

18/21/0017

MR P FINEBERG

Variation of Condition No. 02 (approved plans) of application 18/20/0014 at Birch Cottage, Halse Road, Halse

Location: BIRCH COTTAGE, HALSE ROAD, HALSE, TAUNTON, TA4 3AQ

Grid Reference: 314115.128118 Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of the original permission, 18/20/0014, the 26th October 2023

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 2020018 001 Rev As Built Location and Block plan
(A3) DrNo 2020018 001 Rev A Location and Block plan
(A3) DrNo 2020018 003 Rev A Existing and Proposed Site plan layouts and proposed Garage
(A3) DrNo 2020018 003 Rev A As Built Pre Build Layout, as built position of dwellinghouse
(A3) DrNo 2020018 004 Rev As Built Proposed Floor plans & LLong Section & 2 Bay Oak Frame Garage
(A3) DrNo 2020018 004 Rev A Proposed Floor Plan & Long Section
(A3) DrNo 2020018 005 Rev As Built Proposed Elevations
(A3) DrNo 2020018 005 Rev A Proposed Elevations
(A3) DrNo 2020018 006 Rev As Built Existing and Proposed Streetscene
(A3) DrNo 2020018 006 Rev B Existing and Proposed Streetscene

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

3. (i) The landscaping/planting scheme shown on the submitted plan shall be

completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

4. Prior to occupation, a 'lighting design for bats' shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

5. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy

6. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming

these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

7. The following will be integrated into the design of the dwelling:
- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west elevation
 - b) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling.

Photographs of the installed features will be submitted to the Local Planning Authority prior first occupation of the dwelling.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

8. The birch trees on site shall be retained and protected during the build in accordance with BS5837 and should not be pruned without consent.

Reason: To ensure the protection of the trees in the Conservation Area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions or alterations shall be added to the building other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

10. The parking space/s in the garage hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

Notes to Applicant

- . 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

Permission is sought for the variation of condition no.02 (approved plans) of application 18/20/0014.

The variations include:

- The removal of a window at ground floor and the addition of a roof light on the eastern elevation
- The reduction in the amount of glazing on the southern elevation at first floor to be replaced by double doors and a Juliet balcony.
- The building has been built approximately 1.4m south and 1.6m east of the approved location
- garage to be relocated from adjacent to the property to the north.

Site Description

The site is located on the south side of Halse Road. At the time of the site visit the main dwelling was under construction but the garage was not yet built. A caravan was located to the north of the site. Sunnyside is located to the north, to the west lies willow cottage while to the south and east lies agricultural land. The site lies within the Halse Conservation Area.

Relevant Planning History

18/20/0014 - Replacement of single storey dwelling and garage with 1 no. detached dwelling with detached garage and associated works and extension of residential curtilage. - Granted 26/10/2021.

Consultation Responses

HALES PARISH COUNCIL - objects:

- Loss of privacy for Willow Cottage
- set a dangerous precedent for any future developments
- preferred outcome is the property reverts to the original specifications

HERITAGE - No comments received.

TREE OFFICER - No further comment.

SCC - ECOLOGY - No comments received

LANDSCAPE - Objection

- no objection in landscape terms to the “as built” position of the dwelling, and the changes to the south elevation would result in betterment over the existing,
- The proposed position of the garage will harm the character of the Halse Conservation Area landscape over and above that of the approved layout.
- Permitting the development would conflict with the aims of local plan policies

CP8, DM2, and paragraphs 130 and 199 of the National Planning Policy Framework (NPPF), and as a consequence, there is a landscape objection.

- It is recommended that the garage is moved forward to allow room for a hedge, as it was shown in the original application.
- slightly further back from the public highway will have negligible effect on the landscape and visual amenity of the area over that of the baseline approved plans.
- it is recommended that the garage is moved forward to allow room for a hedge, as it was shown in the original application
- the proposed position of the garage on the site boundary, would fragment, and erode the quality of the orchard boundary and harm the character of the Halse Conservation Area, over above, that shown in the existing approved layout.

Comments received on the 14/01/22 - The amendments have fully addressed the landscape concerns previously raised, and there is now no objection to the proposed development

SCC - TRANSPORT DEVELOPMENT GROUP - Standing Advice

WESSEX WATER - No comments received

PLANNING ENFORCEMENT - Open case.

Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the proposed development is a replacement dwelling it does not increase the living accommodation on the site and will not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017

Representations Received

Eight letters of objection making the following comments (summarised):

- built contrary to approved
- now overlooks Willow Cottage rather than being on the rear property line
- not the first retrospective application
- ensure the house is built to the approved plan in all respects
- sets a dangerous precedent for any future development in the village
- originally moved forward on planning officer advice to avoid overlooking
- should go to committee
- plans show as built closer to the approved position than it really is.
- is approximately 5ft further back from the road than originally approved

- has been built closer to Willow Cottage than approved
- should have been built on the building line along Halse Road
- result in a loss of privacy
- if permission is granted the developer must incorporate obscure glass in the windows on both floors to ensure privacy levels.

One letter received from Cllr Wren making the following comments (summarised):

- Not constructed in accordance with approved plans
- now behind the approved line so it now overlooks the rear of neighbouring Willow Cottage
- Degree of overlooking is not great, the fact is the rear of Willow Cottage can now be viewed from the first floor of the new dwelling

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). Where they are formally adopted, Neighbourhood Plans form part of the development plan under section 38(6).

The Somerset West and Taunton Design Guide is a material consideration, having been adopted by the Council as SPD in December 2021.

The National Planning Policy Framework 2021 (the NPPF) is a material consideration.

Relevant policies of the development plan are listed below.

D7 - Design quality,
 D10 - Dwelling Sizes,
 A1 - Parking Requirements,
 D12 - Amenity space,
 C01 - Corfe Farm,
 DM1 - General requirements,
 ENV1 - Protection of trees, woodland, orchards and hedgerows,
 CP1 - Climate change,
 CP8 - Environment,

Determining issues and considerations

The main considerations in determining the application are the principle of development, its impact upon the conservation area and the impact upon the

neighbouring properties.

Principle of development

The principle of development and the design of the dwelling has already been established under application 18/20/0014. Therefore the main concern is whether the relocation of the house and garage is acceptable.

Impact on the Halse Conservation Area

Section 72 of the Planning (Listed Building and Conservation Areas) Act requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area when deciding whether to grant planning permission.

The proposed relocation of the garage and house and the alterations to the window on the southern elevation are not considered to have a detrimental impact upon the setting of the conservation area. The garage has been relocated to allow a continuous hedgeline along the eastern elevation and when viewed from the road only glimpses of the timber gable will be visible.

Impact on residential amenity

The proposed building has been built approximately 1.4m south and 1.6m east of the originally approved application. There are no windows proposed on the western elevation at first floor level, the house is at a lower level than the neighbouring Willow Cottage and is therefore considered that the proposed doors would not have a significant impact upon overlooking in the new location.

A number of comments raise concerns regarding the overlooking of Willow Cottage from the new location. The approved location was forward of the rear building line and the "as built" is approximately 1m to the rear of Willow Cottage. Whilst the building has been located away from the boundary the windows now look towards the rear of Willow Cottage. The window in question is the 2nd bedroom window facing north. As shown on plan 2020018 AB A - existing, proposed and as built positions of dwelling house, the site lines into Willow Cottage from the dormer windows would be contrived.

Impact on visual amenity

The proposed alterations to the southern elevation reduce the amount of glazing on the gable and are considered an improvement. The garage has been relocated from adjacent to the proposed dwelling to the north, there is no increase in footprint or the number of buildings

Additional Matters

Following discussions with the agent the garage has moved further east to allow a

continuous hedgeline along the eastern boundary as per the recommendations of the Landscape Officer, as a result there is now no objection from the landscape officer.

In conclusion it is acknowledged that it is disappointing to neighbours and local communities when proposals are not built fully in accordance with approved plans, both in relation to its position on plot and window detail on the southern elevation. However the recommendation for granting planning permission is based upon an objective assessment of the impact of the development upon the residential amenity, the street scene and the character of the Halse Conservation Area. It is on that basis that officers conclude that the proposal, as built, is acceptable and recommend that conditional planning permission be granted.

It is therefore recommended that planning permission be granted

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

Contact Officer: Briony Waterman