

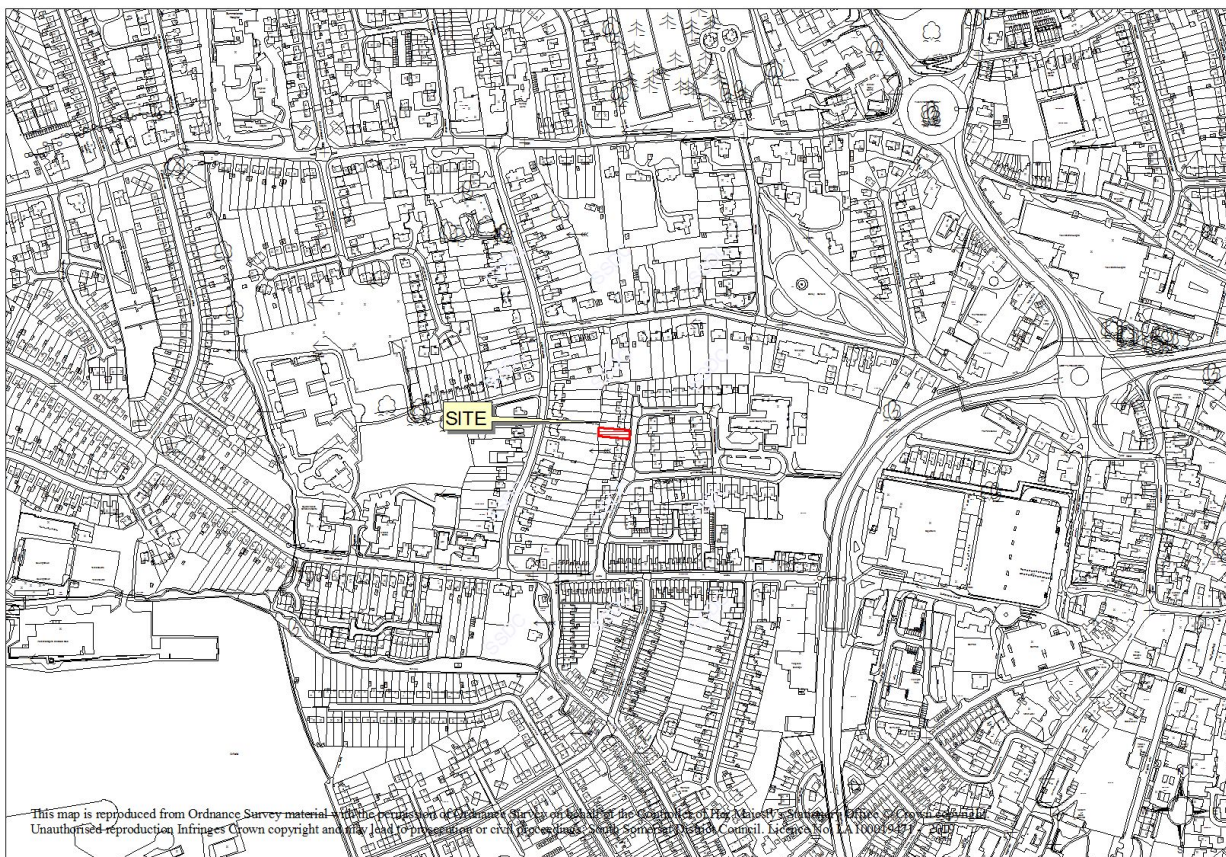
Officer Report On Planning Application: 19/00825/HOU

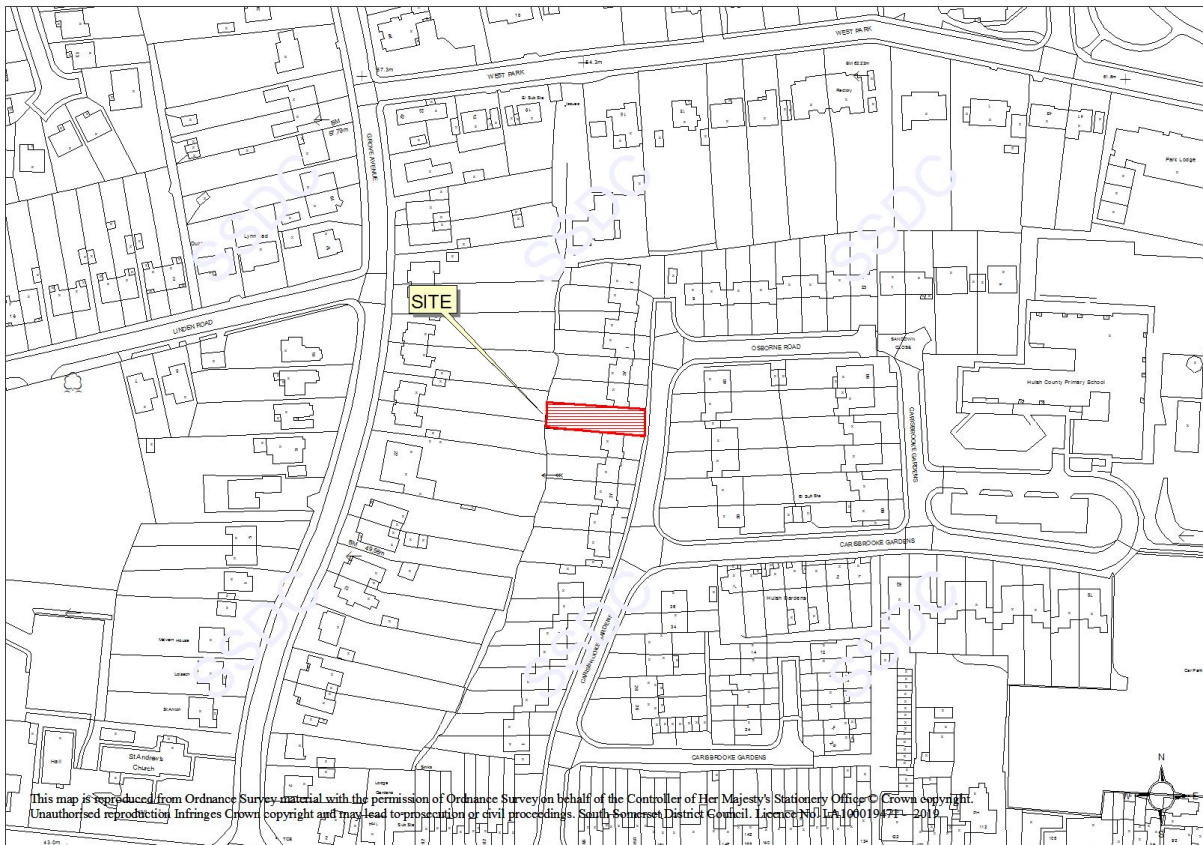
Proposal :	Raising of front garden to form private parking space. (Part retrospective).
Site Address:	27 Carisbrooke Gardens Yeovil Somerset
Parish:	Yeovil
Yeovil (Summerlands) Ward (SSDC Member)	Cllr J Clark Cllr W Read Cllr P Lock
Recommending Case Officer:	Jane Green – Case Officer
Target date :	24th May 2019
Applicant :	Miss Leanne Gray
Agent: (no agent if blank)	Mr Robin Bryer The Office Princes Place Closworth Yeovil Somerset BA22 9RH
Application Type :	Other Householder - not a Change of Use

Reason for referral to Committee

This application is referred to the Ward Members as the application has attracted support and objection from neighbours.

Site Description and Proposal





27 Carisbrooke Gardens is a mid-terraced two storey dwellinghouse located into residential area. The road rises from south to north and the properties on the west side of the road are sited much lower down than the road. Drives to garages of the properties on this side are therefore are on relatively steep gradients. Most front gardens in the road are either sloping grassed or terraced flower beds or as this property, terraced patio slabs and gravel hardsurfacing. The area enjoys a relatively open nature with a few low boundary treatments to the front of properties.

There is unrestricted on road parking on the west side of the highway. The classification of the highway is unclassified.

The application seeks planning permission for the raising of the front garden to form a private parking space, which is part retrospective. Engineering works have been part completed to construct a raised area to allow a vehicle to access the site from the highway, level with the pavement and with a proposed slope towards the property. The retaining wall measures approximately 1.8m high from natural ground level according to the plans. The proposed materials are brick with timber and steel support behind. The proposed hardstanding is permeable block paving.

HISTORY

18/00289/OPERA - Creation of raised off road parking area - Open enforcement case

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On the 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan.

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

SD1 - Sustainable Development
SS1 - Settlement Hierarchy
EQ1 - Addressing Climate Change in South Somerset
EQ2 - Design and General Development
TA5 - Transport Impact of New Development
TA6 - Parking Standards

National Planning Policy Framework (2019)

Chapter 9 - Promoting Sustainable Transport
Chapter 12 - Achieving well-designed places

South Somerset District Council Supplementary Guidance - Extensions and Alterations to Houses - A Design Guide

Somerset County Council Parking Strategy (SPS) (Sep 2013) and Standing Advice (June 2017)

CONSULTATIONS

Yeovil Town Council - Recommend approval

COUNTY HIGHWAY AUTHORITY - Standing advice applies

SSDC HIGHWAYS CONSULTANT - The main issue with this scheme is the length of parking space. The Somerset Parking Strategy states that a parking space should be 4.8m long. The proposed space is 4.6m long. While it may be considered by some that 200mm is not significant, there are a number of issues to consider. Accepting a shortened distance could set a precedent. There appears to be no physical reason why a 4.8m long space cannot be provided in this case. The justification for accepting the proposed length is that the applicant's vehicle is shorter than 4.8m; however, this may not be the case for future occupiers of the dwelling. Large cars and vans are at least 4.8m long. Most importantly, the SPS guidance states that 'All of the minimum dimensions specified (4.8m) assume that sufficient space will be provided to access the vehicle (and operate any doors), more space may be required if obstacles (such as walls or hedges) are in close proximity.' The Highway Code advises motorists to reverse off the public highway into parking spaces.

Even taking into account the dimensions of the applicant's own vehicle, it is unlikely to be possible to access the boot of the vehicle given the significant drop to the rear of the space. The highway authority has stated that it accepts the applicant's vehicle would be able to park within the proposed length but goes on to state that this does not account for future conditions or vehicles and that SSDC is within its right to take its own view on the matter. In addition to the above, I think more details should be submitted in respect of the proposed fence to the rear of the space given the significant drop to ground level beyond.

The planting either side of the access to the rear of the pavement would need to be contained to a maximum height of 600mm within the appropriate pedestrian/vehicular inter-visibility splays - these splays should be shown on the plans in accordance with the guidance set out in the SCC Highways Development Control Standing Advice. The parking space must be properly consolidated and surfaced (not loose stone or gravel). In light of the above, amended plans should be submitted satisfactorily addressing all the various matters.

I have reviewed and considered the letter dated 30 April 2019 submitted by the agent.

With regards to the length of the parking space, I am still of the opinion that there appears to be no physical reason why a 4.8m long space cannot be provided in this case. I realise that this would mean the space is 200mm closer to the house but from a technical viewpoint it's achievable. Whether or not this then constitutes unacceptable harm in terms of amenity or visual impact would be a planning matter to determine. As I have stated previously, the SPS guidance states that 'All of the minimum dimensions specified (4.8m) assume that sufficient space will be provided to access the vehicle (and operate any doors), more space may be required if obstacles (such as walls or hedges) are in close proximity. This is the case in this instance whereby there is a real prospect of the vehicle owner requiring access to the boot of the car yet having very limited space to achieve such access, coupled with a significant drop down to ground level with only a short fence to prevent such a fall. So it is the combination of a shortened parking space with inadequate protection to prevent a possible fall from the rear of the space.

The requested pedestrian/vehicular inter-visibility splays could be shown on the plan and are unlikely to encroach on third party land. Guidance on how to draw these 45 degree splays is set out in the SCC Standing Advice document in one of the appendices.

The proposed surfacing of the parking space (permeable paving) is accepted.

In summary, therefore, I stand by the comments I made at the outset, particularly in respect of the length of the parking space and the boundary treatment to the rear of the space

REPRESENTATIONS

4 neighbours were notified and a site notice (general interest) displayed, representations (support and objection) received summarised as follows:

- Support the proposal for increased parking (3 representations)
- No similarities with application to the Meadow Road area as stated
- Impact on Number 25
- Poor and illegible plans
- Encroachment of structure
- Health and safety issues
- Consideration should be given to a disability marked parking space on the road
- Proposal too wide
- Drainage concerns

CONSIDERATIONS

Principle of Development

The development of existing residential properties is usually acceptable in principle subject to the proposed development being in accordance with Development Plan policies. In this case, the main considerations will be the impact on the visual amenity of the area, the residential amenity of neighbouring residents and highway safety.

Visual Amenity

Policy EQ2 of the South Somerset Local Plan states that development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. The National Planning Policy Framework (NPPF) also highlights the importance of high quality design.

When considering such a proposal it is important to ensure that the design, scale and appearance is appropriate to avoid dominating the existing house.

Given the proposal is part retrospective an actual view of the development can be seen. In this respect when assessing the visual impact of the proposal in the streetscene the impact of the proposal is not as significant as you may think. Given the view of parked cars along the road the proposal is relatively discreet in its existing state. The submitted plans indicate that there are no plans to introduce any safety barriers either side of the hardstanding but one on the west side approximately 0.3 metres high, assumingly to assist in preventing a vehicle in reversing off the raised area in error. Such introduction of any barriers would make the proposal much more prominent in the streetscene. Barriers may also be required either side for the safety of users of the parking area.

Consideration is also given to the visual impact of the proposal when viewed from the residential properties located to the west of the development. In particular number 25 Carisbrooke Gardens and the application property, number 27. Whilst it is acknowledged the applicant would have considered the impact of the proposal on their own property, the occupants of the neighbouring property would not. Given their existing outlook would have been of a terraced front garden with the height of the retaining wall nearest the properties being 0.8 metres high, (according to the plans), the visual impact of the new retaining wall (1.8m) plus the barrier (0.3m) and with the added height of a vehicle to be parked on the raised area, the visual impact for the neighbour in terms of outlook is significant and is considered of a poor design.

As such the proposal fails to achieve high quality which promotes South Somerset's local distinctiveness contrary to policy EQ2 of the Local Plan. There is little scope for mitigation by planting due to the height and close proximity to the neighbouring property and it is noted there are no similar developments in the street.

Impact on Residential Amenity

A number of neighbour objections have been received from the occupants of number 25. Future occupants of the neighbouring properties are also considered. Policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028) states the development proposal should protect the residential amenity of neighbouring properties.

The height of the retaining wall and barrier have been previously been discussed and the fact that the raised area will be used for the parking of a vehicle is also a consideration here. The development is immediately adjacent to the neighbouring property boundary and within 2 metres of the window that serves their living room. Impact of overbearing and overshadowing is considered an issue given the short distance and height of the proposal. The use of the neighbour's living room is considered compromised and demonstrable harm to residential amenity is caused.

It is therefore considered that the proposal would demonstrably and adversely impact upon residential amenity, and is therefore not in accordance with policy EQ2 nor with the Core Planning Principles of the National Planning Policy Framework.

Highway Safety

The development is assessed against the Highways Authority standing advice and in this case consideration is given to their required minimum dimensions for a vehicle parking space. These are 4.8m by 2.4m. The plans demonstrate the space to be 4.6m by 3.2m with what appears to be soft landscaping proposed either side. The proposed space is therefore short by 0.2m and fails to meet their minimum dimensions and whilst this does not appear to be significant, the Council's highway consultant has made the following observations:

"Accepting a shortened distance could set a precedent. There appears to be no physical reason why a 4.8m long space cannot be provided in this case. The justification for accepting the proposed length is that the applicant's vehicle is shorter than 4.8m; however, this may not be the case for future

occupiers of the dwelling. Large cars and vans are at least 4.8m long. Most importantly, the SPS guidance states that 'All of the minimum dimensions specified (4.8m) assume that sufficient space will be provided to access the vehicle (and operate any doors), more space may be required if obstacles (such as walls or hedges) are in close proximity.' The Highway Code advises motorists to reverse off the public highway into parking spaces.

Even taking into account the dimensions of the applicant's own vehicle, it is unlikely to be possible to access the boot of the vehicle given the significant drop to the rear of the space. The highway authority has stated that it accepts the applicant's vehicle would be able to park within the proposed length but goes on to state that this does not account for future conditions or vehicles and that SSDC is within its right to take its own view on the matter. In addition to the above, I think more details should be submitted in respect of the proposed fence to the rear of the space given the significant drop to ground level beyond."

The planning agent responded to these comments in his letter of 30.04.19 however the comments do not change the proposal and therefore does not change the views of the LPA on the matter. In fact, even if the proposed changes were made to increase the minimum depth of the space this would further impact on the neighbouring and application property by bringing the development 0.2m closer and as previously discussed this is not acceptable in terms of impact on visual amenity and residential amenity.

It is therefore considered that the development would cause harm to highway safety contrary to policies TA5 and TA6 of the South Somerset Local Plan and section 9 of the NPPF.

No concerns area raised for the drainage of the proposal given the proposed block paving treatment of the hardstanding.

Other Matters

Comments have been made regarding the required development being needed to serve the occupier of the application property given their disabilities. It must be stated that whilst this is appreciated this is his is not a material planning consideration and should not be considered as part of the assessment of this application. It is worth noting however the applicant has been advised of the potential to apply for on-street designated disabled parking with County Highways as an option.

If the application is refused consideration will have to be given to the instigation of formal enforcement action to re-instate the previous front garden.

CIL: This authority does not collect CIL from household development.

Recommendation:

Refuse

SUBJECT TO THE FOLLOWING:

01. The proposed development, due to its design, scale, height and position, is considered to result in demonstrable harm to visual and residential amenity and given its insufficient depth is detrimental to highway safety and is therefore contrary to the aims and objectives of TA5 (Transport Impact of New Development), TA6 (Parking Standards) and EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the principles of the National Planning Policy Framework (2019).

Informatives:

01. In accordance with paragraph 38 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 and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.