

49/19/0045

MR J ELLIOT

**Variation of condition 2 (approved plans) of planning permission 49/14/0078 at Oakhampton Park, Ford Road, Wiveliscombe**

Location: Oakhampton Park, Ford Road, Wiveliscombe, Taunton, TA4 2RW

Grid Reference: 309575.129928 Removal or Variation of Condition(s)

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

- (A4) Site Location Plan
- (A3) DrNo 385.04 Block Plan
- (A3) DrNo 385-01G Proposed Floor Plans
- (A3) DrNo 385-02I Proposed Elevations
- (A3) DrNo 385-03C Indicative Section

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

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the building and surrounding area.

3. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Oakhampton Park and it shall not be used to provide habitable accommodation without the further grant of planning permission.

Reason: To prevent the building being used on for commercial purposes in this rural location in close proximity to the main dwelling house, and from forming a separate unit of residential accommodation.

4. The hereby approved works to the dormers shall be completed within six

months of the date of this decision.

Reason: To ensure that the development does not harm the character and appearance of the building and surrounding area.

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

## Proposal

The proposal is to vary the approved plans in order to retain the amendments made to a detached multi-purpose building which has planning permission to be used as garaging, gym, workshop and ancillary accommodation. The building was not constructed in accordance with the approved plans. A patio door and balcony have been erected above the garage door on the south west elevation, minor changes to the fenestration on the side and rear elevations have been made and rooflights have been omitted. There have also been changes made internally with the relocation of the staircase, the downstairs toilet now housing a shower and the upstairs shower room has become a bathroom. In addition, the materials have changed for the walls. The front elevation is stone on the ground floor with timber cladding to the first floor as approved, but the side and rear elevations are rendered rather than timber clad. The windows and doors were to be timber, but upvc has been used, apart from the garage door which appears to be white metal.

Dormer windows have been added to the side elevations, which have promoted the sub-division of the increased floor space into three rooms upstairs (excluding the bathroom) rather than one. These dormer windows are currently large and appear incongruous and overly dominant, and led to the refusal of a previous application to regularise the changes (49/18/0033). This current application seeks approval for the above plus changes to the scale and design of the dormers, with roofs which do not meet ridge level, but are 1m lower and are flat with the hips and cheeks omitted.

This application is identical to approved application 49/19/0007 but a Section 73 application has been submitted in order to regularise the financial situation with regards to the Community Infrastructure Levy.

## Site Description

Oakhampton Park is a large residential property surrounded by open countryside, agricultural and residential holding. The main dwelling is a large detached stone two-storey dwelling under a slate hipped roof with gable dormers. To the east there is a range of large outbuildings which are used for accommodation and storage. The site is surrounded by dense groupings of mature trees with the land generally rising to the north and north-west.

## Relevant Planning History

49/14/0049 - Erection of detached multipurpose building to be used for dance, fitness, gym and sport classes in association with applicants business, together with garaging and storage - withdrawn 21 November 2014.

49/14/0078 - Erection of detached multipurpose building to be used as garaging, store, gym and workshop (resubmission of 49/14/0049) - conditional approval 23 January 2015.

49/18/0033 - Erection of detached multi purpose building to be used as garaging, store, gym, workshop and ancillary accommodation (retention of works already undertaken) - amended scheme to 49/14/0078 - refused 17 August 2018.

49/19/0007 - Erection of detached multi purpose building to be used as garaging, store, gym, workshop and ancillary accommodation (resubmission of 49/18/0033) at Oakhampton Park, Ford Road, Wiveliscombe (retention of works already undertaken) - conditional approval 14 April 2019.

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL* - Wiveliscombe Town Council met last night and discussed the above application. The Town Council will object to this as it is out of character with the size of the house and by virtue of its design and height.

## Representations Received

None received.

## Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,  
D6 - Ancillary accommodation,

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of residential floorspace over 100sqm is CIL liable.  
Proposed development measures approx. 225sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £28,000.00. With index linking this increases to approximately £37,750.00.

### **New Homes Bonus**

Not applicable.

## **Determining issues and considerations**

The pertinent issues to consider are the impact of the proposed building upon visual amenity, appearance of the building and whether it has an acceptable ancillary relationship to the principal dwelling.

The existing property is a large, attractive rural stone and slate residence which is generally well screened by tree cover from views along the public highway to the south and east. Visually the proposed building will also be screened from any wider views within the landscape so will not be visible from the street scene or neighbours. The proposed dormers are subservient in scale and with the reduction in bulk will look less dominant, the simple flat roofed design is more in keeping with the style and purpose of the build and will be more in keeping with the existing gable dormers on the principal dwelling. The balcony is a feature which would not normally be associated with this type of outbuilding and does imply a possible habitable use, however, it does add interest to the front elevation and is not considered to adversely affect the appearance of the building. The use of different materials, such as upvc for the fenestration, is disappointing but not considered sufficiently detrimental in terms of the building's appearance or the affect on the main dwelling as to warrant a refusal.

The building was sought, as per permission 49/14/0078, for the storage of motor vehicles and to provide other ancillary functions including a home gymnasium, workshop and store. However, the change of wc to shower room on the ground floor and bathroom rather than shower room on the first floor, together with two extra rooms and balcony on the first floor raises questions over its current usage. Condition 4 of the permission states that the building should not be used for habitable accommodation without the grant of planning permission, and as there is no need for habitable accommodation on this site and no justification or information has been provided for the change of internal configuration, if the building is being used for habitable accommodation this would be considered as unacceptable. The

same condition will be added to this permission.

The Town Council have objected stating that as it is out of character with the size of the house and by virtue of its design and height. The size and height of the building (without the dormers) has been considered and found acceptable under the previous planning permission (49/14/0078), whilst the revised design, including the smaller dormers and balcony, is considered to be acceptable as they will not detrimentally harm the form and character of the principal dwelling.

The proposed development is thus acceptable and accords with policy DM1 of the Taunton Deane Core Strategy and policy D6 of the Taunton Site Allocations and Development Management Plan. It is recommended for conditional approval.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Mrs S Wilsher**