

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0638/FULL 28.09.2012	Mr K James 131 Shingrig Road Nelson Treharris CF46 6DU	Erect single-storey extension and decking to rear 131 Shingrig Road Nelson Treharris CF46 6DU

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the eastern side of Shingrig Road adjacent to the Star Club.

House type: The application property is a semi-detached dwelling with front and rear gardens. The property is finished in rough cast render with brickwork walls below the damp proof course and a tiled roof. The property has a long flat rear garden which is at a lower level than the dwelling and leads out onto a lane at the rear. The application property is attached to another domestic dwelling of the same style and there is a large building to the north that is a club and restaurant.

Development: The proposal seeks full planning consent for the erection of a single-storey extension to the rear of the dwelling. The extension will accommodate a kitchen/dining room and will have an apex roof. Given the lower ground level of the garden in relation to the dwelling a landing and steps will be erected to the rear of the extension.

Dimensions: Amended plans have been submitted for the application which show an extension measuring 6m wide by 4m long by 4.7m high from garden level. The landing measures 1m deep by 2.3m wide by 1m high.

Materials: To match the host dwelling.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

5/5/90/0450 - Erect conservatory at rear - Refused 15.08.90.

5/5/92/0728 - Retain inflatable pool cover - Refused 11.02.93.

POLICY

Site Allocation

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Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on extensions and conservatories.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states:-

"The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

CONSULTATION

Transportation Engineering Manager - No objection.

Dwr Cymru/Welsh Water - No objection.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: The deadline for commenting on this application ended on the 27th November 2012. At the time of writing the report two letters of objection had been received from local residents.

Summary of observations:

1. The applicants have built an extension to the side of their dwelling that houses the kitchen of the Star Club.

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2. Applicants claim ownership of the kitchen area to the Star Club. Connection of the waste from this kitchen into the shared sewer could cause an overburden to drainage the system.
3. The walls of the extension could damage the sewer pipe.
4. The applicants claim ownership of part of the rear lane, if this is upheld it would prevent vehicles from reversing out of the garage at number 129.
5. The extension to the Star Club causes a terracing effect reducing the value of 129 and 131 Shingrig Road.
6. The proposed extension length is beyond a line drawn at 45 degrees from the centreline of the nearest principal room window.
7. The extension is 600mm above the normal maximum height for a single-storey extension.
8. The width of the extension takes up most of the rear wall.
9. The proposed decking to the rear is too large.
10. The rainwater from the extension is proposed to discharge to the garden.
11. The extension would have an overbearing impact on number 129.
12. The extension would take away light from number 129.
13. The decking would cause a loss of privacy to number 129.
14. The discharge of rainwater into the ground would cause flooding to number 129.
15. The applicant has erected a boundary fence with the planks facing 131 and not 129.
16. The boundary as shown is not a true depiction of what is on site. It is likely that the extension will encroach onto number 129.

Any new issues that are raised prior to the deadline will be brought to the attention of members at Committee.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main point to consider in the determination of this application is the effect that the proposal will have on the amenity of the neighbouring dwelling at number 129 Shingrig Road. In that regard Guidance Note 2 of Supplementary Planning Guidance LDP7 states:-

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"Extensions and conservatories should not cast large shadows onto neighbour's houses or gardens. As a general rule single-storey extensions near to a ground floor window of any principal room in an adjoining property, should be no longer than 4 metres, whilst two-storey extensions in the same circumstances should be no longer than 2 metres.

A 'principal room' can be defined as one of the main rooms of a house, such as a living room, main bedroom and dining room.

Unless the context allows otherwise, those dimensions could be increased to a maximum of 6 metres and 4 metres respectively, where the extension does not breach a line taken at 45 degrees from the centre of the nearest ground floor window of any principal room in an adjoining property, and it would not have an overbearing effect or an adverse impact on outlook."

The first paragraph of that guidance makes it clear that a 4 metres long, single-storey extension is considered to be acceptable even where it would be near a principal room window. It is considered therefore that this application fully complies with this guidance and as such it is acceptable in terms of overbearing impact. It is acknowledged that the extension is elevated above garden level but the guidance seeks to protect the amenity of the principal room and not the garden of the dwelling. It should also be noted that as the extension complies with the first part of the guidance it does not fall to be considered against the 45 degree rule referred to in the third paragraph.

In terms of the privacy of the neighbouring dwelling it was acknowledged that the elevated decking originally proposed would have caused a loss of privacy and amended plans were requested. These have been submitted and the proposed landing and steps providing access from the extension to the garden are considered to be acceptable in both design terms and privacy terms.

The proposed extension is considered to be acceptable from a design perspective and there are no material considerations that would warrant refusal of the application.

Comments from consultees: No objections raised.

Comments from public: The objectors have raised a number of issues, the majority of which are not relevant to the determination of this application. Nevertheless these are dealt with below:-

1. The Council acknowledges that an extension was built between the application property and the Star Club some time between 2001 and 2004 without the benefit of planning consent and that that extension houses the kitchen for the club. As the extension was erected more than 4 years ago it is now exempt from enforcement action. This has no bearing on the determination of this application.

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2. The red line boundary shown on the location plan submitted with the planning application does indeed include part of the area where the kitchen of the club is situated. If the applicants have connected the waste from the club into the shared sewer at the application property any subsequent capacity issues would be a matter for the sewerage undertaker. The matter has been considered by the Council's Public Health and Building Control Sections and they have confirmed that there is no legislation to prevent such a connection. In any event this matter is not a material planning consideration in respect of the extension.
3. Building Regulations approval would be required for the extension and it is the responsibility of the Building Control Section to ensure that the works do not damage the line of the sewer.
4. The status of the rear lane is a matter for the Council as Local Highway Authority and has no bearing on the determination of this application.
5. In that the extension is set back from the building line and down from the ridge of the application property it is not felt that it would cause a terracing effect. In any event loss of property value is not a material planning consideration.
6. As stated above the 45 degree rule does not have to be considered in this instance.
7. It would appear that the objector has taken the criteria contained in the General Permitted Development Order as definitive limits on what is acceptable, whereas the limits only define the thresholds above which planning permission for development is required. They do not define what is considered to be acceptable from a planning perspective. The above order makes it clear that planning consent is required for any extension to a dwelling where that extension would be more than 4m high within 2m of the boundary of the site. It does not then follow that any extension over that height would be unacceptable, merely that planning consent is required. It is then for the Local Planning Authority to determine whether or not the extension is acceptable in planning terms and as stated above the height of the extension has been noted but does not justify refusal of the application.
8. There is no legislation or guidance that prevents an extension from taking up the whole of a rear wall of a property.
9. The decking has now been removed from the scheme and a smaller landing area is now proposed. This is considered to be acceptable in planning terms.
10. The discharge of rainwater from the extension is a matter for the Building Regulations and a connection to a rainwater butt would be unacceptable in this instance.
11. Overbearing impact has been considered above.
12. Loss of light would not be significant in this instance as the application property is to the north of the objectors dwelling and direct sunlight runs in a southerly arc from east to west thereby travelling to the south of the objectors dwelling.
13. Loss of privacy from the decking has been addressed above and has been resolved by the removal of the deck and the replacement with a much smaller landing.
14. The discharge of water is addressed above.
15. Whether a developer erects fencing with the planks facing his property or the neighbour's property is not a material planning consideration.

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16. The amended plans received on 19th November give an accurate depiction of the location of the boundary fence in relation to the extension. There is an existing concrete block wall of approximately 2m in length attached to the rear wall of the objector's property that is not shown on the plan. The planning officer has visited the application site and measured the width of the property from the pine end to the original boundary of the dwelling with number 129 (as marked on site by a concrete fence post) and the 6m extension width shown on the amended plans can be accommodated between these two points without having to encroach onto the neighbours property.

Other material considerations: The objector has also written to give background to his complaints in relation to issues at the property that arose prior to the applicants owning the property. They have not been listed here as it is not considered that they have any relevance to the determination of this application.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development hereby approved relates to the details received on 19th November 2012 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2.
