

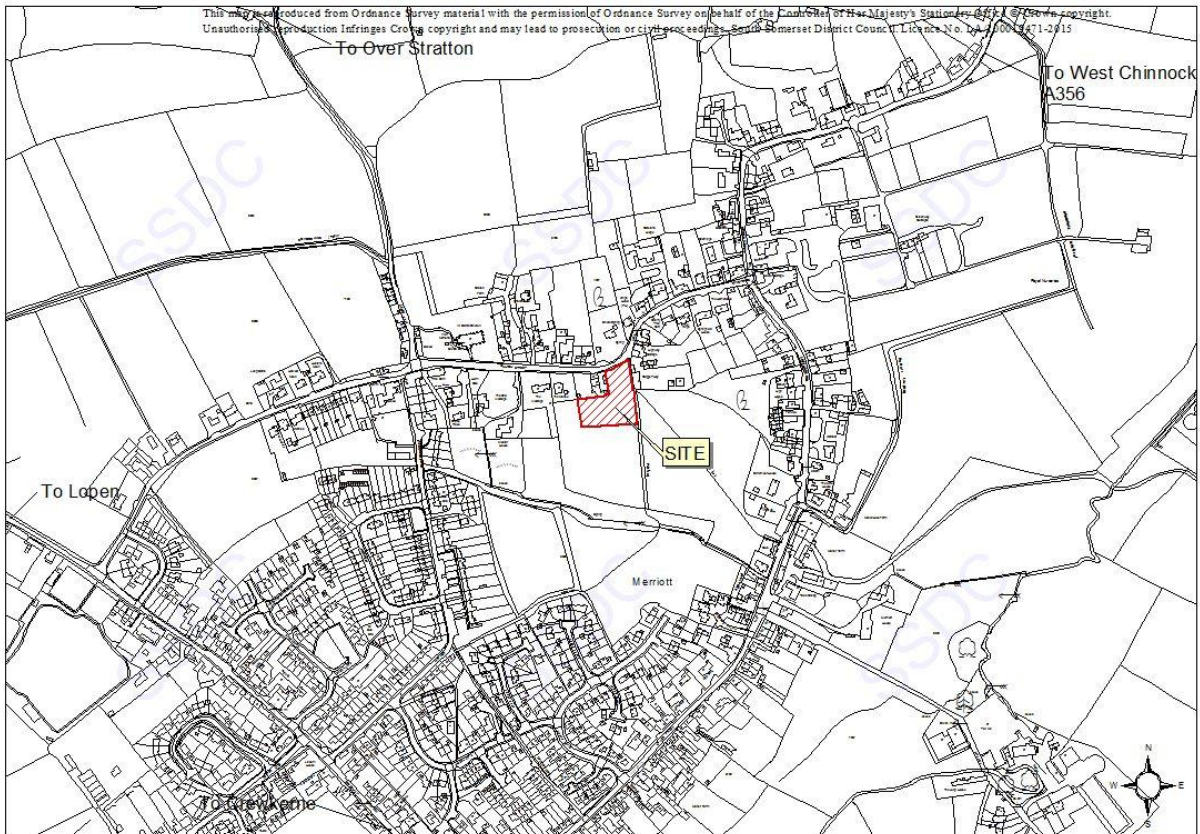
Officer Report on Planning Application: 15/00582/FUL

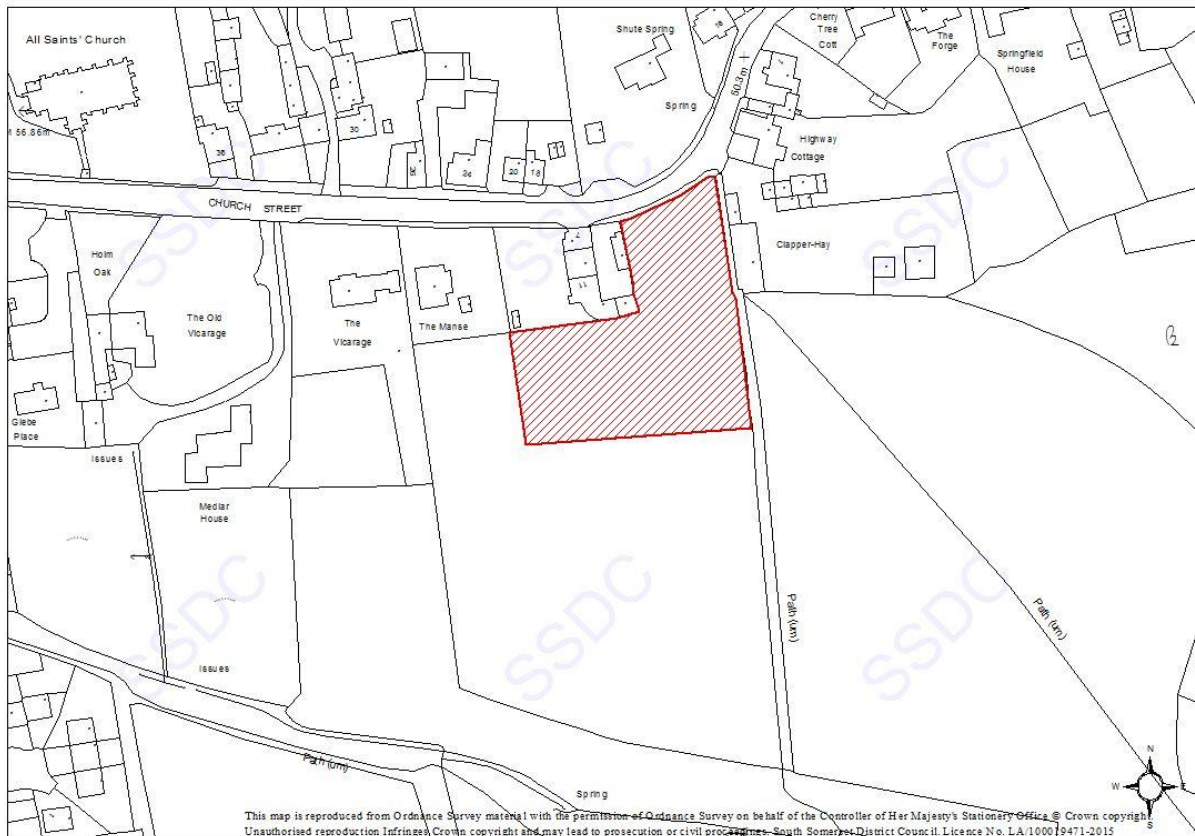
Proposal :	The erection of dwellinghouse with attached garage (Revised Application). (GR 344424/112744)
Site Address:	Land at Gappers Pool, Church Street, Merriott
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	6th April 2015
Applicant :	Mr & Mrs P Venn
Agent: (no agent if blank)	Peter Smith Hollyfield Hewish Crewkerne Somerset TA18 8QR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

Due to the public interest in the application, to enable the impact on the Conservation Area and local landscape to be debated in public.

SITE DESCRIPTION AND PROPOSAL





The application site is located within Merriott and is accessed from the southern side of Church Street, an unclassified highway.

The proposed site is 'L' shaped and measures approximately 0.35 hectares. It is currently open pasture land. The Conservation Area boundary intersects the proposed site and is contiguous with the southern boundary of the adjoining dwelling, No. 11 Gappers Pool. The area to the east of the adjoining dwellings, Nos 7-11 Gappers Pool comprising the site access is located within the Conservation Area. There is a public right of way (River Parrett Trail) that follows the outside of the eastern boundary of the proposed site.

The proposed dwelling would be located directly to the south of No. 11 Gappers Pool, outside but adjoining the Conservation Area. The proposed dwelling would be two storey and would have an integral double car port at the northern end. It would measure 21 metres in width by 6.6 metres in depth. It would have a dual pitch roof with an eaves and maximum ridge height of 5.1 and 8.3 metres respectively. A two storey projection would be located to the rear elevation measuring 6.1 metres in depth by 6.2 metres in width. The dwelling would accommodate four bedrooms.

The development would utilise the existing access at the north eastern corner of the existing paddock fronting Church Street. The access would run diagonally across the paddock towards the existing dwellings, Nos 7-11 Gappers Pool. It is proposed that the access would be constructed in grasscrete.

The 'red line' within the site location plan encompasses the whole of the 'L' shaped site. These areas would be within the proposed residential planning unit. There is a grade II listed building (Highway Cottage) located approximately 12 metres from the boundary of the site fronting Church Street.

HISTORY

14/04949/FUL - The erection of dwellinghouse and detached garage - Refused.

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 the decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

In relation to listed buildings Section 72 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 or enhancing the character and appearance' of the conservation area.

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities have 'special regard to the desirability of preserving the building or its setting'.

The National Planning Policy Framework (NPPF) is a material consideration. The following chapters are of most relevance:

National Planning Policy Framework
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12- Conserving and enhancing the Historic environment

Local Plan (2006-2028)
The following Local plan policies are considered to be relevant:
SD1- Sustainable development
SS1- Settlement Strategy
EQ3- Historic Environment
EQ2- General development
SS2- Development in rural settlements
TA5- Transport impact of new development
TA6- Parking standards
EQ4- Biodiversity

National Planning Practice Guidance:
The following sections have the most relevance:

- Determining an application.
- Conserving and enhancing the historic environment
- Design
- Open space, sports and recreation provision, public rights of way and green space.

Merriott Village Plan (2014)
The Merriott Village Plan is a material consideration.

Other Policy Considerations

CONSULTATIONS

Merriott Parish Council:

NOT AGREED. Please NOTE Reasons as stated before. Petition AGAINST development proposal received by Parish Council.

Comments in response to previous application 14/04949/FUL:

This proposal is in an area designated for NO development within the Village Plan which the Parish Council supports. Should this proposal get permission then it is strongly recommended that a condition states that there is NO further development on this site.

County Highway Authority:

Standing Advice applies.

Landscape Officer:

"The application site lays within and is integral to a larger area of open space - a tight matrix of orchards, paddocks and small pastures - that was designated as a 'no-development area' in the previous local plan, due to its significance in both laying immediately alongside the historic Church Street core of the village, designated as a Conservation Area; and in representing the vestiges of the medieval open fields that separated the 'lower' and 'upper' areas of the village. That significance remains, and is identified in the Merriott village plan (2014) which aims its retention as '... green space at the heart of the village'.

The proposed residential site is currently part of a pasture field, and lays within a wider field pattern that was largely established by the time of tithe mapping (1832). The alignment of the regional 'Parrett Trail' runs immediately alongside the east side of this application site, with a clear view into the site at its north end. In addition to the historic interest and intrinsic landscape qualities of the site, the open space of this field is also valuable in providing and maintaining the undeveloped setting of the conservation area (CA) to the north (as well as contribute to the story of the villages' evolution from its medieval origins) and in providing open ground separation of the CA from the more recent estate developments to the south. The open gap in the built frontage between the Gappers Pool and Clapperhay residences - through which the site is accessed, and which forms a large part of the domestic curtilage - lays within the designated village conservation area, and is notable in that it is the last historic non-developed length of open roadside between the street and the meadows of the 'green space' area along this stretch of Church Street.

Due to the landscape and conservation significance of this undeveloped pasture to the Church Street/Bakehouse area, which strongly contributes to the local character and distinctiveness of this 'upper' part of the village and its conservation area, I do not view this as a development site. Whilst the Planning statement suggests that 'second tier' (or backland) development to the west - in the form of Medlar House and Glebe Place - creates a precedent for a house that is similarly set back from the street, it should be noted that these properties (i) were developed within established roadside (Church Street) residential plots rather than an open field, and (ii) are recent rather than providing a historic contribution to the conservation area ... and uncharacteristic development permitted in the past, under a different policy regime, provides little justification for more of the same - as was stated by the Planning Inspector in the recent Hales Meadow appeal decision. By extending built form southwards from the linear emphasis of the Church Street and Bakehouse Conservation Area, and intruding into the fields that currently provide a non-developed setting to this conservation area and convey the historic

origins of the village in a legible way, the proposal is unsympathetic to the landscape and built character of the conservation area.

I acknowledge that the precise siting of the house, to better relate to the arrangement of the Gappers Pool building group, whilst set aside of the Church Street 'open gap', is an improvement on the original application. However, that does not deal with the historic and landscape conservation issues of the erosion of the open ground, nor the adverse impact upon the setting of the CA. I am also concerned that the block plan 4305/14 indicates this open gap as being residential curtilage, which informs a markedly different character than that of pasture; and proposes the use of a 'grascrete' access which is suburban in character, for such incongruous use and design to remain a further case against development.

Two final points -

First, as noted above, the site lays within an area identified in the Merriott village plan (2014) as 'green space at the heart of the village' which the village hope to retain in its integral form. I note that our new LP policy SS2 requires 'proposals to be consistent with relevant community lead plans'. Assuming the Merriott village plan to be 'relevant', it would appear the proposal may not comply with this policy requirement.

Second, it is entirely relevant that as part of the 2003 LPI, the Planning Inspector reviewed the potential for development within the earlier 'no-development area' within which this site sits. He found (para. 11.1.3) the area '.. a delightful feature of the village .. (development) would cause serious damage to the appearance and character of this village were any of it to be developed (my emphasis).

Development would ... cause serious harm to the qualities of this village'. As such, the Inspector's findings endorse the landscape view, and provide robust landscape grounds for refusal, LP policy EQ2, in that by its intrusion into this historic area of pasture, it does not conserve and enhance the landscape character of the local area. I also consider there to be an adverse impact upon the setting of the conservation area, LP policy EQ3 in its erosion of this historic open space which contains the CA and provides its immediate setting".

Conservation Officer:

"This proposal relates to the erection of a new dwelling on land to the rear of 11 Church Street, Merriott. The site is L shaped and extends from the roadside to wrap around the rear of historic dwellings.

The conservation area extends along the rear of the houses on the south side of Church Street, and across the northern part of the field. The site extends into the conservation area from the roadside through the gap between the dwellings and is adjacent to the conservation area on the south side of the road side houses.

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

There are listed buildings to the east: The Kings Head and Highway Cottage.

The starting point for the considering of applications which affects a listed building or its setting is the 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' (section 66).

The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere

material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm 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.

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting (128). This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation (132). 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 optimum use is the one that causes the least harm to the significance of the asset).

The NPPF also states that sustainable development involves seeking positive improvements to the historic environment (9).

The application relates to land within and immediately adjacent to the conservation area, and therefore impacts on both the conservation areas and its setting. The NGGP states that: Setting is the surroundings in which an asset is experienced. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. When assessing any application for development which affects the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. (NPPG)

The character of a conservation area relates to the built form: the layout of the buildings and the spaces between them, and the design and use of the buildings.

The character of Merriott has, as the heritage statement says, developed from around two nuclei and has extended around the triangle of roads which form the basic village. The historic form of development is houses that end face onto or abut the road, there is a mixture of detached and terrace form of buildings. There are a few gaps in the built up frontages.

Although not within the designated conservation area, there is in the centre of the settlement, crossed by footpaths, an area of undeveloped farm land. This area of land which is enclosed by the three roads is quite substantial and rural in feel. I was struck when I visited the site as to how immediately rural the experience was, and I felt no sense of enclosure to the south. This island of farm land is considered to be a unique survival in the district. It is of significance in itself and has great significance to the setting of the conservation area.

The proposal is for access across the field to a new house to the rear of the historic building to the north. There was a previous application to build the house in the gap which was refused for reasons including the impact on the conservation area. This revision is an attempt to hide the house to the rear of the existing houses, but has only served to move the impact rather than alleviate it.

The conservation area is contiguous with the rear of the built development at this point. Immediately adjacent to this and forming the setting, are the fields. There is a clear line, emphasized by the way No 11 Gappers Pool backs onto the field, with no garden to the rear.

The new dwelling impinges on this field, the form of the built development and erodes the character and setting of the conservation area.

This impact is both from the non-public areas, ie within the field, but also can be appreciated from both the public footpath and public road, where there are varying degrees of prominence. It is most prominent from the gateway and the public footpath (a long distance regional walk) closest to the road, and whilst there is a hedge, this could always be managed and grown at a much lower height.

As a matter of principle this proposal is considered to be harmful to the setting of the conservation area, where there is a strong statutory presumption against development.

Whilst changes to the design of the house would not overcome the objection in principle, the proposed house is also inappropriate. It is higher than the adjacent housing, and is higher to eaves and ridge, and wider than is traditionally the case. The double open garage detail is inappropriate and not in the vernacular. If the proposal is really for quite a large house where the overall sizing is inappropriate and increases the prominence. The detailed design of the proposal is inappropriate and harmful to the setting of the conservation area.

The red line of the curtilage is extensive, and whilst conditions could be imposed to seek to resist development, changes to the way the land is managed could not be resisted and the land will become domesticated through planting which would lead to proposals for sheds, garages, garden rooms etc., all changing the agricultural character of the land and harmful to the conservation area and its setting.

There is no reason to argue with the facts in the applicant's heritage statement, but too much weight is attached to the view that the new dwelling would not be visible from a public place. Advice is clear on this that for there to be harm does not rely on public viewpoints. However, the heritage statement is incorrect. The dwelling would be visible, particularly from the viewpoints described above.

The proposal is harmful to the character of the conservation area and its setting, by placing a dwelling to the rear of the historic form of development, in an area which has a rural character and feel, and impinging on views into and out of the conservation area. As the proposal is harmful, case law would indicate that there is a strong statutory presumption against development. There is no powerful material consideration that has been put forward to overcome this statutory test".

Ecologist:

No objections subject to condition:

I've noted the Preliminary Ecological Appraisal (JH Ecology, October 2014). This doesn't identify any issues that would be a significant constraint to the proposed development. I have the following recommendations:

Badgers

Badgers are active in the area and could create new setts prior to commencement of development. I recommend a condition requiring a pre-construction survey:

Prior to, (and within 2 months of), commencement of ground works, an update survey for badger setts will be undertaken by a competent person, and if any are present within 20 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

Informative

I recommend an informative that endorses the recommendations in section 6 of the Preliminary Ecological Appraisal (JH Ecology, October 2014).

County Archaeology:

No objections.

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

County Public Rights of Way:

No objections. (No comments received, however the response to the previous application is still relevant):

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which abuts the proposed works at the present time (footpath CH 19/18). I have attached a plan for your information.

Any proposed works must not encroach on to the width of the footpath.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

Wessex Water:

No objections.

REPRESENTATIONS

7 letters of objection have been received following neighbour consultation. The following

comments are made:

Visual amenity:

- The proposed development is contrary to the Village Plan.
- Concerns over the prominence of the site, adverse impact on Conservation Area.
- The development would not be 'infilling' as stated within the application.
- The site is located centrally within the village and the open space is appreciated by the whole community.
- The application would set a precedent for further development of the site.
- Lack of streetscene/illustrative elevations.
- Proposed dwelling would be visible from large parts of the village
- On higher ground so more prominent
- Agricultural/greenfield site.

Community use:

The site has been used for many years by villagers and tourists and on occasions as overspill car parking for church and other activities.

Highway safety:

The site entrance is used as an unloading bay from an adjoining business and as a parking bay by Council lorries to replace litter bins. The proposed residential use would therefore result in detriment to highway safety.

Residential amenity:

- Bedroom, living room and study windows of No 11 Gappers Pool would be overlooked.
- Close proximity and size in relation to No. 11 Gappers Pool would be un-neighbourly.
- The east/west wing to No. 11 Gappers Pool is incorrectly labelled as 'outbuilding' whereas it contains habitable accommodation.

In addition to the above a petition was received in objection to the proposed development, signed by 35 individuals.

A petition in support of the proposals has been received, signed by 90 individuals.

Following receipt of the petition objecting, the applicant has confirmed that they wrote to all signatories expressing concerns that the signatories were misled.

Following this, representations from three signatories were received stating that they wish to withdraw their signatures from the petition of objection.

CONSIDERATIONS

Principle of Development

The site is located within development limits for Merriott and as such policy SS2 is of relevance.

Policy SS2 designates Merriott as a rural settlement and strictly controls development at Rural Settlements and limits it to that which provides employment opportunities of an appropriate scale and or, enhances community facilities and or meets identified housing need, particularly for affordable housing. Furthermore, SS2 advises that proposals should be consistent with the relevant community led plans.

Overall, whilst it is acknowledged that Merriott is considered to be a sustainable location for

housing development, it does not follow from this it is acceptable to develop every open space within the village particularly where there is clear harm resulting from a proposal that would be contrary to the development plan.

It is considered that the principle of development in this location is unacceptable due to the loss of open space and the adverse impact on the Conservation and its setting. Furthermore, SS2 states that proposals should generally be in compliance with Parish Plans. In this regard it is noted that the recently adopted Merriott parish plan refers to the retention and enhancement of the open space as a priority. These issues are discussed further within the relevant sections of the report below.

Open space:

The Local Plan does not contain a policy on the loss of open space (the site was designated as a no development zone under the previous Local Plan). However, paragraph 74 of the NPPF is relevant.

Paragraph 74 of the NPPF is relevant it states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Whilst not current policy, the supporting text to the policy EH10 of the previous local plan is nevertheless informative. It states:

"Open areas of land within villages and towns are often an important part of the street scene or character of the settlement; sometimes allowing views out of settlements to the open countryside, providing a setting for the built environment and creating a feeling of space...the loss of any of these areas of open space would damage the character of the settlements and development will generally be resisted..."

Paragraph 74 requires that proposals meet one of the bullet points specified above. In this instance, paragraph 74 cannot be acceptably complied with as the value of the open space relates to the setting of the Conservation Area and the streetscene. As such alternative provision could not be provided that would mitigate the harm that would result from the loss of open space.

Visual Amenity and heritage assets:

Case Law relating to heritage assets:

Within the Conservation Officers response comment is made in relation to case law. Case law provides a legal precedent in terms of how to interpret legislation or planning guidance. A number of recent High Court and Court of Appeal judgements have provided clarity in terms of the application of the statutory requirement to preserve and enhance heritage assets. As stated by the Conservation Officer, the Court of Appeal has made it clear that the finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrefutable. It can only be outweighed by material considerations powerful to do so.

Local Plan policies EQ2 and EQ3 are of most relevance to the proposal. Policy EQ2 states:

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. Development proposals, extensions and alterations to existing buildings, structures and places will be considered against:

- Sustainable construction principles;
- Creation of quality places;
- Conserving and enhancing the landscape character of the area;
- Reinforcing local distinctiveness and respect local context;
- Creating safe environments addressing crime prevention and community safety;
- Having regard to South Somerset District Council's published Development Management advice and guidance; and
- Making efficient use of land whilst having regard to:
 - Housing demand and need;
 - Infrastructure and service availability;
 - Accessibility;
 - Local area character;
 - Site specific considerations

Policy EQ3 states:

Heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. Their potential to contribute towards the economy, tourism, education and local identity will be exploited.

All new development proposals relating to the historic environment will be expected to:

- Safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets;
- Make a positive contribution to its character through high standards of design which reflect and complement it and through the use of appropriate materials and techniques;
- Ensure alterations, including those for energy efficiency and renewable energy, are balanced alongside the need to retain the integrity of the historic environment and to respect the character and performance of buildings, adopting principles of minimum intervention and reversibility.

Paragraph 132 of the NPPF states:

"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".

It is noted that the Councils Landscape Officer and Conservation Officer have objected to the proposal. The site is located within a visually sensitive location due to its siting at the highest (in elevation) part of the open space and location in relation to the Conservation Area. As set out within the Landscape Officers response, the open space contains a tight matrix of orchards, paddocks and small pastures representing the vestiges of the medieval open fields that separated the upper and lower parts of the village. The significance of the space is also set out within the Merriott Village Plan (2014) which includes as one of the future aims of the plan, the retention and enhancement of the open space at the core of the village.

The Landscape Officer further states that the site frontage forms the last historic non-developed length of open roadside between the street and open pasture. Furthermore, that intruding into the open field disrupting the linear emphasis of historic development along Church Street and removing the non developed frontage to the Conservation would be unsympathetic to landscape and conservation area.

The above comments are amplified by the Conservation Officer who has also objected to the proposal and considers that the 'island' of farm land is of great significance to the setting of the Conservation Area. The Conservation Officer concludes that the development would be harmful to the setting and character of the Conservation Area as it would disrupt the clear line between the Conservation Area boundary and the open space to the rear. The Conservation Officer further considers that the design of the dwelling is inappropriate given that the eaves and ridge are higher than the adjacent dwellings, the appearance of the open car port, and the overall substantial size increasing the developments prominence and being inappropriate within this location.

In addition to the above, the extensive area of the residential planning unit would further erode the character of the locality. As identified within the Conservation consultation responses, the character of the area is partly derived from the specific rural character of the open space as opposed to open space consisting of general amenity space or garden. Even if domestic buildings are excluded from the areas to the east of the building, changes in the way the land is managed, towards a more domestic management, garden style planting and the construction of a grasscrete driveway would change the character of the land and be harmful to the setting of the Conservation Area. This change would be visible from near views from Church Street and the River Parrett trail.

In terms of public views, whilst compared to the previous proposal, the dwelling would be less prominent, it would nevertheless be visible from public vantage points. It should be noted however that heritage guidance stresses that lack of public visibility does not lessen harm to heritage assets. There would be clear, near views from the River Parrett trail from the north east of the dwelling. The existing hedge along the side of the River Parrett trail directly to the east and south east of the dwelling is tall, however the permanence of the hedge to a particular density or height cannot be guaranteed in perpetuity. Furthermore, there would be more distant views from the south of the site.

Overall it is considered that there is clear harm to the setting and character of the Conservation Area. Paragraph 132 of the NPPF requires clear and convincing justification for any harm. The harm is considered by fact and degree of the case to not be sufficient to be judged 'substantial' to the conservation area as a whole. However, in accordance with the clear precedent set by case law, this does not mean that the weight given to this factor should be a less than substantial material consideration. In these circumstances, it is necessary to weigh the harm against the public benefits of the proposal against the harm (NPPF para. 134). In this instance, the application would not further the general public interest and therefore there is no justification for the harm to the conservation area. Having regard to the above, the proposal is contrary to Chapter 12 of the NPPF and policies EQ2 and EQ3 of the South Somerset Local Plan.

Precedent created by nearby developments:

The applicant has used as justification for the proposal, other examples of 'backland' style development. However, this is clearly disputed as the proposal would intrude into the open field disrupting the linear emphasis of historic development along Church Street. In addition there is a distinction between this site and a development to the west of the site (Medlar House and Glebe Place) mentioned within the applicants planning statement and reference is made to a site to the east for the construction of a dwelling. However these previous developments were developed within existing residential plots rather than within the open field.

Residential Amenity

There are three windows in the south elevation of No. 11 that overlook the site. The windows would be located on the shared boundary of the proposed dwelling and would face directly into the proposed residential curtilage. There are two windows that serve a study at ground floor

level and one window that serves a bedroom at first floor level.

Within the previous application, this aspect was considered, on balance to be acceptable. However, within this proposal, the proposed dwelling would be located approximately 7 metres from these windows. In addition, the orientation of the dwelling is such that future occupiers would pass in relative close proximity to the existing windows.

Highways

The Highways Authority have commented that Standing Advice applies. This consists of the requirement for the Local Planning Authority to apply the adopted guidance within the 'Highways Development Control Standing Advice (2012)' document to the proposed development. The Highway Authority have also adopted a parking strategy, the 'Somerset County Council Transport Policies, Parking Strategy (2012)' which is referenced within the Standing Advice document and sets out required standards for the level and standard of parking provision for residential development.

The site is located within a 30 mph speed limit. It is considered that visibility to the left would not comply with the standing advice requirement of 43 metres. However, given the relatively low intensity of the proposed use in terms of vehicular movements and the relatively slow traffic speeds along this stretch of highway, which generally are below 30 mph. it is considered that an acceptable visibility splay can be achieved without removing and rebuilding the existing stone wall.

There would be sufficient space within the application site for parking and turning. The proposal is therefore acceptable in relation to highway safety and parking.

CONCLUSION

Overall it is considered that the proposed development would be contrary to saved policies ST5, ST6, EH1, EH5 and EH10 of the South Somerset Local Plan (2006) and chapters 7 and 12 of the National Planning Policy Framework (2012).

RECOMMENDATION

Refuse for the following reasons:

SUBJECT TO THE FOLLOWING:

01. The proposed development would occupy a prominent part of an area of open space of significant amenity value and would be located partially within and partially adjoining a conservation area. The proposal by reason of this siting and situation, the extensive size of the residential planning unit and inappropriate design details would harm the setting and character of the conservation area and local landscape character. Additionally the proposal would be visible from public areas, including from the adjacent public rights of way, a regionally promoted route, the River Parrett Trail. As such the proposed development is contrary to policies EQ2, EQ3 and SS2 of the South Somerset Local Plan (2006-2028), Chapter 12 of the National Planning Policy Framework (2012) and the Adopted Merriott Parish Plan (2014).
02. The proposed dwelling, by reason of proximity and orientation in relation to an existing bedroom window and study windows in the south elevation of No. 11 Gappers Pool would result in an unacceptable loss of privacy for existing and future occupiers of No. 11 Gappers Pool and for future occupants of the proposed dwelling contrary to policy EQ2 of the south Somerset Local Plan and paragraph 17 of the NPPF.