

Application Number	2023/2399/FUL
Case Officer	Kelly Pritchard
Site	3 Balch Road Wells Somerset BA5 2BY
Date Validated	12 December 2023
Applicant/ Organisation	Mr. Jack Pidgeon
Application Type	Full Application
Proposal	Erection of 2-bedroom detached dwellinghouse. (amended plans received 20.05.24)
Division	Wells Division
Parish	Wells City Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Theo Butt Philip Cllr Tessa Munt

**What Three Words: scorched.magazine.record**

**Referral to Planning Committee:**

In accordance with the scheme of delegation, this application was referred to the Chair and Vice-Chair of the Planning Committee as the case officer recommendation is to refuse, the Parish Council recommended approval (although they did raise some concerns) and the Divisional Member did not submit a comment. Following this process the Chairman requested that the application be considered by the Planning Committee.

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

The application relates to the side garden of 3 Balch Road, Wells which is a semi-detached, two storey property located on a prominent corner of a housing estate. This part of the estate predominantly consists of semi-detached or terraced housing, but there are some three storey flats to the east of the plot. The front elevation of Number 3 faces south and has a lawned area to the front and a gated drive from the highway which can currently accommodate two cars. Further east of the parking area is a further lawned area of garden. Turning the corner of Balch Road and heading north further into the estate, the housing on this side of the street face east.

It is common for this age of estate to have larger plots on corners which are undeveloped and add to the open character and landscape value enhancing the visual amenity of the

estate. This particular site is not only visible from Balch Road, but also from Burcott Road as you approach the estate.

This site is located inside the development limits of Wells, it is within the Bat Consultation Zone (Mells Valley Bats Special Area of Conservation) (band C), within a Site of Special Scientific Interest Impact Risk Zone and the Somerset Levels and Moors Ramsar Risk Area.

The application seeks planning permission for the erection of a two bed detached dwelling in the side garden of number 3 Balch Road. It would be orientated to have its front elevation facing east, but it would be set within the plot further south than number 3 and set slightly back within the plot in comparison to number 5. During the life of the application the plans have been amended to try to overcome the Local Planning Authority's concerns about the design of the building.

### **Relevant History:**

No recent relevant planning history.

### **Summary of Divisional Councillor comments, City Council comments, representations and consultee comments:**

Divisional Member: No comment received.

Wells City Town Parish Council: Approval with conditions for clarification on three points, Loss of light, design and appearance of roof, boundary.

Ecology: No comments received.

### Local Representations:

We have received letters of objection from number 5 Balch Road their comments are summarised below.

- Noise – location being exposed i.e. not in line with other houses, there are concerns about extra noise.
- Residential Amenity – loss of light, overbearing
- Traffic or Highways – visibility poor.
- Tree removal.
- Boundary shown on plan does not agree with title deeds for number 5.

Full details of all consultation responses can be found on the Council's website [www.somerset.gov.uk](http://www.somerset.gov.uk)

## **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 District Local Plan Part II: Sites and Policies (December 2021) (post JR version, 16 December 2022)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

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

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP10 (Wells City 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)
- DP23 (Managing Flood Risk)

The following policies of the Wells Neighbourhood Plan (adopted February 2024) are relevant to the determination of this application: H2 -High Quality House Design.

## **Other possible Relevant Considerations (without limitation):**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- 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)

## **Assessment of relevant issues:**

### **Principle of the Use:**

The site is within the development limits of Wells and therefore the principle of the application scheme is subject to the consideration of the design of the proposal, and its impact on the character and appearance of the area, highway safety, and neighbour amenity. It is considered that one dwelling towards the shortfall of housing supply currently being experienced by the Local Planning Authority (LPA) will not outweigh the harm discussed later in this report.

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

This site is located on a residential housing estate in a prominent location on a corner of Balch Road where development in this location is predominately semi detached and terraced dwellings. The large corner plots associated with development of this period gives the estate a sense of openness.

During the life of the application the plans were amended to show a pitched roof similar to the dwellings adjacent.

The development proposed is a detached dwelling of similar height to the existing properties using similar materials. It is proposed to face east onto Balch Road and its gable (side elevation) facing south. It will be set back slightly from the properties which currently face east and it will project forward of the building line of the semi detached properties which face south. The southern elevation is particularly prominent in that these two properties face the entrance to Balch Road when entering the estate from Burcott Road.

The development of the plot will result in the reduction of amenity space afforded to the existing dwelling and very limited amenity space for the proposed dwelling in comparison to other dwellings nearby. Impact on amenity and parking provision will be discussed in more detail later in this report, but when considering the proposed layout of the plot the parking and compromised amenity space adds to feeling that this a cramped form of development.

Wells Neighbourhood Plan endorses high quality design. It says that development should be complementing the local vernacular, be well related to scale, form, density and character of the settlement/built up area and of its setting. It should also respond to context having regard to the principles set out in the Wells Design Guide (August 2022).

It is considered that the proposed development by virtue of its detached nature, projecting forward of the building line of the housing facing south onto Balch Road in this prominent corner location is harmful to the character and appearance of the street scene and erodes the open character of this part of the estate. It also appears cramped and contrived within this context especially when taking into account the lack of on-site parking provision and compromised amenity space. In this regard the development fails to improve the quality of the area as prescribed by the NPPF does not respond to the local context and maintain the character and appearance of the area, contrary to development plan policy.

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

The existing house, number 3, and number 5 do have existing windows at ground and first floor in their gable end facing the application site. It is not clear what rooms these windows serve but it is expected that they are hallway and landing windows. The proposed house will be approximately just over 3m to the boundary with number 3 and 5.5m to its first-floor gable end. A first floor bedroom and bath room window is proposed in the rear elevation of the proposed dwelling facing number 3. No windows are proposed in the north elevation of the dwelling proposed. Given the proposed positioning of the dwelling in the plot it is considered that mutual overlooking will be minimal.

Number 5 is north of the proposed plot so some shading of their side garden will occur as a result of the development proposed. To the side of number 5 is a drive for vehicular parking a couple of sheds and some lawn. The proposed dwelling is shown as being 1.8m to the northern boundary with number 5 and there is approximately 9.5m between number 5's first floor gable to the boundary with the plot.

Whilst the siting of the proposal and the distances mentioned demonstrate that the site is cramped, it is considered that on balance, it will not result in harm to amenity which is so significant to warrant refusal of the application in amenity terms.

The existing house will lose its side garden, but rear amenity space is still provided for the occupiers use. The proposed house will have the benefit of a small strip to the front (east) and a small patio to the rear (west), which is synonymous with its cramped nature, but the lack of amenity space is not in itself a reason to recommend refusal.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

### **Impact on Ecology:**

The site is in a sensitive location for bats and no ecology report has been received. However, this is a lawned garden on a residential housing estate so it is unlikely that there will be anything of ecological significance on the property.

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates, and a Site of Special Scientific Interest Impact Risk Zone. There is a major issue with nutrients entering watercourses, which adversely changes environmental conditions for these species. Any new housing, including single dwellings, will result in an increase in phosphates contained within drainage discharges. As the designated site is in 'unfavourable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments.

The impact of the development on a Ramsar site, by way of the potential to increase phosphate levels, is a material consideration. Therefore, the drainage details, with particular regard to phosphate generation and mitigation, are required to inform the Habitat Regulations Assessment for the current application, in order for the LPA to discharge their legislative duties in this respect.

Taking all of the above into consideration, no phosphate or mitigation information has been submitted and as such insufficient information has been submitted to assess whether the proposal would result in an unacceptable increase in phosphate levels within the foul water discharge affecting the current unfavourable status of the Somerset Levels and Moors Ramsar site and as such fails Regulation 63 of the Habitat Regulations 2017. Therefore, the proposed development conflicts with Policies DP5, DP6 and DP8 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

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

Number 3 is accessed from an unclassified road (class 4) and currently has two off road parking spaces. It is likely that the estate is of a time where onsite parking would not have been controlled however, the increase in the use of the private motor vehicle has led to an increase in on street parking is detrimental to highway safety. The development proposes the loss of one of these spaces and the provision of a separate driveway adjacent to the existing to serve the proposed dwelling. It shows one parking space for the proposed dwelling.

In terms of the access for the site, it is located on the bend, but this is an estate road where traffic is unlikely to be traveling at speed. Somersets parking strategy says that there is a requirement for two on site parking spaces for a dwelling of this size. Whilst it is recognised that the site is close to the town centre where there are facilities and services

which could be accessed on foot, it is highly likely that the occupiers of the development will have a private motor vehicle. Taking into account the loss of parking for number 3 and the cramped nature of the site and the existing problem of on street parking in the vicinity, it is considered that the parking provision for the proposed development is inadequate and will result in an increase in on street parking which would be detrimental to highway safety.

The parking arrangements for the proposed development are unacceptable and would not maintain highway safety standards. The proposal fails to accord with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

### **Trees:**

It appears that a small tree may have been felled within the application site, however it was not protected and as such do not require permission to be felled.

The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

### **Refuse Collection:**

The site is considered capable of providing adequate storage space for refuse and recycling.

### **Other:**

The development proposed is not considered to generate significant noise issues other than for a temporary period during construction.

The issue of boundary disputes and land ownership are not material planning considerations.

### **Environmental Impact Assessment:**

This development is not considered to require an Environmental Assessment 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, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## **Recommendation**

### Refusal

1. The application site is a contained small site on the corner of Balch Road and Burcott Road and the proposal is for a detached unit which would project forward of the consistent building line of the housing facing south onto Balch Road in this prominent corner location. The layout, siting and overall design within the plot area is considered to be harmful to the character and appearance of the street scene resulting in a detrimental visual impact to this part of the estate. The proposed parking and amenity space arrangements for the unit further compound the cramped and contrived aspects of the application as it would be considered within its context. For these reasons the application scheme does not respect the local context or maintain the character and/or appearance of the surrounding area resulting in a detrimental impact to the visual amenities of the street scene. On this basis the application is considered to be contrary to policies DP1 and DP7 of the Mendip District Local Plan: Part 1 Strategies and Policies 2006-2029 adopted December 2014 and policy H2 of Wells Neighbourhood Plan (adopted February 2024) and advice contained within the National Planning Policy Framework.
2. Insufficient information has been submitted to assess whether the proposal would result in an unacceptable increase in phosphate levels within the foul water discharged from the development affecting the current unfavourable status of the Somerset Levels and Moors Ramsar site and as such fails Regulation 63 of the Habitat Regulations 2017. The development conflicts with Policies DP5 and DP8 of the adopted Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).and Part 15 of the National Planning Policy Framework.
3. The proposal fails to provide the necessary parking requirements for the proposed dwelling, as required by the Somerset Parking Strategy. The proposed development is therefore contrary to Policy DP10 of the Mendip District Local Plan Part I: Strategy and Policies (December 2014) and the Somerset County Council



## **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. The submitted application has been found to be unacceptable for the stated reasons 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 PL07 (Site Location Plan), PL05 (Existing Street Scenes), PL02 (Proposed Site Plan) and PL01 (Existing Site Plan) received 11.12.23, PL03A (Proposed Elevations), PL04A (Proposed Floor Plans) and PL06A (Proposed Street Scenes) received 20.05.24.