

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0526/FULL 07.07.2020	Mr M Jones 10 Pendarren Street Penpedairheol Hengoed CF82 8BZ	Erect bedroom extension at first floor level 10 Pendarren Street Penpedairheol Hengoed CF82 8BZ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the southern side of Pendarren Street.

House type: The application property is an end of terrace dwelling with an existing joint extension with No. 9 Pendarren Street, which is single storey under a pitched roof and alongside that is a further single storey flat roof extension, approved under planning permission 15/0059/FULL, all projecting from the rear elevation. A detached garage abuts the rear service lane which bounds the site.

Development: Planning permission is sought to erect a bedroom extension at first floor level off the existing single storey flat roof extension.

Dimensions: Length; 3.9 metres, Width; 2.74 metres, Height to eaves level 5.2 metres, Height to new ridge 6.6 metres, Length of ridge from intersection with existing roof slope to main dwelling 5.75 metres.

Materials: Concrete roof tiles to match existing; Walls; Facing Brickwork, Windows; White upvc, Rainwater goods and downpipes; White Marley Deepflow System.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT

15/0059/FULL - Erect single-storey flat roof extension - Granted 18.03.15.

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Application No. 20/0526/FULL Continued

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010 (LDP).

Site Allocation: The site is situated within settlement limits of Penpedairheol.

Policies: SP2(Development in the Northern Connections Corridor), SP6 (Place Making), CW2 (Amenity), and advice contained within the Local Planning Authority's Adopted Supplementary Planning Guidance LDP7: Householder Developments.

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018) and TAN 12: Design (March 2016).

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? The site is located within a low risk coal mining area, however standing advice will be provided.

CONSULTATION

Gelligaer Community Council - Members expressed their concern in relation to this proposal, as it could affect the light and enjoyment of the adjacent property.

Ecologist - No objection raised - recommends the inclusion of one planning condition to secure biodiversity enhancement on site.

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Application No. 20/0526/FULL Continued

ADVERTISEMENT

Extent of advertisement: One adjoining property was notified by letter.

Response: One letter of representation has been received.

Summary of observations: The following objection has been raised :

Would not normally have an issue with any works neighbour wishes to carry out, but works to extend garage which were undertaken several years ago are unfinished. Wall facing objectors garden has not been rendered, it has only been painted, owner is refusing to complete the rendering. Would be happy for the works (subject of current application) to go ahead if garage wall could be completed and new work will be finished properly and not just painted where it faced objectors 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?

There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable as the proposal intends to create less than 100 square metres of additional floor space.

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ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policies and supplementary planning guidance. The main considerations in the determination of this application are whether the first floor extension is acceptable in terms of its design and whether there would be any adverse impacts in terms of neighbouring amenity.

In terms of the design this is considered to be acceptable in terms of its form and fenestration. Whilst the external finishes of the proposed walls of the first floor extension indicate facing brickwork, the external finishes of the host dwelling comprise of spar render and would therefore be at odds with the host dwelling. Consequently, should planning consent be granted it is considered necessary to impose a condition to ensure that any external finishes are compatible with the host dwelling and the wider surrounding area.

In terms of the overall scale and massing of the first floor extension advice is contained within Supplementary Planning Guidance LDP7: Householder Developments and states:-

"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."

In that regard the first floor extension exceeds the limit stated within the above guidance and as such consideration should be given to policy CW2 of the Local Development. Policy CW2 sets out the criteria relating to amenity and development proposals should ensure that there is no unacceptable impact on the amenity of adjacent properties or land.

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Application No. 20/0526/FULL Continued

The application property is end of terrace and as such consideration needs to be given to the impact of the proposed development upon the adjoining occupiers (no. 9 Pendarren Street) located to the east of the host dwelling. In that regard the adjoining occupier also benefits from a single storey extension. In such instances where both adjoining properties benefit from existing single storey extensions, the impacts associated with a ground floor extension commensurate with permitted development should be considered at first floor level. Consequently, the proposed first floor extension would project under 4.0 metres in depth and would be set off the common boundary with no.9 by 2.48 metres with the centre point of the nearest first floor window of the adjoining dwelling being 1.83 metres away from the common boundary, a total distance of 4.31 metres away from the proposed first floor extension. On that basis it is not considered that the proposed development will not give rise to any adverse overbearing or overbearing impacts.

It should be noted that there is a single window located in the gable end of the proposed extension looking beyond the rear service lane which bounds the site to the south, towards the rear elevation of properties fronting onto Mount Pleasant. However, there is a distance of some 26 metres between the respective rear elevations, therefore it is not considered that overlooking and loss of privacy between opposing habitable room windows is an issue in this instance.

In conclusion subject to the imposition of a condition to ensure the external finishes of the proposed development match those of the host dwelling, the proposal complies with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010.

Comments from consultees: Gelligaer Community Council - Members expressed their concern in relation to this proposal, as it could affect the light and enjoyment of the adjacent property. The impacts of the proposal in terms of neighbouring amenity have been fully addressed in the report above.

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Application No. 20/0526/FULL Continued

Comments from public: The following objection has been raised :

Would not normally have an issue with any works neighbour wishes to carry out, but works to extend garage which were undertaken several years ago are unfinished. Wall facing objector's garden has not been rendered, it has only been painted owner is refusing to complete the rendering. Would be happy for the works (subject of current application) to go ahead if garage wall could be completed and new work will be finished properly and not just painted where it faced objectors property. - This amounts to a private dispute between the parties concerned and is not a matter in which the Planning Authority is empowered to act. It is not a material planning consideration. Where planning permission has been granted for a development it is a requirement of the legislation that the approved works or use are commenced within a specified period of time, failing which that planning permission will expire. However where the authorised development has commenced there is no requirement for any approved works to be completed within a certain length of time of the planning permission having been implemented.

Other material considerations: None.

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 development shall be carried out in accordance with the following approved plans and documents:
Site Location and Block Plan received on 30.06.2020; and
Proposed Floor Plans and Elevations received on 30.06.2020.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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- 03) 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the occupation of the development hereby approved, a scheme of environmental enhancement shall be provided in accordance with the supplementary specification details attached to this decision notice.
REASON: To improve biodiversity and further resilience of ecosystems, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales Edition 10 (2018) and Technical Advice Note 5: Nature Conservation and Planning (2009).

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.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

Please find attached the comments of The Council's Ecologist that are brought to the applicant's attention.

