

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0298/FULL 10.04.2017	Mr & Mrs Jewell 105 St Martin's Road Caerphilly CF83 1EH	Erect rear single-storey extension to extend kitchen/diner 105 St Martin's Road Caerphilly CF83 1EH

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: 105 St Martin's Road, Caerphilly, CF83 1EH.

House type: Semi-detached dwelling fronting south onto St Martin's Road. To the east is the attached neighbouring property (103 St Martin's Road), west is a detached neighbouring property (107 St Martin's Road). North of the application site is an area of woodland which provides screening.

Development: Erect rear single-storey extension to extend kitchen/diner.

Dimensions: 6.8m wide by 2.6m deep with an overall height of 4.6m.

Materials: Walls: Rendered Roof: Tiles to match existing dwelling.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), SP6 (Place making).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

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Application No: 17/0298/FULL Continued

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 7 (Householder Development).

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 application is partially within a high risk area.

CONSULTATION

None.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 3 nearby properties.

Response: One response was received relative to the consultation exercise.

Summary of observations:

- Adverse impact on quality of life from building work and the resultant extension.
- Due to a neighbour's medical condition his home is his sanctuary. He enjoys sitting in the lounge and looking out of the side pane of the window at the views and the sunset and when the extension is built all he will be able to see is a brick wall.
- The neighbour will only be able to see between the extension and our porch which was built onto the back of our house before we moved in forty years ago.
- The development will also make their lounge much darker.

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Application No: 17/0298/FULL Continued

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?

It is not considered that crime and disorder will be materially affected by the development.

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

Is this development Community Infrastructure Levy liable? The development is not chargeable as the additional internal floorspace created is below 100sqm.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance.

The main considerations for the application are the visual impact of the development on the dwelling and the character of the area and the impact on the amenity of the neighbouring properties. The relevant planning policies are SP6 (Placemaking) and CW2 (Amenity).

Policy SP6 (Placemaking) requires in criterion B that development proposals should have

- "A high standard of design that reinforces attractive qualities of local distinctiveness".

The extension is located on the rear elevation of the dwelling and therefore will not be visible within the street scene. It is considered that the proposed extension which has a monopitch roof form and will be finished to match the existing dwelling house has an acceptable design in accordance with Policy SP6.

Policy CW2 (Amenity) states that:

- "Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

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Application No: 17/0298/FULL Continued

- A There is no unacceptable impact on the amenity of adjacent properties or land;
- B The proposal would not result in over development of the site and / or its surroundings;
- C The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use;
- D Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development."

In respect of this householder development the applicable criteria of Policy CW2 are criteria A and B. The impact on the amenity of the objector who lives in the neighbouring attached property has been considered. The objector has a ground floor lounge served by a bay window on the rear elevation which is within approximately 0.5m of the common boundary. It is acknowledged that the proposed extension would affect the outlook and light this bay window receives, however it is noted that an existing rear single storey projection with side porch element on the objector's property already affects the outlook of the bay window and the proposed extension would introduce broadly similar massing and impact on outlook that their own rear projection currently impacts.

The land behind the dwellings steps down and the overall height of the extension at 4.6m above ground level exceeds the 4 metres height limit allowed under permitted development rights. In other respects the proposed extension would conform to permitted development rights for rear extensions and it is noted that a fall back position exists for the applicant who could construct a rear extension not exceeding 4 metres in height but extending up to 4 metres in length without requiring express planning permission. It is considered this alternative development which could be constructed under permitted development rights would have a substantially similar effect in terms of light and outlook for the objector. The proposed development is considered to be substantially similar in form to many domestic extensions and on balance the impact on the amenity of the occupants of 103 St Martin's Road is considered to be acceptable.

The development is considered to have an acceptable impact on the neighbouring dwelling to the west (107 St Martin's Road).

The property would retain sufficient amenity space following development and the development is considered acceptable in its design and impact on neighbour amenity.

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Application No: 17/0298/FULL Continued

Comments from consultees: The Council's Ecologist has offered no objection to the application but has requested informative notes and ecological enhancement to be conditioned. It is considered that in relation to ecological enhancement this would not be reasonable to condition due to the small scale of the development and this advice should instead be provided to the applicant as an informative with the permission.

Comments from public:

- Adverse impact on quality of life from building work and the resultant extension.
- The scale of the development is such that it is not considered there will be an unacceptable level of disturbance during the construction period. The impact of the extension has been assessed within the body of this report.

- Due to a neighbour's medical condition his home is his sanctuary. He enjoys sitting in the lounge and looking out of the side pane of the window at the views and the sunset and when the extension is built all he will be able to see is a brick wall.
- The specific circumstances of the objector and her husband are appreciated, however the right to a view is not in itself a material planning consideration. The impact on general outlook from the habitable room has been considered and is deemed acceptable.

- The neighbours will only be able to see between the extension and our porch which was built onto the back of our house before we moved in forty years ago.
- The proposed extension will have to a degree an enclosing effect however a similar impact is created by the objector's own rear porch and single storey rear projection. The outlook from the main pane of the bay window in the objector's lounge will still give clear views of the objector's garden. It is also noted that Permitted Development rights in many instances would allow broadly similar forms of extensions without the need for planning permission. Having considered the impact of the development on the neighbouring property it is considered on balance to have an acceptable impact on outlook.

- The development will also make their lounge much darker.
- The proposed extension will have an impact on the objector's bay window, however this is not considered to lead to unacceptable overshadowing or such a severe loss of light to warrant refusal of the application on this basis.

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Application No: 17/0298/FULL Continued

Other material considerations: 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 Plan.
 - Proposed Floor Plan, received 03.04.17.
 - Proposed Elevation Plan, received 03.04.17.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 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.

Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

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Application No: 17/0298/FULL Continued

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

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Application No: 17/0298/FULL Continued

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.

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.

