

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0706/COU 05.12.2017	Mr A Jones 18 New Road Deri Bargoed CF81 9GJ	Change the use from shop with flats above to shop with flat on the first floor and additional accommodation on second and third floors by the creation of space within a raised roof and raised terrace and steps to rear 32 New Road Deri Bargoed CF81 9GJ

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application property is located on New Road, Deri, and due to the slope of the land is three-storey at the front, and two-storey at the rear.

Site description: Two-storey end of terrace residential property, but at the front there is a shop unit at a lower level fronting New Road.

Development: Second floor extension, and increase in rear roof ridge height level to facilitate use of attic room.

Dimensions: The resultant two-storey rear extension measures 3.0 metres in depth, 4.7 metres in width, with a height of 7.5 metres to ridge level.

Materials: Spar dash walls and concrete roof tiles.

Ancillary development, e.g. parking: The applicant has shown a formal hardstanding on land to the rear of the property to provide off-street car parking for 2 vehicles.

PLANNING HISTORY 2005 TO PRESENT

17/0372/COU - Change the use of first floor into studio apartment. Application not determined and returned to applicant.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways), as well as advice contained in Supplementary Planning Guidance LDP7: Householder Developments.

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Transportation Engineering Manager - Considers the provision of two parking spaces to be sufficient to serve the application site.

Head Of Public Protection - No objection. Forwards advice from the housing section about smoke detection measures.

Countryside And Landscape Services - Requests a bat survey.

Countryside And Landscape Services - No comments.

ADVERTISEMENT

Extent of advertisement: Six neighbours were consulted by way of letter and a site notice was displayed near the application site.

Response: Two objections have been received.

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Application No. 17/0706/COU Continued

Summary of observations:

- Loss of light;
- Loss of air;
- Poor workmanship on previous developments at the application property;
- Previous build-up of soil along boundary wall with neighbour resulting in loss of privacy;
- Additional rainwater entering guttering of neighbouring property.

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?

Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Given the proximity of the site to the Nant Bargoed Sinc of Importance for Nature Conservation (SINC) and bat survey was requested by the Council's Ecologist. The bat survey, which was carried out by a suitably qualified Ecologist, confirmed that there were no bats, no bat droppings or signs that bats were using the property.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? As it is proposed to create a new dwelling the proposal is CIL liable. However as the application site is located in the Lower Viability CIL Zone, the chargeable amount is £0.

ANALYSIS

Policies: The principal considerations for this application for a two storey rear extension are the impact of the development on the visual amenity of the area, and the impact of the development on the residential amenity of the adjoining property at No. 31 New Road. In terms of visual amenity, and more specifically the rear street scene, whilst no other properties along this section of New Road have first floor rear extensions with roofs at the same ridge level as the main dwelling, it is not considered that the proposed development would detract from the visual amenity of the area to a degree to warrant the refusal of the application.

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In terms of the impact of the adjoining property at No. 31 New Road, it is noted that the ground floor rear facing windows already receive limited daylight due to the presence of the existing two storey extension at the application property. As the main window of No. 31 impacted by the existing two-storey extension at No. 32 is a ground floor kitchen window, and as the proposed development does not project any further to the rear than the existing situation, it is not considered that the proposed development would result in an increased overbearing or overshadowing impact, and therefore it is considered to be unreasonable to refuse the proposed development for such reasons.

In terms of the proposed raised hardstanding area to the rear of the application property, it is noted that material has been deposited on this area over a period of time which has resulted in the level of the land being raised over time. As the majority of this tipping occurred over four years ago, these works are now immune from enforcement action. It is considered that the proposed formalisation of a rear hardstanding to serve the proposed development represents an opportunity to tidy up this unkempt area. A condition will be attached to the permission requiring details of boundary treatments to be agreed prior to occupation of the proposed development to allow an element of control to reduce potential overlooking impact on the adjoining property at No. 31 New Road.

Comments from consultees: No objection subject to advice.

The Council's Ecologist has requested a bat survey prior to the determination of the application. Based on the submitted bat survey, which found no evidence of bats, this is not considered to be an issue for this application.

Darren Valley Community Council does not object to the proposal but is concerned about the development not being in keeping with neighbouring properties on New Road and Hill Street. This matter is discussed above.

Comments from public:

1. Loss of light - This issue has been addressed above in the analysis section.
2. Loss of air - It is not clear how the proposal will impact on air to the neighbouring property. The roof of the rear annex will be raised by 0.2m, but not to such a degree as to affect the general impact on the neighbouring property.
3. Poor workmanship on previous developments at the application property - The proposed development would require Building Regulations approval. Previous work undertaken cannot be remedied via the current application.

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4. Previous build-up of soil along boundary wall with neighbour resulting in loss of privacy - It is understood that the depositing of material to the rear of the application property was undertaken over 4 years ago. It is therefore likely to be immune from planning enforcement action. If this material is causing damage to the neighbour's wall, this would represent a private legal matter.
5. Additional rainwater entering guttering of neighbouring property - This is private legal matter.

Other material considerations: Whilst the applicant has submitted a plan showing a detached garage on the hardstanding to the rear of the property, as this is not referred to in the description of the development on the submitted forms, this element has not been considered as part of the planning application. Furthermore, the applicant is discouraged from proposing such a garage as it would result in only one off-street parking space to serve the development compared to the two parking space as originally proposed. To reduce the available off-street parking in this way may well attract an objection from the Transportation Engineering Manager based on a lack of off-street parking to serve the proposed development.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
REASON: In the interests of the visual amenities of the area.

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03) Prior to the first occupation of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is first occupied.

REASON: In the interests of the visual amenities of the area.

04) The development shall not be first occupied until the area indicated for the parking of vehicles has been laid out in permanent materials in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: In the interests of highway safety.

Advisory Note(s)

Please find attached the comments of Head of Public Protection that are brought to the applicant's attention.

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:
Policy CW2, CW3.

