

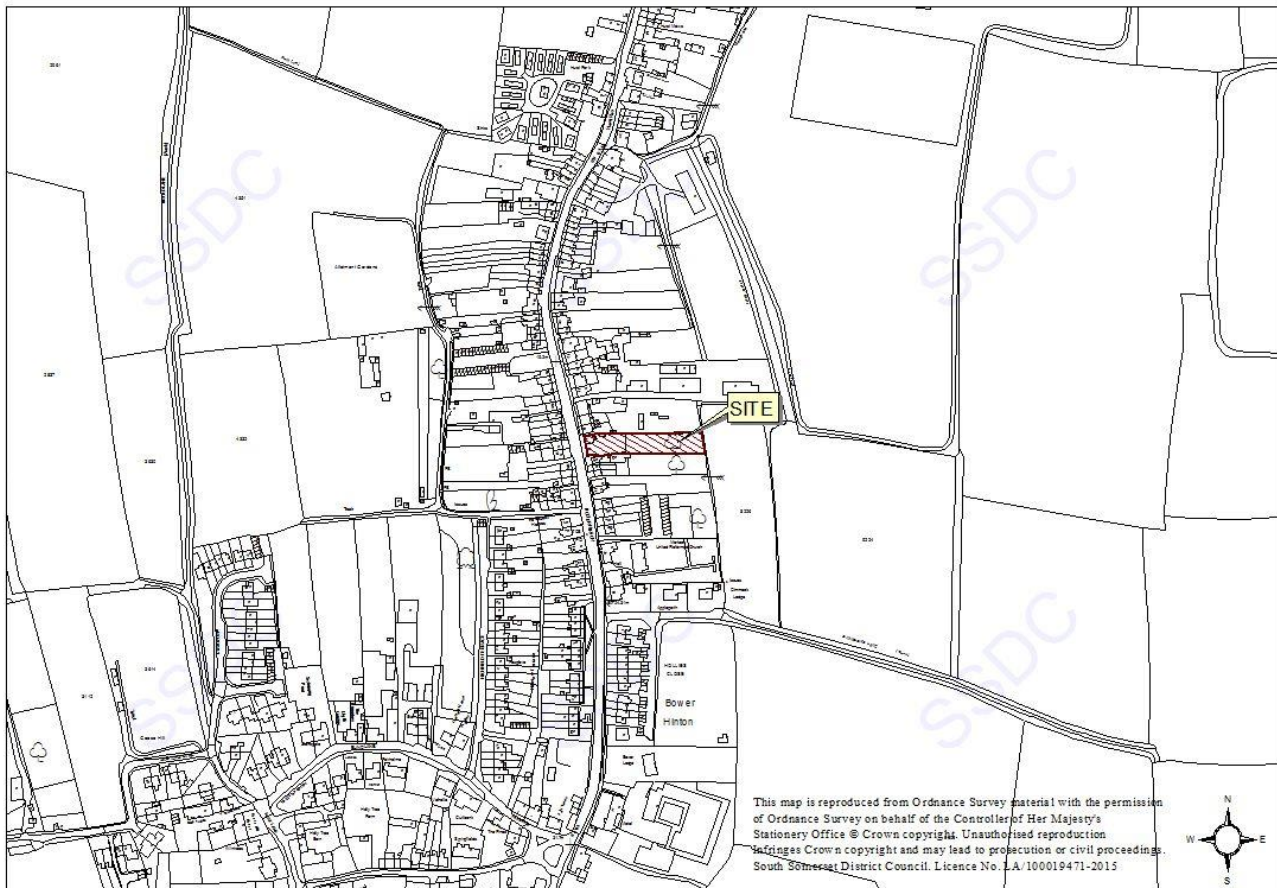
Officer Report On Planning Application: 18/00072/FUL

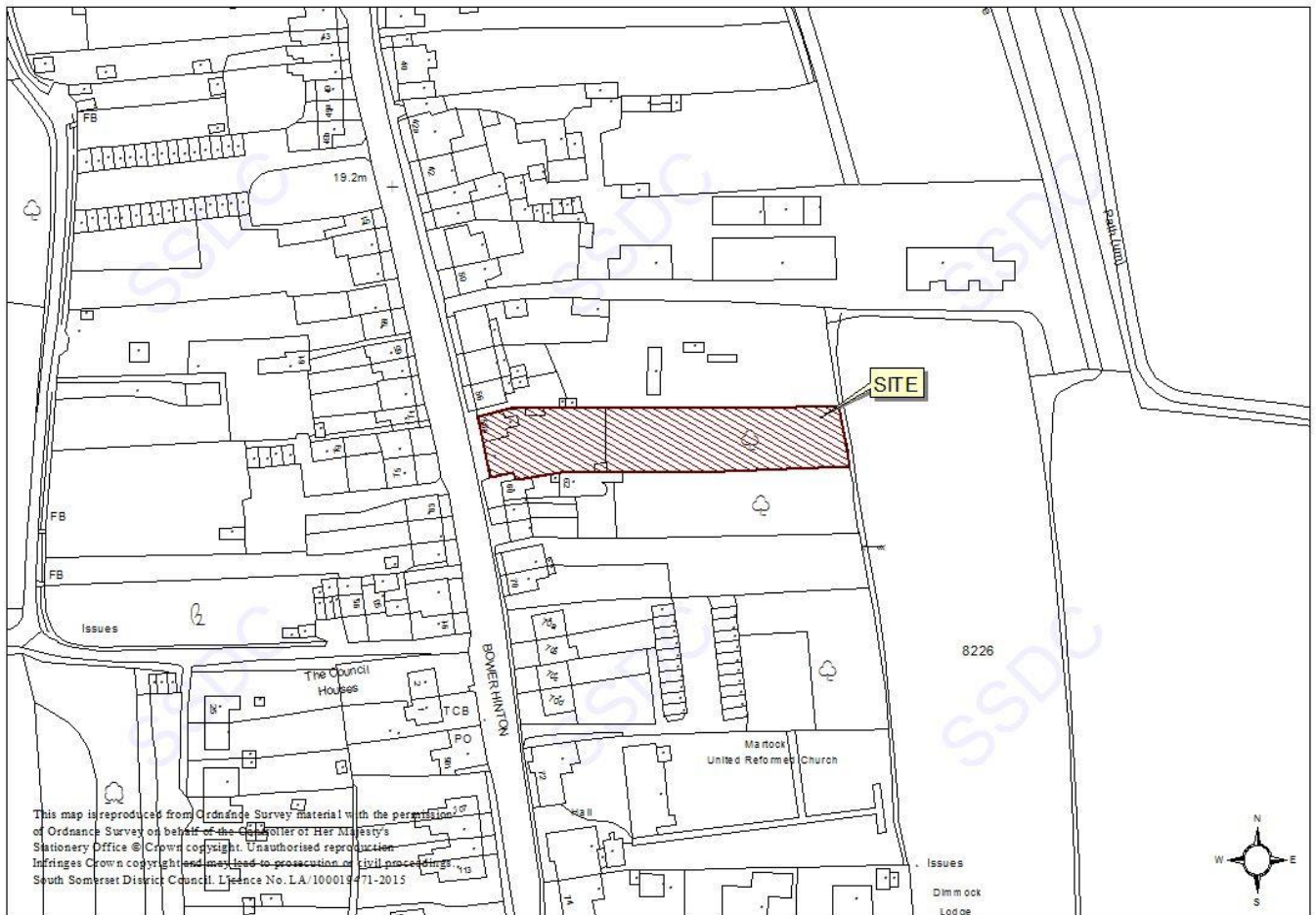
Proposal :	Demolition of stone walls of former cottage. Erection of 2 No. dwellings with associated access and parking. Erection of front wall to 56A and restoration of existing outbuilding (revised application to 17/03184/FUL)
Site Address:	56A Bower Hinton, Martock, Somerset.
Parish:	Martock
MARTOCK Ward (SSDC Member)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	6th March 2018
Applicant :	Mr Patrick Venn
Agent: (no agent if blank)	Mr William Styles, Somerset House, Lower Middle Street, TAUNTON TA1 1SH
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area North Committee at the request of the Ward Members and with the agreement of the Area Chair to allow the issues raised by this application to be discussed further.

SITE DESCRIPTION AND PROPOSAL





This application is seeking full planning permission to erect two detached dwellings, a two-storey dwelling along the road frontage between 56a Bower Hinton and 60 Bower Hinton, and a part single storey, part two-storey dwelling within the rear garden of 56a Bower Hinton.

The application site has a central location within Bower Hinton and is located within a defined conservation area and forms part of the garden belonging to 56a Bower Hinton. It would appear that there was historically a cottage on the site to the side of 56a Bower Hinton, according to the applicant this was demolished in the 1950-60's however part of the original front elevation of this structure still remains forming a front boundary wall. There is existing vehicular access via an 'up and over' style garage door which leads to a single parking space and a large private garden area to the rear and side of the existing house. The application site is relatively flat and level with the existing houses to either side, both of which are relatively modest two-storey properties fronting on to the highway behind narrow strips of front garden.

HISTORY

17/03184/FUL: Alterations to 56a Bower Hinton, demolition of walls and outbuildings and the erection of two dwellings with associated access and parking. Withdrawn.

14/01792/FUL: Erection of a dwelling. Permitted.

51856: Conversion of dwelling to a private lock-up garage and formation of vehicular access. Permitted.

16345: Erection of a dwellinghouse with pedestrian access. Permitted.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14

of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 - Sustainable Development

SS1 - Settlement Hierarchy

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

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

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Martock Parish Council: No objections provided highways are satisfied with the access arrangements.

County Highway: Referred to their standing advice

SSDC Highway Consultant: I refer to the comments I made in response to the previous application (17/03184/FUL). The details submitted for the current scheme are largely acceptable. Provided the frontage wall either side of the access is no higher than 600mm then pedestrian / vehicular inter-visibility would be secured. The on-site parking provision is slightly below the required standard, a three-bed dwelling should provide 2.5 spaces rounded up to 3 spaces, however, given the provision of the visitor space, the overall development scheme complies with the optimum standards. In addition, this is a sustainable location where a level of parking below the recommended standards could be supported. I recommend conditions are imposed securing the access and parking / turning details on the submitted plans, including the aforementioned wall height and the proper consolidation and surfacing (not loose stone or gravel) of the access from the carriageway to the entrance gates, as well as suitable drainage measures to ensure surface water does not discharge onto the public highway.

County Archaeology: The site lies within the Martock and Bower Hinton Area of High Archaeological Potential which encompasses the core of these medieval planned villages, the development therefore has the potential to impact archaeological remains. I therefore recommend a condition to secure a programme of archaeological monitoring.

Ecology Officer: No comments or recommendations.

Conservation Officer: "This application is within a conservation area where we have a statutory duty to preserve or enhance the character of the area.

The application involves the demolition of the remains of a house, last used as a garage. What remains is poorly maintained high quality ashlar stonework. It has some significance in that it is part of the history of the area, but its loss is acceptable, any replacement should be of sufficiently high quality.

There is an approval to build a new dwelling on the roadside plot. This approval appears to be a good quality building.

56a dates from 1952, and is reconstructed stone. Previously it was intended to change this to natural stone. This is now omitted and this improvement is now lost.

The new dwelling to the front plot has been improved in terms of its design and materials. The render needs to be an appropriate finish and colour.

The new dwelling to the rear I still find balanced. Of itself it runs contrary to the grain of development here where houses face onto the road. I am aware of No 62 which is an old building but it is not clear if it was built as a dwelling or a conversion. As with other dwellings which are to the rear of the road frontage they appear to be conversions of historic building. Whilst there are improvements with this application I still remain of the view that a new dwelling in the garden of this historic single dwelling to run contrary to the historic grain of dwellings, and therefore have a level of harm."

REPRESENTATIONS

Written representations have been received from one local resident objecting to the proposal and raising the following comments and observations:

- It would be better to reduce the height of 56b to that of other neighbours (not 56a) to respect its surroundings.
- 56b should be set further back from the road to allow better pedestrian visibility.
- The front wall of 56a is to be reduced in height due to visibility problems. It is said that a shallow stone wall will complement its neighbour's stone walls, these all have iron railings set into their walls, a strong feature of Bower Hinton.
- The planned use of hamstone is a big improvement on 56a. There is a lack of other details, i.e. window, sill, lintel, chimney materials etc. These should be secured. There have been recent developments in Bower Hinton with fibreglass chimneys and concrete sills. The gas meter box should be hidden out of sight. Coping stones are also very much a feature of the area.
- The timber gates should have flat tops not curved.
- The LPA must stipulate that applicant cannot apply later to change the windows from timber to UPVC, especially through NMA's.

Written representations have been received from three local residents who are not objecting to the principle of the development but have raised a number of observations and concerns as follows:

- It needs to be ensured that a Party Wall Agreement is secured prior to the commencement of any works that abut or adjoin my property. My concern is to ensure that the services, fabric and condition of my property remain unaffected.
- The proposal includes the demolition of an old toilet and shed which abuts our property. We would like assurance of the standard of making good to our property and we would insist on a Party Wall Agreement being in place prior to commencement of such works.
- The proposal states that the entrance to the proposed development has been used frequently. As residents at No 60 for over 40 years we can categorically state that access has been infrequent. The planned access is also diagonally opposite an existing access.

- We would like assurance that the proposal will not impact upon any utilities, foul & storm drainage, these currently serve multiple properties and are already stressed.
- There is no assurance that our (No 60) existing front boundary wall will be unaffected during the works. We cannot see how the works will not encroach upon our property.
- The whole of 58's frontage currently has a dropped kerb, this should be raised in front of the new house to provide additional on-road parking.
- The proposal will lead to an increase in traffic. Bower Hinton has an overloaded road system, anything that would lead to increased traffic volumes should be avoided.
- Ivy is currently growing on the applicant's property against our wall, this should be removed prior to works.
- Our main concerns stem from the likelihood or potential for damage to our property as a result of the construction works. Of particular concern is our prior knowledge that our property is constructed on minimal foundations and with the close proximity of the proposal there is a risk that it could undermine our property's structural stability.
- The proposed design should respect the sense of place created by the surrounding listed buildings, in particular the Chapel, its Hall and the former Manse which are just to the south of the site. To ensure this setting is respected the following conditions should be applied:
 - A small front garden to the front of No 58 should be formed and the current block wall outside 56a replaced with a stone wall similar to others in the area.
 - Hamstone should be used for all elevations visible from the road including the north elevation of 56b and the west wall of 56c.
 - Windows and doors should be timber and well recessed. Lintels and sills should be natural stone / timber.
- Much effort is currently being made to reduce surface water flows into the local river system. The use of permeable hard surfaces for the drive is welcome and should be conditioned.

CONSIDERATIONS

This application is seeking full planning permission to erect a detached dwelling within the side garden of 56a Bower Hinton and a second dwelling within its rear garden.

The application site is located within Martock's defined development area as such the principle of the proposed development is acceptable.

Impact on the conservation area and visual amenity

The proposed dwelling (56b) to the side of the existing house conforms, in terms of its position, scale and form, to the established building line and with the character and form of surrounding development. The proposed use of local natural stone and the overall design is quite traditional and overall this element of the scheme is considered to respect the established pattern of development in the area as well as the character and setting of the surrounding conservation area.

The same however cannot be said of the proposed dwelling to the rear (56c). On this side (east side) of this stretch of Bower Hinton the prevailing pattern of development is linear in nature, i.e. houses fronting on to the road and backing on to open countryside. Another notable feature are the long, narrow garden plots that are associated with many of the properties, including the application site, and which are evidence of the original historic burgage plot and small field pattern arrangement that were once widespread in the area.

It is important to acknowledge that there are variations to this pattern of development, including immediately to the south No. 62 which sits behind No 60, as well as some garage blocks further to the south and a farm development a short distance to the north which sits behind a number of properties that front on to Bower Hinton. With regard to the dwelling known as No 62, this building appears on the 1880

maps but it is unclear whether it was originally built as a cottage or whether it was originally an outbuilding that was later converted to a cottage, in any case this is a singular anomaly to the historic building pattern as the other variations tend to be outbuildings or agricultural development associated with the development fronting on to Bower Hinton road.

Whilst some of this nearby development does to some extent water down the linear pattern of development, nonetheless, this historic pattern is evident and is considered to be an important characteristic along the east side of this stretch of Bower Hinton. It is noted that the proposed dwelling (56c) has been designed to mimic or to give the impression of a former outbuilding that is in some regards reflective of 62 Bower Hinton, however, this does not change the fact that it is backland development that is contrary to the pattern of development identified above. Such a development will contribute to the erosion of the historic linear arrangement and is considered to be harmful to the character and setting of the surrounding conservation area. Furthermore, if this development were permitted it could be viewed as setting a precedent to allowing backland development in the locality and is likely to encourage further similar development pressures which may be difficult to resist.

Local Plan policy EQ2 (General Development) requires new development to be of a high quality design that conserves or enhances the landscape character of the area and reinforces local distinctiveness and respects local context. Policy EQ3 (Historic Environment) requires new development proposals relating to the historic environment to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets. It states that "heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place". Paragraph 134 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".

For the reasons set out above, the proposed development is not considered to reinforce local distinctiveness or to respect the local context, neither does it safeguard the significance, character, setting or local distinctiveness of the surrounding conservation area, as such it is contrary to LP policies EQ2 and EQ3.

Further to this, it is accepted that the extent of the identified harm to the character of the conservation area is less than substantial and that in view of the Council's lack of a five-year housing land supply and in accordance with para. 134 of the NPPF it is appropriate to weigh any identified harms associated with this scheme against the public benefits it is considered to provide. This balancing argument will be dealt with further in this report.

Residential amenity

The proposed development is not considered to give rise to any substantive harm to residential amenity. Due to the scale, position and design of the proposed new dwellings that should not cause any demonstrable loss of light or loss of privacy to neighbouring properties. The first floor window within the west elevation of plot 56c will look directly into the rear of 56a however due to the distance between the properties and intervening boundary treatment such overlooking will not be substantive. Any views into 56 next door will be oblique and again due to the distance any overlooking will not be demonstrable. There is also a first floor window within the south elevation however this will look across the parking area and into the blank wall of No 62.

The general layout of the scheme allows for a suitable level of amenity space for each property and overall is considered to be acceptable.

Highway safety and parking

The level of onsite parking and turning broadly accords with the highway authority's standing advice (i.e. the recommendations set out within the Somerset Parking Strategy). The proposed access in terms of its width and visibility splays are considered to be substandard as the access is not wide enough to allow

two vehicles to pass and the visibility splays are across third party land which do not accord with the highway authority's standing advice. However, given the modest scale of the development and the nature of the road, where traffic speeds are generally lower than the 30 mph restriction and there are numerous existing accesses in the vicinity that are similarly substandard, it can be reasonably expected that passing motorists will drive with the appropriate level of due care and attention to the possibility of vehicles turning into and out of the various accesses, including the one serving the site. On this basis, the proposed parking and access arrangements are not considered to constitute a significant highway safety risk and to therefore be acceptable.

A local resident has raised concern about traffic volumes in Bower Hinton and that the proposed development will add to this issue. Whilst it is recognised that this scheme will generate traffic, its modest scale is such that the level of additional traffic is not considered to be significant when compared to existing traffic levels.

Other matters

- CIL and planning obligations - As this proposal is for less than 10 units the LPA will not be seeking any contributions towards leisure and recreational facilities or other local or district wide obligations, in accordance with the High Court of Appeal decision (SoS CLG vs West Berks/Reading) made in May 2016, which clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. For the same reason the LPA does not seek any affordable housing obligation, however, it is noted that the applicant is voluntarily offering the provision of two affordable units which are secured through the completed Unilateral Undertaking. The scheme will be liable for the Community Infrastructure Levy (CIL) and it is noted that the applicant has submitted a completed Form
- Several neighbours have noted the need for a Party Wall Agreement if the works affect their property, this is matter is a legal matter however and needs to be dealt with separately to the planning process by the relevant parties. Concern has also been raised with regard to possible damage to their property, again this is a legal matter however it is unclear from the submitted details why the proposal should necessary cause damage to neighbour property.

Planning balance

As noted earlier in this report SSDC is not currently able to demonstrate a five-year housing supply. Paragraph 47 of the NPPF sets out the requirement to boost significantly the supply of housing, which is especially relevant whilst the LPA is unable to demonstrate a five-year housing land supply. The NPPF goes on to state under paragraph 134 that where a development "will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal".

This application proposes the provision of two new dwellings which will contribute towards meeting the district's housing supply needs and must be viewed as a positive of this proposal. The scale of the development however is very modest and as such its contribution towards meeting the district's housing needs is very limited.

The proposal will also bring some economic benefits in the form of employment opportunities associated with the construction of the new houses, however, given the modest nature of the development such opportunities will only be for a very short duration, as such only very limited weight is afforded to this benefit.

On the other hand, by virtue of the proposed plot at 56c, the proposed development comprises backland development that will be at odds with the historic linear pattern of development that prevails in the locality and as such is considered to be harmful to the character and setting of the surrounding conservation area. Given the permanence of the proposed development it is considered that such a concern should be afforded great weight.

Whilst the drive for new housing is a substantial concern the benefits that this proposal offers will only be modest given the modest scale of the proposal, however, the harm the proposal is considered to cause to the conservation area will be permanent and is, in this instance, considered to outweigh such benefits.

For this reason the proposed development is recommended for refusal.

RECOMMENDATION

Refuse permission for the following reason:

01. The proposed development, by reason of its backland nature, fails to respect the historic linear pattern of development that prevails in the locality and is therefore harmful to the character and setting of the locality and the surrounding conservation area contrary to policies EQ2 and EQ3 of the South Somerset Local Plan. Whilst the proposal will make a positive contribution towards meeting the district's five-year housing supply, such a contribution will be very limited due to its modest scale and is not considered to outweigh the identified harm that the proposal is considered to make to the character of the locality and the character and setting of the conservation area. The application therefore fails to comply with the aims and objectives of sustainable development as set out within policy SD1 of the South Somerset Local Plan and the National Planning Policy Framework.

Informative:

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, the applicant/agent did not take the opportunity to enter into pre-application discussions.
