

SWT Planning Committee

Thursday, 24th February, 2022,
10.00 am



Somerset West
and Taunton

The John Meikle Room - The Deane
House

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Ed Firmin, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Committee.

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

(Pages 5 - 10)

Temporary measures during the Coronavirus Pandemic

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

Following the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), the council meeting rooms will have very limited capacity. With this in mind, we will only be allowing those members of the public who have registered to speak to attend the meetings in person in the office buildings, if they wish (we will still be offering to those members of the public that are not comfortable in attending, for their statements to be read out by a Governance and Democracy Case Manager). Please can we urge all members of the public who are only interested in listening to the debate to view our live webcasts from the safety of their own home to help prevent the transmission of coronavirus (COVID-19).

- | | |
|---|-----------------|
| 5. 30/21/0050 - Replacement of detached double garage at Pitminster Lodge, Church Lane, Pitminster, Trull | (Pages 11 - 16) |
| 6. 38/21/0503 - Alterations to garden wall and formation of access driveway within the grounds of Weir Lodge, 83 Staplegrove Road, Taunton (retention of part works already undertaken) | (Pages 17 - 22) |
| 7. 38/21/0504/LB - Alterations to garden wall and formation of access driveway within the grounds of Weir Lodge, 83 Staplegrove Road, Taunton (retention of part works already undertaken) | (Pages 23 - 26) |
| 8. Latest appeals Lodged and decisions decided | (Pages 27 - 38) |



**ANDREW PRITCHARD
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. At the start of the meeting the Chair will confirm if all or part of the meeting is being recorded and webcast. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

The meeting room, including the Council Chamber at The Deane House are on the first floor and are fully accessible. Lift access to The John Meikle Room, is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter. For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: governance@somersetwestandtaunton.gov.uk

SWT Planning Committee - 3 February 2022

Present: Councillor Marcia Hill (Vice-Chair)

Councillors Ian Aldridge, Mark Blaker, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Ray Tully, Sarah Wakefield, Brenda Weston and Loretta Whetlor

Officers: Rebecca Miller, Alison Blom-Cooper, Martin Evans (Shape Legal Partnership), Simon Fox, David Galley, Briony Waterman, Ben Perry and Tracey Meadows

Also Present: Councillor Wren for application 18/21/0017.

(The meeting commenced at 1.00 pm)

96. **Apologies**

Apologies were received from Councillor Coles and Wheatley.

97. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 13 January 22 circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 13 January 22 be confirmed as a correct record.

Proposed by Councillor Lithgow seconded by Councillor Weston

The **Motion** was carried.

98. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Description of Interest	Reason	Action Taken
Cllr M Blaker	Wiveliscombe	Personal	Spoke and Voted
Cllr S Coles	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr r Habgood	31/21/0021/T 32/21/0022/T	Personal, know to applicant	Spoke and Voted
Cllr Mrs Hill	Taunton Charter	Personal	Spoke and Voted

	Trustee		
Cllr M Lithgow	Wellington	Personal	Spoke and Voted
Cllr C Morgan	Stogursey	Personal	Spoke and Voted
Cllr C Palmer	31/21/0021/T 32/21/0022/T	Personal, know to applicant	Did not speak or vote on the application
Cllr R Tully	West Monkton	Personal	Spoke and Voted
Cllr B Weston	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Whetlor	Watchet	Personal	Spoke and Voted

99. **Public Participation**

Application No	Name	Position	Stance
18/21/0017	Mr I Walker Ms K Robinson-Burge Cllr G Wren	Local resident Chair of Halse PC Ward Member	Against Against
31/21/0021	Mrs R James	Applicant	Against
31/21/0022	Mr M Sawyer Mrs R James	Local resident Applicant	Against In favour

The Vice-Chair, Councillor Hill sat in the chair for this meeting

100. **38/21/0464 - Formation of vehicular access with associated works and alterations to highway at the Firepool Regeneration Site, Trenchard Way (and land to the south), Taunton**

Comments from Members included;
(summarised)

- Concerns with access for the disabled community and the steep incline up the hill;
- Discussions were needed with GWR to use the station lift to descend to ground level access to Station Road;
- Concerns with the shared path for pedestrians and cyclists;
- Concerns with the 30 MPH in Trenchard Way, this should be limited due to the fast road;
- Concerns with the loss of trade in Bridge Street;
- This access would be a big improvement on the junction;
- Concerns with the visual impact due to the amount of lamp posts in the area. Retroflected tape was needed to enhance the visibility for the visually impaired;
- Concerns with the crossing point;

- Concerns with getting the balance correct with traffic, pedestrians and cyclists;
- Lack of a Road Safety audit. This needed looking at before work commenced;

Councillor Habgood proposed and Councillor Wakefield seconded a motion for Planning permission to be **GRANTED** subject to Conditions and an additional note to read;

The applicant is asked to consider the use of retroreflective tape on all posts, poles and freestanding columns to enhance the visibility of such obstacles to those with visual impairments.

The motion was carried.

101. **18/21/0017 - Variation of Condition No. 02 (approved plans) of application 18/20/0014 at Birch Cottage, Halse Road, Halse**

Comments from Members of the public included;
(summarised)

- Concerns with overlooking and loss of privacy;
- There was an established building line in Halse Road;
- Concerns with the character of the Halse Conservation Area;
- Concerns that this retrospective application would set a precedent in the area;
- Concerns that this application was built in the incorrect place and not built inline with other properties on the row;
- Concerns with loss of value to the other homes in the row;
- The development had not been built according to approved plans;

Comments by Members included:

- Concerns with the residential amenity;
- Concerns that the siting error had not picked up before building commenced;
- Current building not built in accordance with approved plans;
- Concerns with the street scene;
- Concerns with the effects of overlooking on the adjoining properties;
- Concerns with the effects on the Conservation area;
- The development was not built in accordance with approved plans;

Councillor Blaker proposed and Habgood seconded a motion for the application to be **REFUSED** against officer recommendation.

Reasons – Impact on the residential amenity of the development and the effect on the Conservation Area;

The motion was carried.

102. **31/21/0021 - Application to carry out management works to one Oak tree included in Taunton Deane Borough (Ruishton No.1) Tree Preservation Order 2008 to the rear of 40 Newlands Road, Taunton (TD1051)**

This application had one presentation and was voted on separately

Comments from members of the public included:
(summarised)

- The crown reduction of this tree would not be sufficient to reduce the sail area of the tree and the end weight of the branches;
- Concerns that the tree was spread across six other properties in Newland Road and Coronation Close;
- Concerns that this tree can no longer be managed due to 'summer branch drop';

Comments by Members include:
(summarised)

- The tree needed to be felled and replaced with a younger tree in a suitable area;
- Concerns with the impact of the pruning;
- Concerns that the trunk would continue to expand and block access to the properties;
- Concerns with climate change and the effect on the tree;
- Neighbour concerns with the tree;
- Crown reduction would significantly reduce the risk for branch drop;
- Regular inspections were needed to check for disease on the tree;

Councillor Lithgow proposed and Councillor Wakefield seconded a motion for Conditional approval to be **APPROVED** as per officer recommendation.

The motion was carried.

103. **31/21/0022 - Application to fell one Oak tree included in Taunton Deane Borough (Ruishton No.1) Tree Preservation Order 2008 at 40 Newlands Road, Ruishton (TD1051)**

Councillor Lithgow proposed and Councillor Wakefield seconded a motion for the application to fell one Oak tree be **REFUSED** as per officer recommendation.

The motion was carried.

104. **42/21/0081 - Demolition of garage and erection of a single Storey extension to the side of Trendle, 49 Church Road, Trull**

Comments from Members included:

- The application would improve the amenity of the area;

Councillor Habgood proposed and Councillor Whetlor seconded a motion for Conditional Approval to be **APPROVED** as per office recommendation.

The motion was carried.

105. **Latest appeals and decisions received**

Latest appeals and decisions noted.

(The Meeting ended at 4.00 pm)

30/21/0050

MR J WAKEFIELD

Replacement of detached double garage at Pitminster Lodge, Church Lane, Pitminster, Trull

Location: PITMINSTER LODGE, CHURCH LANE, PITMINSTER, TAUNTON,
TA3 7AZ

Grid Reference: 322023.119091

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

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:

(A4) Location Plan
(A4) Site Plan
(A4) Garage 1 & 2 Plan & Elevations
(A4) Option 2 - Elevation Version V1.0
(A4) Garage 1 & 2 - Plan Version: V1.0
(A3) DrNo V3.2 Option 2 Side Elevations

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

3. The concrete base of the existing garage should be retained and re-used. Should a replacement base be required details of the raft foundation and the method of construction should be provided and agreed by the Local Planning Authority prior to works commencing on site.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way and has granted planning permission.
2. WILDLIFE AND THE LAW. Any activities undertaken on trees must take into account the protection afforded to wildlife under UK legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out in the breeding season (February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Conservation of Habitats and Species Regulations 2017 (as amended), also known as the Habitats Regulations, and by the Wildlife and Countryside Act 1981 (as amended). It is an offence to damage, deliberately destroy or obstruct access to structures or places of shelter or protection used by bats, or recklessly or intentionally disturb bats while they are using these places.

TREES with features such as rot and woodpecker holes, split branches or gaps behind loose bark, or covered with ivy with stems over 50mm may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (tel. 0300 060 3900). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

Proposal

The erection of a replacement double garage in the same location as the existing. The proposed garage will measure 6.3m by 6m and have one bay enclosed by a pair of doors and one bay left open-fronted. It has been designed to have a tiled pitched roof and will be constructed with natural oak. Due to the position of the mature Yew Tree adjacent to the existing garage, it is proposed to retain and re-use the existing garage floor slab.

The application is presented to Planning Committee as the Applicant's wife is an elected member and a member of the Planning Committee.

Site Description

Pitminster Lodge is a period property, which forms one half of a pair of dwellinghouses and is finished in render. It is not listed but lies within the Pitminster

Conservation Area and has St Andrews and St Marys Church, which is grade I listed to the north east. The garage to be demolished lies next to the blue lias boundary wall between the Church and Pitminster Lodge. It is a pre-fabricated garage with wooden doors, with an asbestos roof and is deteriorating and needs replacing. The garage is located along the graveled driveway, which provides additional car parking however, it is sited close to a mature Yew Tree and other trees in the Applicant's garden and in the Church beyond.

Relevant Planning History

30/11/0018	Erection of music room and office in the garden	Approved
30/14/0004	Replacement of conservatory	Approved

Consultation Responses

PITMINSTER PARISH COUNCIL - Supports the application.

SCC - ECOLOGY - Informative note to be added

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to Standing Advice.

ENVIRONMENT AGENCY -

BLACKDOWN HILLS AONB SERVICE - No comments to submit.

TREE OFFICER - Happy with the proposed works providing the existing base can be used as breaking up and removal of this and excavation for deeper foundation could damage the roots of the of yew tree. Perhaps the existing base could be made thicker. The garage has been in situ for many years so it makes sense to continue to use this location rather than looking for an alternative location which might affect trees elsewhere in the gardens.

HERITAGE - No objection, in principle. Historic England should be notified.

HISTORIC ENGLAND - No comments to make.

Habitats Regulations Assessment

Not applicable - householder application.

Representations Received

Pitminster Lodge West - We commend this application, the existing structure has no great aesthetic, environmental or architectural merit and the replacement is better in every way.

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 the former Taunton Deane area 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 made, Neighbourhood Plans form part of the development plan under section 38(6).

District Wide Design Guide SPD 2021.

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

Relevant policies of the development plan are listed below.

CP8 - Environment,
DM1 - General requirements,

There is no made Neighbourhood Plan in force.

Local finance considerations

Community Infrastructure Levy

Not payable in this instance.

Determining issues and considerations

The main considerations in the determination of this application are the design of the replacement garage, its potential impact on the surrounding trees and whether there are any amenity implications or affects on the Conservation Area or the listed Church to the rear.

Applications for development in a conservation area must be considered with regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

Whilst the host property is not a listed building, applications that could affect the setting of adjacent listed buildings must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the National Planning Policy Framework. This requires that in considering whether to grant listed building consent, the Local Planning Authority "shall 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"

The existing garage is deteriorating in condition and needs replacing; the proposed replacement garage will be located in the same position and has been designed to reflect the existing dwellinghouse and its position within the Conservation Area. It will be constructed with natural oak and a tiled roof, which given its positioned in the garden will reflect its location close to the existing planting. The garage cannot be seen from the public highway and whilst the Grade I listed Church lies to the rear there is mature planting, a bank and wall to help to screen the proposal, which will not affect the setting of this listed building. The neighbouring property is in such a

position that the garage will have no impact.

The Arboricultural Officer has visited the site and has no objection to the scheme subject to the existing concrete base being used or made thicker to avoid any potential damage to the mature yew tree close to the existing garage. This has been controlled by condition, with details of any new base required to be submitted if it is found that the existing base cannot be retained.

Given the above the proposal is considered to be acceptable in terms of size, scale and design and will have no adverse impact on the visual amenity of the Conservation Area, the Listed church or adjacent neighbours.

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

Contact Officer: Mrs S Melhuish

38/21/0503

MR G AMOS

Alterations to garden wall and formation of access driveway within the grounds of Weir Lodge, 83 Staplegrove Road, Taunton (retention of part works already undertaken)

Location: WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON, TA1 1DN

Grid Reference: 322106.125089 Retention of Building/Works etc.

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

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:

(A4) DrNo WLOU/01A Location Plan
(A4) DrNo FWT530 Elevation & Plan as Existing
(A4) DrNo FWT531 Elevation & Plan as Proposed
(A4) DrNo FWTS32 Site Plan

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

3. The new wall alignment shown on the submitted drawings shall be completed prior to occupation of either dwelling.

Reason: In the interests of preserving the setting of the nearby heritage assets in accordance with Core Strategy policy CP8.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.
2. The applicant may be required to secure an appropriate licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

Proposal

The proposal is to remove a section of low garden wall, 3.5m in length to form an access point and to reuse the materials to construct new sections of wall on either side. It also allows access to a new drive to the dwellings to the south west previously approved and considered by Committee. Part of the wall has already been removed and so the works are part retrospective.

The applicant is related to a member of the Council.

Site Description

The site lies on the western side of Staplegrove Road and north of the corner with French Weir Avenue and consists of a large detached listed property set in large grounds with a number of significant trees. The site is accessed off Staplegrove Road via an original driveway with listed gate piers and a more modern wider access to the north. The detached property is now a residential dwelling having previously been in the ownership of Somerset County Council for many years. The building is a Grade II listed building as are the gate piers and lies within the Staplegrove Road Conservation Area. Permission for a pair of semis to the end of the formal garden has previously been considered by Committee.

Relevant Planning History

38/16/0258 - Replacement garage, erection of extension and alterations to harness building and western boundary wall, construction of access to northern boundary, erection of fencing and restoration of verandah at Weirfield Lodge, 83 Staplegrove Road, Taunton CA 26/1/17

38/17/0281 - Erection of 2 No. semi detached dwellings with associated landscaping, fencing, relocation of solar panels and alteration of garden land south of Weir Lodge on land off French Weir Avenue, Taunton CA 13/10/17

38/21/0014 - Variation of Condition No's 02 (Approved Plans), 04 (Landscaping Scheme), and 06 (Wildlife Strategy) of application 38/17/0281 on land south of Weir Lodge, 83 Staplegrove Road, Taunton CA 2/6/21

Consultation Responses

SCC - *ECOLOGY* - No comments

SCC - *TRANSPORT DEVELOPMENT GROUP* - The proposal is for the creation of a private access (to serve two consented dwellings, currently being built out) that would subsequently link into an existing private access that serves the public highway, as denoted in the supporting information named as Gatepiers. Access is

also achievable via Wier Lodge. The Highway Authority give consideration to previous consented applications and the associated access arrangements. It is noted there were no apparent restrictions implemented by the LPA regarding access for the two aforementioned dwellings which would see associated parties to the dwellings having the ability to utilise two access points to/from the public highway, via Weir Lodge or through the Gatepiers access.

Whilst this proposal, if consented would likely encourage parties to utilise the Gatepiers access as opposed to the Weir Lodge access, it is the view of the Highway Authority, and with the above in mind that there are no solid grounds for recommending refusal for this application on highway grounds. However, should this application be consented and any future application be submitted that would see a material increase in vehicle movements over and above the its use, it may result in a recommendation for refusal from the Highway Authority given the existing constraints of the Gatepiers access and the nature of the highway network at this point.

NOTE

The applicant may be required to obtain a suitable licence with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to ascertain this well in advance of commencement of development .

The Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of assessment . Should any element of the supporting detail, including red and blue line land ownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application.

ENVIRONMENT AGENCY - No comments.

PLANNING ENFORCEMENT - No comment.

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 the proposed access will not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that the development is not likely to have a significant effect on the Ramsar site should permission be granted (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

Representations Received

1 letter of objection on the basis of

- impact on highway with increased movement on dangerous corner
- poor visibility
- increased risk of traffic collision and
- impact on footway used as route to school

3 letters of support on grounds of

- no risk to others
- will be safer for children

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 the former Taunton Deane area 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).

District Wide Design Guide SPD 2021

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

Manual for Streets 2 (2010)

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,
 SP1 - Sustainable development locations,
 CP1 - Climate change,
 CP6 - Transport and accessibility,
 CP8 - Environment,
 DM1 - General requirements,
 DM4 - Design,
 A1 - Parking Requirements,
 D7 - Design quality,
 ENV1 - Protection of trees, woodland, orchards and hedgerows,
 ENV2 - Tree planting within new developments,

Neighbourhood Plan:
 There is no made neighbourhood plan.

Local finance considerations

Community Infrastructure Levy

N/a

Determining issues and considerations

The main considerations with the proposal are the impact on heritage assets, the character of the conservation area, residential amenity and highway safety.

Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses". The nearby listed assets are Grade II and consist of the Gate piers, Weir Lodge and 81 Staplegrove Road. Paragraph 195 of the NPPF states:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Weir Lodge house itself is around 40m away from the garden wall and is screened by existing vegetation. Consequently there is not considered to be any adverse impact and the wall is not considered to be of significance and no objection has been raised by the Conservation Officer. The neighbouring property is screened by an existing wall and fence and the drive aligns with an historic path through the site and consequently the development is not considered to harm the setting of no.81. In terms of the gate piers these would remain unaltered and although the wall would be visible the revised alignment will retain the stonework and the change is not considered to be harmful to the setting of the piers.

Applications for development in a conservation area must be considered with regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". The development lies within the garden of an existing property and the minor change to a low wall is not considered to preserve the character and not harm the character of the conservation area.

In terms of residential amenity the boundary with no. 81 to the south is a solid brick wall and a high close boarded fence, the other side of which is a parking area for this property. It is not considered that the amenity of this property will be adversely affected and there has been no objection on amenity grounds. The properties of the Coach House and Stable Cottage have raised no objection and in fact support the proposal. The development is not considered to impact on residential amenity and is considered compliant with Core Strategy policy DM1.

The development will allow access closer to the existing gate piers than is currently the case, although there is no restriction on the use of this access point. Consequently there will be no increase in use over and above the already approved developments on this site and despite the safety concerns raised by the neighbour. There are allocated parking spaces which utilise the alternate access point. The traffic using the site will be limited and the drive will be permeable and there will be no increase in surface water run-off that would affect the highway. The Highway

Authority has raised no objection on safety grounds and the development is therefore considered acceptable.

In summary there is considered to be no harmful impact on listed property or the conservation, residential amenity or highway safety and the application is recommended for approval.

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

Contact Officer: Mr G Clifford

38/21/0504/LB

MR G AMOS

Alterations to garden wall and formation of access driveway within the grounds of Weir Lodge, 83 Staplegrove Road, Taunton (retention of part works already undertaken)

Location: WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON, TA1 1DN

Grid Reference: 322106.125089

Listed Building Consent: Works

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A4) DrNo WLOU/01A Location Plan
(A4) DrNo FWT530 Elevation & Plan as Existing
(A4) DrNo FWT531 Elevation & Plan as Proposed
(A4) DrNo FWTS32 Site Plan

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

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of listed building consent.

Proposal

The proposal is to remove a section of low garden wall, 3.5m in length to form an access point and to reuse the materials to construct new sections of wall on either side. This is a listed building application submitted in conjunction with the planning application 38/21/0503.

The applicant is related to a member of the Council.

Site Description

The site lies on the western side of Staplegrove Road and north of the corner with French Weir Avenue and consists of a large detached listed property set in large grounds with a number of significant trees. The site is accessed off Staplegrove Road via an original driveway with listed gate piers and a more modern wider access to the north. The detached property is now a residential dwelling having been in the ownership of Somerset County Council for many years. The building is a Grade II listed building as are the gate piers and lies within the Staplegrove Conservation Area. Permission for a pair of semis to the end of the formal garden has previously been considered by Committee.

Relevant Planning History

38/17/0281 - Erection of 2 No. semi detached dwellings with associated landscaping, fencing, relocation of solar panels and alteration of garden land south of Weir Lodge on land off French Weir Avenue, Taunton CA 13/10/17
38/21/0014 - Variation of Condition No's 02 (Approved Plans), 04 (Landscaping Scheme), and 06 (Wildlife Strategy) of application 38/17/0281 on land south of Weir Lodge, 83 Staplegrove Road, Taunton CA 2/6/21

Consultation Responses

HERITAGE - I have no objections to the application. The wall is of low significance within the site and the benefit of the proposed work will be to improve the separation between the listed building and the new dwellings.

PLANNING ENFORCEMENT - No comment

Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. However works to a listed building does not raise phosphate issues to require a HRA.

Representations Received

None

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 former Taunton Deane area 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).

District Wide Design Guide SPD 2021

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

Relevant policies of the development plan are listed below.

CP8 - Environment,
DM1 - General requirements,
DM4 - Design,

Neighbourhood Plan:

There is no made neighbourhood plan.

Local finance considerations

Community Infrastructure Levy

N/a.

Determining issues and considerations

The main consideration with this proposal is the impact on the character and setting of the listed building.

Applications for listed building consent must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant listed building consent, the Local Planning Authority “shall 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”. The Conservation Officer raises no objection and considers the wall to be of low significance within the site. The wall materials will be reused and the route created will give an improved separation between the new properties and the main listed building. The works will have limited impact on the setting of the main listed house and is not considered to adversely affect the setting of the gate piers. Consequently the development is not considered to harm local heritage assets.

Applications for development in a conservation area must be considered with regard

to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires "special" attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It is considered that the works preserve the character of the area and do not cause harm to it.

In light of the above considerations the development is recommended for approval.

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

Contact Officer: Mr G Clifford

APPEALS RECEIVED – 24 FEBRUARY 2022

Site: Land adjacent to Chilcombe House, 30 Trendle Lane, Bicknoller, TA4 4EG

Proposal: Application for approval of reserved matters following outline application 3/01/20/016 for the appearance, landscaping, layout and scale for the erection of 1 No. dwelling and garage

Application number: 3/01/21/005

Appeal reference: APP/W3330/W/21/3289008

Decision: Refusal - Committee

Enforcement Appeal:

Site: Field B, Curland, Somerset, TA3 5SB

Proposal: Application for prior notification for the formation and continuation of an access track at Field B, Curland

Application number: 15/21/0005/AGN

Appeal reference: APP/W3330/W/21/3289971

Decision: Prior Approval Refusal – Delegated Decision

Enforcement Appeal:

Site: FIELD B, NEW ENGLAND, CURLAND COMMON ROAD, CURLAND, TA3 5SB

Proposal: Application for prior notification for the erection of a general purpose agricultural fodder storage building at Field B, Curland

Application number: 15/21/0004/AGN

Appeal reference: APP/W3330/W/21/3289972

Decision: Prior Approval Refusal – Delegated Decision

Site: Land to the south of Higil Lea, Crowcombe,TA4 4BF

Proposal: Erection of 2 No. glamping pods, 1 No. shepherds hut and an implement shed on land for use as a tourist site (resubmission of 3/07/20/015)

Application number: 3/07/21/010

Appeal reference: APP/W3330/W/21/3289579

Decision: Refusal – Chair Decision

Enforcement Appeal:

Site: 18 HIGH STREET, WIVELISCOMBE, TAUNTON, TA4 2JX

Proposal: Erection of porch to the front of 18 High Street, Wiveliscombe (resubmission of 49/21/0050)

Application number: 49/21/0060

Appeal reference: APP/W3330/D/21/3288949

Decision: Refusal – Chair Decision

Enforcement Appeal:

Site: RIDGE FARMHOUSE, SMINHAY LANE, BATHEALTON, TAUNTON, TA4 2AQ

Proposal: Erection of a single storey extension, with various alterations, to the annexe at Ridge Farm House, Sminhay Lane, Bathealton

Application number: 03/21/0009

Appeal reference: APP/W3330/D/21/3288153

Decision: Refusal – Chair Decision

Enforcement Appeal:

APPEAL DECISIONS – 24 FEBRUARY 2022

Site: Farm End, Pemswell Road, Minehead, TA24 5RS

Proposal: Erection of a 2 metre high fence at the end of the back garden adjacent to the highway

Application number: 3/21/21/070

Reason for refusal: Dismissed

Original Decision: Delegated Decision



The Planning Inspectorate

Appeal Decision

Site visit made on 25 January 2022 by **John Wilde CEng MICE**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 JANUARY 2022

Appeal Ref: APP/W3330/D/21/3285192 Farm End, Pemswell Road, Minehead TA24 5RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ivor Parker against the decision of Somerset West and Taunton Council.
 - The application Ref 3/21/21/070, dated 4 July 2021, was refused by notice dated 23 September 2021.
 - The development proposed is the erection of 2m high fence at the top of the back garden of my home address which will be adjacent to the highway.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property has a rear garden that rises steeply to meet St Michaels Road on its northern boundary. The proposed development would result in a 15m long 2m high close boarded fence being erected.
4. There is currently a concrete post and tubular metal fence at about 1.2m in height that runs along the rear boundary of Farm End as well as along the boundaries of several neighbouring properties. This fence would remain on the road-side of the proposed fence.
5. As well as the tubular fence there are a number of wooden fences in the vicinity on the same side of the road and also a low stone wall surmounted by a decorative metal railing. The wooden fences are generally lower in height than that proposed but there is one section, to the east of the appeal property, that is higher. In general however, the existing fences are only slightly higher than the tubular fencing and this goes some way to mitigate their visual impact.
6. On the opposite side of St Michaels Road there is a stone built property directly abutting the road and to the east of this a stone wall. St Michaels Road itself is within the Minehead North Hill Conservation Area (CA).
7. The proposed fence would draw the eye and be very noticeable as it would be directly opposite the stone built property and would be higher than the fencing on either side, and higher than the tubular fencing. To my mind it would be a stark and harsh addition to the street scene. It would therefore conflict with policy NH13 of the West Somerset Local Plan to 2032 (LP). This policy seeks to ensure that new development meets the highest standards of design and responds positively to the local context.
8. While it is debatable whether the fence would actually be within the CA it would nonetheless impact upon its setting, and policy NH1 of the LP makes clear that proposals will be supported that sustain or enhance the settings of heritage assets. This would not be the case and consequently there would also be conflict with policy NH1.
9. In arriving at this conclusion I have taken into account the existence of the existing wooden fencing, particularly the existing taller fence. However, from the information before me this section of fencing has not received planning permission. Furthermore it does not contribute to sustaining the setting of the CA. Consequently I do not consider its existence as forming a compelling precedent for allowing the current appeal.

Conclusion

10. For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR

Site: TITHE HOUSE, THURLBEAR ROAD, ORCHARD PORTMAN, TAUNTON, TA3 5BW

Proposal: Application for a Lawful Development Certificate for the proposed erection of a single storey extension to the side of Tithe House, Thurlbear

Application number: 28/21/0005/LP

Reason for refusal: Allowed

Original Decision: Delegated Decision



The Planning Inspectorate

Appeal Decision

Site visit made on 19 January 2022 **by Andy Harwood CMS MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/W3330/X/21/3284067 Tithe House, Thurlbear Road, Orchard Portman, Taunton, TA3 5BW

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Dr A Lowe against the decision of Somerset West and Taunton Council.
 - The application ref 28/21/0005/LP, dated 18 June 2021, was refused by notice dated 11 August 2021.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is described as "the proposal allows for the construction of a new single storey extension to the side of Tithe House. Details of the proposed extension can be seen on the submitted drawings."
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is found to be lawful.

Preliminary Matters

2. I am obliged to use the description of the proposal as set out on the application form. The Council simplified the description on their decision to "Proposed erection of a single storey extension to the side of Tithe House, Thurlbear". The Council also, by use of an asterisk, referred in their amended description to the merits of the case which is unnecessary as it goes further than describing the proposed act of development and goes on to include part of the reasoning for the decision. It is not clear whether the change in description was agreed but is not disputed. I have therefore used it in my decision, with the omission of those words referenced by the asterisk and "side" which is inaccurate.

3. I undertook an unaccompanied visit to the site after pre-arranging with the Council and the appellant that this would be acceptable. The appellant had enabled access by keeping gates open and unlocked. They were not present.

Main Issue

4. I am required to determine whether the Council's decision to refuse the application was well founded. The Council considered that the proposed extension would not be 'permitted development' under the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended (the GPDO). The onus is upon the appellant to demonstrate, on the balance of probabilities, that the development would be lawful. This is a matter of law rather than planning merits.

Reasons

5. The appeal site includes a large, detached traditional dwelling set within spacious grounds. It is located along Thurlbear Road which runs from north to south past the site. There are fields and a school to the north of the property and the large village church, to the south. It is proposed to build a singlestorey extension on the southern elevation of the dwellinghouse.
6. The Council considers that the enlarged part of the dwellinghouse would extend beyond a wall that forms the 'principal elevation' of the original dwellinghouse. If that is the case, the development would be excluded from the permitted development rights deemed by Part 1, Class A of the GPDO, by reason of paragraph A.1. of that class. The Council's analysis of the proposal is very limited but the decision and the officer report that I have been provided with do not dispute that in other respects, the development would not exceed any other limitations of Class A.
7. The appellant accepts that through the history of the building, the 'front' and 'rear' of the property may have in the past been considered differently. In 1996, the appellant refers specifically to a planning permission. At that time their view is the northern elevation may have been the rear of the property. The GPDO does not specify any particular date upon which an assessment of these matters should be made and so in my view it is reasonable to consider what is the principal elevation as at the date of the application.
8. The document 'Permitted development rights for householders Technical Guidance' (the Guidance) has been referred to me. This advises that the principal elevation in most cases:

"will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house."
9. I have no reason to consider this case differently from this general advice within the Guidance. I will therefore make my judgement bearing this in mind and based upon the layout of the property as it stood when I visited which appears to be as it was when the application was submitted.
10. When approaching from the north, the boundary of the appeal site along Thurlbear Road is defined by a hedge and trees behind a post and rail fence. It is possible to

view into the garden on this side of the dwelling. The gate into the driveway of the property has a splayed entrance allowing further views into the gravelled turning area when the gate is open, as it was at the time of my visit. This presents a clear point where people can gain access to the property even if they are not familiar with it. People arriving in cars would need to arrive by this entrance and park on the large, gravelled area. The gravelled area also leads to a door in the house underneath a canopy which in my opinion is an obvious front door for visitors to approach by.

11. By contrast, there is a more robust wall to the south of the dwelling along the western boundary with Thurlbear Road. This provides a higher degree of screening from the road of the garden to the south of Tithe House. A side pedestrian gate within the wall provides a potential pedestrian access from the road, although a sign was displayed directing visitors towards the entrance to the north. I noticed that this gate was also screwed shut from the garden side.
12. There is also a high stone wall running along the eastern boundary of the southern part of the garden. A tennis court takes up a lot of space towards the end of this part of the garden, with a boundary wall and hedge beyond that, adjoining the grounds of the church. This part of the garden is therefore substantially enclosed and secluded. There are iron gates on either side of the dwelling adding to the sense of this being a private part of the property.
13. The area to the south of the dwelling is private, being enclosed by substantial stone walls. A patio is laid out immediately to the rear where the occupants of the dwelling can sit out without being overlooked from Thurlbear Road. Even though there is a porch and bay windows on this side of the dwelling, those features do not in my view override the other elements of the layout that make the land on the southern side of the dwelling, subordinate and less accessible than that to the north.
14. I therefore consider that the front elevation of the dwelling which is most clearly seen from the main highway serving the house is that on the northern side. That in my view is therefore the principal elevation of the dwellinghouse. The extension is not proposed on the principal elevation and is on the rear, southern elevation. I am unsure why the appellant within the application description referred to "side" elevation but that does not affect my decision.

Other Matters

15. I have been provided with documentation including emails from the Council. In one of the emails, they refer to estate agent's particulars. I have not been provided with those particulars or the consultation with the Council's Conservation Officer who, according to the emails, also gave a view about what would be the principal elevation of the property. However, I have reached my own view from what I saw and the layout of the property as it is now.

Conclusion

16. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed erection of a single storey extension was not wellfounded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Andy Harwood

INSPECTOR

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER
2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 18 June 2021 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and hatched in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposal would be 'permitted development' under the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

Signed

Andy Harwood

Inspector

Date: 15 February 2022

Reference: APP/W3330/X/21/3284067

First Schedule

The proposed erection of a single storey extension

Second Schedule

Land at Tithe House, Thurlbear Road, Orchard Portman, Taunton, TA3 5BW

IMPORTANT NOTES – SEE OVER
NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 15 February 2022

by **Andy Harwood CMS MSc MRTPI**

Land at: Tithe House, Thurlbear Road, Orchard Portman, Taunton, TA3 5BW

Reference: APP/W3330/X/21/3284067

Scale: Not to Scale



