

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0261/RET 27.04.2016	Ms F Bowen Westways St Martin's Crescent Caerphilly CF83 1ER	Retain pool room, shed, decking and fence screening Westways St Martin's Crescent Caerphilly CF83 1ER

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application property is situated on the eastern side of St Martin's Crescent.

House type: The application property is a detached bungalow with front and rear gardens. The rear garden of the dwelling is lower than the main house with steps down from the patio area at ground level. St Martin's Crescent slopes such that the dwelling at Maesawelon to the north together with the dwellings at St Martin's Road are at a lower level than the application property. Consent was recently granted for the erection of a building in the garden of the dwelling to house a hydrotherapy pool.

Development: The application seeks full planning consent for the retention of a smaller building than that approved together with a decked area and access ramp to the front of the structure. The as built structure is the same height and depth as the approved structure but it is 3.45m narrower. A large decked area has also been erected in front of the building in order to provide an access to it and to provide an outside seating area. The submitted plans also show a timber lattice screen fixed above the handrail in order to provide privacy to the neighbouring dwellings.

Dimensions: The pool room measures 6m wide by 3.5m deep by 3.3m high. The decked area has overall measurements of 7m wide by 4.9m deep and it is 1.2m above the existing garden level. The lattice screen will be a total of 1.7m high.

Materials: The pool room is finished in timber cladding whilst the decking is constructed in upvc.

Ancillary development, e.g. parking: The application also proposes the planting of a hedgerow along the northern boundary of the site in order to improve privacy.

Cont....

Application No.16/0261/RET Continued

## PLANNING HISTORY 2005 TO PRESENT

15/1090/FULL - Erect hydrotherapy pool room and decking - Refused 16.12.15.

15/0020/FULL - Provide hydrotherapy pool enclosure and shed in rear garden - Granted 07.05.2015.

## POLICY

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), 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 3 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on garages and outbuildings.

Guidance Note 8 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on raised decks and balconies.

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

None.

Cont....

Application No. 16/0261/RET Continued

### ADVERTISEMENT

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

Response: Two letters of objection have been received.

### Summary of observations:

1. The decking causes a loss of privacy to the neighbouring property at Maesawelon.
2. The proposed timber lattice is unacceptable from a design perspective.
3. The as built structure bears no resemblance to the approved structure.

### 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.

Is this development Community Infrastructure Levy liable? No.

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. Consent has previously been granted for a larger pool room and a smaller less elevated area of decking under application reference number 15/0020/FULL and as such the principal of the development is established. In that regard the main point to consider in the determination of this application are encompassed within the objections raised by the neighbours and therefore are dealt with in turn below -

1. A previous application to retain the as built pool room and decking was refused under application reference number 16/1090/RET as it was felt that the decking caused a loss of privacy to the adjacent dwelling at Maesawelon. In order to overcome that objection the applicant has suggested attaching a 1.7m high lattice to the handrail around the decking.

Cont....

Application No. 16/0261/RET Continued

Whilst a lattice would not completely screen views into the adjacent dwelling, it is considered that given the distance between the decking and the affected windows and the amount of screen that the lattice does provide would be adequate in this instance. In that regard it is not felt that the proposed deck would cause a loss of privacy to the neighbouring dwelling and as such the proposal complies with Criterion A of Policy CW2 of the Local Development Plan.

2. It is accepted that an element of latticing above the existing handrail may have an unusual appearance. However, as such a structure would not be uncommon in a residential context it is not felt that this would justify the refusal of the application.

3. It is acknowledged that the as built structures are different to the approved structures and that is the purpose of this application to seek consent to retain them. There is provision in planning law for this and as such it is not a reason to refuse the application.

In conclusion it is considered that the proposals are acceptable in planning terms and therefore planning consent should be granted.

Comments from consultees: No objections raised.

Comments from public: Addressed above.

Other material considerations: The submitted plans show the provision of planting to the northern boundary of the application property in order to provide a privacy screen. In light of the above comments in respect of privacy it is not considered that this is necessary in planning terms. However, as the Local Planning Authority has no control over the planting of a hedgerow it is not considered reasonable to control this element of the proposal.

It should also be noted that authority has been granted to take enforcement action in respect of the existing unauthorised structure. If members are minded to approve this application then that decision would supersede the decision to enforce.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: 273-140-01 and 273-14-03E (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Cont....

Application No. 16/0261/RET Continued

- 02) The timber lattice hereby approved shall be fixed to the decking within one month of the date of this consent and shall thereafter be retained in perpetuity unless written consent is obtained for its removal.

REASON: In the interests of residential amenity.

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.

---

