

APPENDIX

14/0152/FULL 17.03.2014	Mr J Tilley 14 Brynheulog Road Newbridge Newport NP11 4RG	Erect detached four bedroom dwelling, drop kerb to front for vehicle access and provide retaining wall to rear to level garden, incorporating the removal of the front privet hedge 14 Brynheulog Road Newbridge Newport NP11 4RG
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APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is located on Brynheulog Road, Newbridge.

Site description: Side garden of existing two-storey detached dwelling.

Development: Construction of detached dormer bungalow, including basement level, within existing side curtilage.

Dimensions: The proposed dwelling has a footprint measuring 12.1 metres in width, 15.1 metres in depth, with a height of 7.4 metres to ridge level when viewed from Brynheulog Road, i.e. the front elevation, and 10.1 metres to ridge level when viewed from rear garden, i.e. the rear elevation.

A rear balcony off ground floor level is also proposed. This measures 3.5 metres in depth, 11.0 metres in width, with a height 2.7 metres above ground level.

Materials: Face brickwork and interlocking concrete roof tiles.

Ancillary development, e.g. parking: Parking provision for 3 vehicles within the curtilage of the site.

PLANNING HISTORY

No previous planning history.

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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), Supplementary Planning Guidance LDP6: Building Better Places to Live (November 2010), Supplementary Planning Guidance LDP7: Householder Development (November 2010).

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

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

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is not in an area considered to be at risk of coal mining legacy. However any issues will be controlled through the building regulations.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru - Provides advice to the developer.

ADVERTISEMENT

Extent of advertisement: Eleven neighbouring properties were consulted and a site notice displayed near the application site.

Response: Eight neighbouring properties raised objection.

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Summary of observations:

- Loss of privacy;
- Proposed dwelling would not integrate with existing street scene;
- Overpowering effect on property to north-east, i.e. Shangri-la;
- Over-development of site;
- Overshadowing and overbearing impact on Shangri-la;
- Overlooking of neighbours from proposed balcony;
- Building works resulting in damage to neighbouring properties;
- Disruption to movement along Brynheulog Road during construction works;
- Removal of hedgerow would destroy character of entrance to Brynheulog Road.

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? No.

Is this development Community Infrastructure Levy liable? Yes. New residential build at a rate of £25 per sq. metre of internal floor space.

ANALYSIS

Policies: The application seeks permission to erect a detached dormer bungalow with basement level within the side curtilage of the property known as Braeside, which is located on the junction of Brynheulog Road and the unnamed lane leading to Park Road. The side curtilage of Braeside slopes from the site frontage, i.e. the western edge of the site, down to the east. The application site is located within the Settlement Boundary and therefore the principle of residential development is considered acceptable providing material planning considerations do not indicate otherwise.

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Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. It is considered that the proposed development complies with this Policy for the following reasons:-

i) proposals must have no unacceptable impact on the amenity of adjacent properties or land - The proposed development has been designed to ensure that it does not have an unacceptable overbearing or overshadowing impact on the properties that adjoin the application site. The property most impacted by the development is that known as Shangri-la that immediately adjoins the application site to the north. Whilst there are no south facing windows in the side elevation of Shangri-la, it was considered that the development as originally proposed, i.e. a larger dwelling, would have resulted in an unacceptable overshadowing impact on the rear garden of Shangri-la during the evening hours of summer months. However, the scheme has been amended to include a lower ridge level and lesser roof mass thereby overcoming this concern. Whilst the dwelling may cast a shadow over part of the rear curtilage of Shangri-la during summer month evening hours, such an impact is not considered to warrant a refusal of planning permission. In terms of the impact on the privacy of Shangri-la, the proposed rear balcony is shown to include privacy screens on either edge therefore maintaining existing levels of privacy. Such privacy screens will be ensured by way of condition.

Given the proposed ridge level, and difference in ground levels, it is considered that the proposal will not result in an unacceptable impact on amenity of the property to the west, on the opposite side of Brynheulog Road, i.e. the property known as Kimberley, and adequate privacy distances are maintained. The main impact on Kimberley will be a loss of view, but this is not a material planning consideration.

The edge of the proposed rear balcony will be located approximately 20 metres from the boundary with the property to the east, known as Ardachu, and therefore the proposal will not have an unacceptable impact on the privacy of this property. Given this distance between Ardachu and the application property, as well as the orientation, there will be no loss of sunlight or daylight as a result of the development.

In terms of the potential impact of the proposal on the existing property, i.e. Braeside, given the design of the proposed dwelling, as well as the open aspect to the rear of Braeside, it is not considered that the proposed dwelling will result in an overbearing impact to a degree to warrant a refusal of planning permission.

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In terms of the impact of the proposed dwelling in the existing street scene it is noted that a variety of dwelling types exist along Brynheulog Road including two-storey

detached dwellings, dormer bungalows and bungalows. Therefore it is considered that the proposed dormer bungalow would be acceptable in design terms given this existing street scene. Furthermore, the proposed dwelling has a ridge level 1.0 metre lower than that of Braeside in order to 'step down' in respect of the topography of the street. As parking is to the front of the dwelling, it must be at approximately road level to facilitate acceptable access gradients to the proposed garage and parking spaces. Due to this factor coupled with the sloping topography of the site to the east, the dwelling will be three-storeys on its rear elevation to include a basement level. However this massing of the rear elevation will not impact on the existing street scene, and therefore the proposal is considered acceptable in terms of its impact on the visual amenity of the area.

ii) proposals would not result in the over-development of the site - Although the majority of the garden serving Braeside is to the east of the property, as the site can only safely be accessed in highway terms off Brynheulog Road, the proposed dwelling is sited to the north of Braeside. The proposed dwelling will be sited 2 metres off the side elevation of Braeside, and 1-3 metres off the boundary with Shangri-la (due to the angled boundary between the properties). Several properties along Brynheulog Road are set a similar distance off their boundaries and therefore it is not considered that the proposal would result in an over-development of the site frontage. Furthermore, a large garden area is proposed to the east of the proposed dwelling.

iii) the proposed use is compatible with surrounding land uses - The site is bounded to the north, east, south and west by existing residential properties and therefore the proposal is compatible with surrounding land uses.

Policy CW3 of the Local Development Plan relates to highway considerations and states that development proposals should have regard for the safe, effective and efficient use of the transportation network. The Transportation Engineering Manager raises no objection to the proposed development subject to conditions, and therefore it is considered that the proposed development satisfies Policy CW3.

In light of the above, the proposed development is considered acceptable subject to conditions.

Comments from consultees: No objection subject to conditions.

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Comments from public:

- Loss of privacy - The proposed privacy screens along either edge of the proposed balcony will ensure there is no loss of privacy. The proposed windows in the north facing elevation to a study and bathroom will not impact on Shangri-la which has no south facing windows.
- Proposed dwelling would not integrate with existing street scene - The existing street scene is a mixture of dwelling types and it is considered that subject to the use of the most appropriate materials, a dormer bungalow is an acceptable dwelling type for this infill plot.
- Overpowering effect on property to north-east, i.e. Shangri-la - The scheme as originally proposed has been amended, i.e. reduced in overall height and massing to overcome this issue from a planning point of view.
- Over-development of site - This issue has been addressed above.
- Overshadowing and overbearing impact on Shangri-la - This issue has been addressed above.
- Overlooking of neighbours from proposed balcony - This issue has been addressed above.
- Building works resulting in damage to neighbouring properties - It is the responsibility of the developer to ensure this does not occur. However if any damage did occur during works this would be a private legal matter between the interested land owners.
- Disruption to movement along Brynheulog Road during construction works - A degree of disruption is to be expected but it would be the responsibility of the developer to ensure the road is not blocked.
- Removal of hedgerow would destroy character of entrance to Brynheulog Road - Several of the properties along Brynheulog Road have open frontages and therefore it is not considered that the removal of the existing hedgerow would have a significant impact on the existing street scene.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

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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) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 03) The balcony hereby approved shall not be used until screening has been erected in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the agreed screening shall remain in place at all times.
REASON: To prevent a loss of privacy.
- 04) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 05) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.

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- 06) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garage hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.
REASON: In the interests of highway safety.
- 07) Prior to its first use the garage, sited as shown on the submitted plan, shall be fitted with inward-opening doors or roller shutter, which will not open out over the highway.
REASON: In the interests of highway safety.
- 08) The entrance apron shall be constructed prior to the first use of the garage hereby approved and in materials as approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
- 09) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out 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.
- 10) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the building hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 12) The development hereby approved relates to the details received on 12.08.2014 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.

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- 13) Unless otherwise agreed in writing with the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the ground floor kitchen window facing south shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity.

Advisory Note(s)

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions attached to this consent: policies CW2 and CW3.
