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| Application Number | 2023/0385/FUL   |
| Case Officer       | Carlton Langford  |
| Site               | 31 Stockhill Road Chilcompton Radstock Somerset BA3 4JL                     |
| Date Validated     | 1 March 2023  |
| Applicant/         | Mr D Fishlock   |
| Organisation       |   |
| Application Type   | Full Application  |
| Proposal           | Erection of One Detached Dwelling & Relocation of Parking for Host Dwelling |
| Division           | Mendip Hills Division   |
| Parish             | Chilcompton Parish Council  |
| Recommendation     | Refusal   |
| Divisional Cllrs.  |   |

**What three words: upwardly.healthier.filled**

**Referral to Planning Committee:**

This application has been referred to the Planning Committee at the request of the Chair of the Planning Committee as the Parish Council raised no objection to the scheme and the officer recommendation is for refusal.

**Description of Site, Proposal and Constraints:**

The application relates to land to the rear of 31 Stockhill Road, Chilcompton. The site forms part of the residential curtilage of that property and includes access to the public highway.

The application seeks full planning permission for the erection of 1 detached dwellinghouse and the relocation of parking to the front of 31 Stockhill Road. The proposed dwelling will utilise the existing access to number 31.

**Relevant History:**

2011/1424 - Erection of 2 x detached dwellings and the erection of a detached double garage to serve 31 Stockhill Road Chilcompton – Approved Sept 2011.

2021/2044/FUL - Erection of 2No. detached dwellings & erection of detached double garage to serve 31 Stockhill Road – Approved May 2022.

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

Ward Member: No response

Parish Council: No objections

Highways Development Officer: Standing advice.

Ecologist: No response

Contaminated Land: No comments.

Land Drainage: No objections

Local Representations: 1 letter of objection received raising the following concerns –

- Loss of trees
- Access by bin lorries
- Loss of sunlight
- No drainage details
- No bat lighting
- Construction traffic.

**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 strongly 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 Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

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

- CP1 – Mendip Spatial Strategy

- CP2 – Housing Provision
- DP1 – Local Identity and Distinctiveness
- DP7 – Design and Amenity of New Development
- DP9 – Transport Impact
- 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)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- The Countywide Parking Strategy (2013)

**Assessment of relevant issues:**

**Principle of the Use:**

The application site is situated within the development limits of Chilcompton where there is a presumption in favour of development. The proposed development is therefore acceptable in principle subject to the usual planning controls of design, amenity, highway safety and any other material harm which might arise and outweigh the benefits of bringing the development forward.

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

The application site is currently part of the rear garden of the host dwelling, 31 Stockhill Road.

Much of the rear garden of the host dwelling was allowed planning permission for the erection of 2 large, detached dwellings with off street parking and turning under Ref: 2021/2044/FUL which is proposed to be implemented by the applicant.

As part of the above permission, number 31 Stockhill Road was to receive a large garage and improved off-street parking provision at the rear of the dwelling. This application looks to erect a large single dwelling in place of the garage block and parking forecourt with the parking for number 31 Stockhill Road relocated to the front garden of the property. The 2 dwellings already approved within the garden of No 31 respected the existing pattern of development within the area providing 2 large family homes with generous gardens. The proposed garage to serve No 31 was sited between the new dwelling and the host property providing an important buffer and maintaining a high degree of privacy for No 31.

This proposal for an additional dwelling to the rear of No 31, will utilise the previously approved garage and parking area and extend further into the garden afforded to No 31. The footprint of the proposed dwelling will take up much of the plot with 3 off-street parking spaces provided to the front off the already approved access drive and provide a very small garden area to the rear.

The resulting scheme in comparison to the 2 dwellings as approved and No 31, will be seen as very cramped and at odds with the existing generous pattern of development within the area. Whilst it is appreciated that the plot was to support a double garage building with storage within the roof, its scale was significantly less than the house now proposed.

As a result, the development would be out of keeping with the area's prevailing settlement pattern and would erode the distinctive spacious and open feel between properties in this location. Whilst the general design and appearance of the proposed dwelling in itself raises no concerns and will complement those nearby, this would not overcome the harm identified, which arises from the proposal's location and plot size.

For these reasons, it is concluded on this main issue that the proposal would cause harm to the character and appearance of the area, in conflict with Policies DP1 and DP7 of the Mendip District Local Plan 2006-2029 (adopted 2014) (the MDLP), which amongst other things, require development to positively contribute to the maintenance and enhancement of local identity and support high quality design that is of a scale, mass, form and layout appropriate to the local context. The proposal would also conflict with the provisions under Chapter 12 of the Framework in relation to achieving well designed places.

### **Impact on Residential Amenity:**

The site has boundaries with 2 residential properties to the north and No31 itself, together with the 2 dwellings already approved.

Whilst the scheme is conceived to be a cramped form of development, the siting and orientation of the dwelling raises no significant overbearing or overshadowing concerns which might warrant the application's refusal on these specific grounds.

However, there will be a large first floor dormer window within the southeast elevation serving a bedroom which would directly overlook the rear private garden of the immediate approved plot to the east adversely impacting on neighbouring amenity.

The proposal therefore fails to protect the amenity of users of neighbouring buildings and provide a satisfactory environment for current and future occupiers contrary to Policy DP7 of the Local Plan.

### **Impact on Ecology:**

Subject to the development being carried out in strict accordance with the recommendation set out within the attached ecology report for the protection, mitigation and biodiversity enhancement, and suitable conditions imposed to ensure the schemes are implemented, the scheme raises no adverse ecology concerns.

The proposal accords with Policies DP5 and DP6 of the Local Plan.

### **Assessment of Highway Issues:**

The proposed access would use the existing drive which would be widened and upgraded to create a double width access into the site and moved slightly further southwest to improve visibility as has already been approved under permission ref: 2021/2044/FUL.

This application also relocated the parking for No31 to the front of the property creating 3 off-street parking spaces. 3 off-street parking spaces will also be created for the proposed dwelling.

The parking provision for all 4 units on site is acceptable as are the access already approved access arrangements.

The proposal accords with Policies DP9 and DP10 of the Local Plan.

### **Sustainability and Renewable Energy:**

The proposed development will incorporate appropriate sustainable building techniques in accordance with building regulations.

### **Refuse Collection:**

There is ample space at the entrance of the site to store refuse and recycling containers.

### **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.

**Other matters not already addressed:**

Loss of trees – No trees will be lost to this scheme over or above those which have already been lost the previous approval under permission ref: 2021/2044/FUL.

Access by bin lorries – Bin collection would need to be from the roadside as the access road to the site is not suitable for lorries.

No drainage details – The applicant has since provided drainage details which have been agreed by the Council's Drainage Engineer.

**Conclusion and Planning Balance:**

It is concluded that the proposal represents a cramped form of development at odds with the existing pattern of development in the immediate vicinity of the site which would cause harm to the character and appearance of the area and result in amenity loss for future occupiers of an adjacent property to the east.

Whilst it is appreciated that the Council cannot at this time demonstrate a 5 year housing supply where the tilted balance in favour of sustainable development is activated, the design and amenity harms as identified would significantly and demonstrably outweigh the very modest benefits of bring forward one additional dwellinghouse in this location when assessed against the Development Plan and Framework policies taken as a whole.

The application is therefore, recommended for refusal.

**Recommendation**

Refusal

1. The proposed development would be out of keeping with the area's prevailing settlement pattern and would erode the distinctive spacious and open feel between properties in this location. For this reasons, the proposal would cause harm to the character and appearance of the area, in conflict with Policies DP1 and DP7 of the

Mendip District Local Plan 2006-2029 (adopted 2014) which amongst other things, require development to positively contribute to the maintenance and enhancement of local identity and support high quality design that is of a scale, mass, form and layout appropriate to the local context. The proposal would also conflict with the provisions under Chapter 12 of the Framework in relation to achieving well designed places.

2. The proposal by reason of there being a large first floor dormer window within the southeast elevation serving a bedroom will directly overlook the private rear garden of the immediate approved dwelling on the neighbouring plot to the northeast, adversely impacting on their amenity. The proposal fails to protect the amenity of users of a neighbouring building and provide a satisfactory environment for current and future occupiers contrary to the provisions of Policy DP7 of the Mendip District Local Plan 2006-2029 (adopted 2014).

### **Informatives**

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework by working in a positive, creative and pro-active way. Despite negotiation, the submitted application has been found to be unacceptable for the stated reasons. The applicant was advised of this, however despite this, the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to drawings - 2214/01, 02, 03, 04, 05, 06 and J3017/3002/A and 3401/A.