

Application Number	2023/1036/FUL
Case Officer	Kirsty Black
Site	Land North Of Wallbridge Gardens Frome Somerset
Date Validated	9 June 2023
Applicant/	D Kelley
Organisation	DJ Kelley Homes Ltd
Application Type	Full Application
Proposal	Erection of 1no. dwellinghouse.
Division	Frome East Division
Parish	Frome Town Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Shane Collins Cllr Helen Kay

///turned.mice.worry

Referral

The application is to be presented at Planning Committee on the recommendation of the Vice Chair and Chair of the Planning Committee after the planning application was referred.

Description of Site, Proposal and Constraints:

The application relates to a narrow, wedge-shaped parcel of wasteland lying to the north-east of Wallbridge Gardens and to the north-west of Great Western Street. The site itself occupies space between a rank of garages and the modern flat development on Great Western Road and comprises grass and scrub vegetation. The site is accessed using a narrow access lane (that leads to a row of garages to the rear of the Wallbridge Gardens properties) that cuts between the rows of residential properties belonging to Wallbridge Gardens.

The site falls within Frome development boundary and lies within the Mells Valley Bat Consultation Zone and BSG Coal Resources Areas.

This application seeks full planning consent for the erection of a two bedroom, detached, residential dwelling. The proposed house will occupy the former garden belonging to a 4 bedroom, detached, residential dwelling recently approved under planning application reference 2022/1723/FUL. The proposed dwelling will be sited to the immediate south east of the approved dwelling.

The proposed dwelling is two stories high with a mono-pitched zinc roof and walls edged in brick. The dwelling provides residential accommodation in the form of kitchen, living room and dining space on the ground floor and two bedrooms occupying the first floor. Vehicular parking at the site comprises the use of an existing garage, one of several garages that front of the application site, and the creation of an off-street parking space at the south end of the site. There will be no driveway or ability to turn vehicles within the application site.

Relevant History:

2023. 2022/1723/FUL. Erection of 1no. dwellinghouse. Approved with conditions.

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Divisional Members: Two responses received: Councillor Collins raises no objection to the proposal and Councillor Kay objects to the proposal on the grounds of over development of the site, poor access arrangements and the detrimental impact on residential amenity.

Frome Town Council: Raises no objection to the proposal.

Highways Development Officer: Standing Advice applies.

Local Representations: No comments received.

All adjoining neighbours were consulted.

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (Post JR)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Frome Neighbourhood Plan (2016)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP6- Frome Town Strategy
- DP1 – Local Identity and Distinctiveness
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Frome Design Statement (SPD 2015)

Assessment of relevant issues:

Principle of the Use:

This application site is located inside of the Development Limits of Frome, defined as a Principal Settlement, where new development would be considered sustainable and accords with the requirements of policies CP1 and CP2 of the Local Plan Part 1 and Para 11 of the NPPF. The principle of development inside development limits is therefore considered acceptable.

However, as will be described in detail below, the proposal is not considered to meet the tests of good design because the proposal is not in keeping with the character and appearance of the area and would be cramped and contrived. The proposal would also be detrimental to the amenity of the recently approved so called “host” dwelling and would not provide adequate amenity for the proposed dwelling. In summary the harm of the proposal would in this case, significantly and demonstrably outweigh the benefits. The proposal is therefore considered to be unacceptable.

Design of the Development and Impact on the Street Scene and Surrounding Area:

Part 12 of the NPPF places greater emphasis on LPAs to consider the design of proposals. Decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development. Further to this, places should promote health and well-being. The NPPF does encourage efficient use of land, but this should not be at the expense of the local environment.

DP1 of the Mendip District Local Plan states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. Policy DP7 states that the LPA will support high quality design, and that development should be of a scale, mass, form, and layout appropriate to the local context.

The application site falls within a residential area of Frome characterised by rows of Victorian terraced housing and lies near to historic Wallbridge Mills and Garston Road. The application site is a narrow sloping site that is tucked away behind behind 1980s housing and there is no access. It is squeezed between ranks of garages and high rise flat development, is exposed with no privacy or effective boundary treatment providing any screening. It is a long (approximately 36m) site with restricted available space.

The proposal is considered to represent backland development, which has a more intensive use than the proposed ancillary garden space that was approved as part of the development to construct a detached 4-bedroom house with associated parking under reference 2022/1723/FUL. The construction of yet another significant structure further subdivides the original plot of land, and the resultant small-scale site is insufficient to accommodate the new development satisfactorily. It is considered that the siting of the development would be cramped, the proposed dwelling almost completely filling the north-western half of the site, contrived and awkward and possess little garden amenity space for future occupiers.

Whilst it is acknowledged that the proposed house would not look out of place in terms of style and design given its similarity to the already approved four-bedroom house, it would be visible from the public realm along Great Western street and is considered that the proposal would constitute over-development and is inappropriate in the setting. Thus, having a detrimental impact to the appearance and character of the surrounding area.

The development is considered to have an inappropriate location- wedged between high rise flat and ranks of garages- and would be continually overlooked with very little privacy. The proposal represents back-land development that is ill suited to its local context, and harmful to the street scene and the wider character of this distinctive area. The proposal if

recommendThe proposal is therefore contrary to Development Policies 1 and 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The NPPF's (Part 12) emphasis on good design includes requiring places to promote health and well-being with a high standard of amenity for existing and future users.

The Design and Amenity of New Development SPD supports *“good quality design which respond to its surroundings ensuring that the amenity of current and new occupiers is protected. Proposals should ensure that the development is “fit for purpose; durable; and brings delight” in accordance with the definition of good design set out in Paragraph 4 of the National Design Guide. Proposals should also ensure that these qualities are not lost from buildings and spaces surrounding it.”*

The site would take-up the majority of private outside amenity space to be used by the future occupiers of the approved dwelling to the north-west, leaving only a small garden area directly to the rear. The front amenity space being utilised as a driveway and as an area for parking. The loss of the outside amenity space for the approved dwelling is considered to be to the detriment of the amenity of the occupiers of the approved dwelling, but also results in a loss of valued amenity space for the proposed dwelling too.

It is acknowledged that attempts have been made to minimise issues of overlooking, particularly with the fenestration at first floor level to the north-west elevation being set back from the building edge and providing light to a staircase and bathroom. However, the proposed dwelling would only have a limited outlook, confined by the presence of surrounding residential development, some of which is over 3 stores high and the restricted nature of the application site.

Taking into account the assessment as set out above there is significant concern over the loss of private amenity space for the future occupants of the already approved dwelling and for the future occupants of this proposal. The proposal is considered to constitute overdevelopment and the resultant poor amenity space for both potential future occupiers of the land is considered to be contrary to Development Policy 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework

Assessment of Highway Issues:

The access for the proposed dwelling would be via an existing access running between the Wallbridge Gardens properties leading to rank of garages. However, the proposed dwelling will not have direct vehicular access with parking spaces being provided using an existing

garage, one of a row of garages abutting the southern site boundary, and through the creation of an off-road parking space at the lowest southwest corner the site. The turning of vehicles will therefore take place on available land outside the site.

The addition of another property in this location is unlikely to result in a significant increase in traffic movements which would be detrimental to local highway safety over and above the existing situation. The parking space provision on site together with additional on-street parking found locally complies with the Somerset Parking Strategy and is therefore considered sufficient.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Development Policies 9 and 10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Planning Balance:

The proposed development would result in a single additional dwelling where there is a shortfall and generates associated economic activity that would support local shops and facilities.

The developed proposed however would be a cramped and contrived and does not satisfactorily relate to the local context. It would also be to the detriment of the amenity of the future occupiers of the already approved 4 bedroom dwelling (under planning ref. 2022/1723/FUL), by removing the majority of outside amenity space, and would result in a poor living environment for the future occupiers of the proposed dwelling being considered.

On balance therefore, the proposed dwelling is considered to generate significant and demonstratable harms that are not outweighed by the benefits.

Conclusion:

It is recommended that planning permission is refused.

Recommendation

Refusal

1. The proposed development would result in the removal of the majority of private outside amenity space that would be enjoyed by the future occupants of the approved four-bedroom dwelling bounding the site to the northwest, which would be to the detriment of the amenity of the occupiers of that dwelling. In addition, given the limits and constraints of the site, the proposals would result in a poor outlook for the future occupiers of the proposed dwelling with minimal garden amenity for the occupiers of the proposed dwelling. On this basis the proposal are therefore considered to be contrary to DP7 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).
2. The proposed dwelling, by virtue of the scale and massing of it and the site location represents overdevelopment and would not satisfactorily relate to the local context. The proposal is therefore contrary to DP1 and DP7 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) and part 12 of the National Planning Policy Framework.

Informatives

1. This decision relates to drawings 1175/1 EXISTING AND PROPOSED BLOCK PLANS AND ELEVATIONS and 1175/3 PROPOSED SITE PLAN received on 8th June 2023 and 1175/2 PROPOSED FLOOR PLANS AND ELEVATIONS received on 7th of August 2023.