works to listed buildings are required to respect their special architectural and historical character and appearance. The wall affected by the proposal is listed as part of the designated heritage asset 'The Limes'. The works involve the removal of 12.4m of the length of the existing 39m long boundary wall, and remodelling of the entrance by placing new curved sections back from the highway, leading to an opening to the access driveway. The proposal would place new walling in a similar style, with similar stone along these curved sections. The access would thereby be enhanced to improve highway safety and enable the construction of a new dwellinghouse to the rear.

This change will significantly alter the setting of the listed building, and its presence in the street scene. As set out in the detailed discussion by the Conservation Officer above, this intervention is not considered to maintain or enhance the character and appearance of this designated heritage asset, representing significant harm.

As set out in the NPPF, great weight should be given to the conservation of heritage assets. As advised by the Conservation Officer, the identified benefit of the scheme is not considered to outweigh the degree of harm.

The proposal is recommended for refusal.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASON:

01. The proposal, by reason of its scale, design and materials, causes unjustified and unacceptable harm to the character and appearance of listed building, contrary to the aims and objectives of The NPPF and Policy EQ3 of the South Somerset Local Plan.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.
