

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0161/OUT 08.04.2015	Mr & Mrs D Davies Chez Nous 26 Sunny Bank Terrace Machen Caerphilly CF83 8PY	Erect a dwelling house and associated external works Chez Nous 26 Sunny Bank Terrace Machen Caerphilly CF83 8PY

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application property is situated at the western end of Sunnybank Terrace approximately 50m from the junction with Dranllwyn Lane.

House type: The application site forms part of the curtilage of a detached bungalow within a large plot that slopes steeply from north to south such that the dwelling is elevated above the adjacent highway with terraced and sloping gardens. The dwelling is largely rectangular in shape with a projecting gable on the right hand side and it is finished in pebble dash with a tiled roof. There is a drive to the east of the dwelling that currently provides an informal access to the rear garden. Whilst the main portion of Sunny Bank Terrace is characterised by 'inter-war' semi detached dwellings, the area surrounding the application site has an eclectic mix of dwelling styles including a two storey dwelling to the east and detached bungalows to the west.

Development: The application seeks outline planning consent for the erection of a dwelling in the rear garden of the existing dwelling. Details of access are provided at this time but all other matters are reserved for future consideration. Access is to be derived via an improved and lengthened drive on the existing access to the rear garden that is sited to the side of the existing dwelling. The indicative plans submitted with the application show a split level, flat roofed building.

Dimensions: The building will have a maximum height of 10.915m high with the dwelling having maximum dimensions of 12.307m by 14m and an attached garage measuring 6.6m by 7m.

Materials: Render with a single ply roof.

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Ancillary development, e.g. parking: Not specified.

### PLANNING HISTORY

No previous planning history.

### POLICY

#### Site Allocation

Local Development Plan: Within settlement limits.

#### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection) 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 2 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development gives advice on extensions and conservatories.

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 (2014) 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

The Coal Authority - No objection.

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Transportation Engineering Manager - Objects on highway safety grounds.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - Raises no objection subject to the provision of a drainage scheme.

Dwr Cymru - Raises no objection subject to the provision of a drainage scheme.

Bedwas, Trethomas & Machen Community Council - Raises objection to the proposal.

### ADVERTISEMENT

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

Response: 6 letters of objection have been received.

### Summary of observations:

1. Loss of view.
2. The access to the site is inadequate, dangerous and poorly designed.
3. The design of the proposed dwelling as shown on the indicative plans is not in keeping with the character of the host dwelling.
4. The proposal is unacceptable tandem development.
5. The proposal would have a detrimental impact on the natural character of the area.
6. The garden has not been developed and as such is not 'brownfield' as suggested by the applicant.
7. The proposal would lead to a loss of privacy to neighbouring dwellings and gardens.
8. The proposal could lead to land stability issues.
9. The proposal has the potential to cause flooding to The Dingle.
10. This application and the application for an extension to Chez Nous (15/0158/FULL) should be considered together to assess the full impact.
11. Ysgubor Fach is a privately owned lane and is not suitable for access to the site.

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## 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? Based on current evidence, this is unlikely to be a significant issue in this case, but if permission is granted an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? CIL would be liable at the reserved matters stage.

## ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is within the defined settlement limits in the local development plan and as such the principle of development in this area is considered to be acceptable. Therefore the main points to consider in the determination of this application are the objections raised by members of the public and they will be considered in turn below.

1. Loss of privacy is not a material planning consideration.
2. The access to the site has been considered by the Council's Transportation Engineering Services Manager who has stated: -

'The highway network leading to the site is substandard in terms of its width, horizontal and vertical alignments and lack of pedestrian footways. The proposed additional use of the substandard access will create increased traffic hazards to the detriment of highway safety.'

In that regard it is considered that the proposal is unacceptable in terms of highway safety with regard to the network serving the site contrary to Policy CW3 of the Local Development Plan.

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However, it should also be noted that the submitted plans show the existing access into the site being moved to the west and the creation of a new vision splay of 2.4m by 20m. This will require the removal of a substantial section of the hedgerow at the front of the site. It is considered that the hedgerow makes a very positive contribution to the semi rural character of this area and as such its removal would be detrimental to that character contrary to Policy CW6 of the Local Development Plan.

3. It is accepted that there are no other dwellings within the area that have flat roofs to the main roof. However, as stated in Paragraph 4.11.9 of Planning Policy Wales, Local Planning Authorities 'should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.' It is considered that this proposal fits into that category. Whilst a flat roof dwelling is not in keeping with the traditional local vernacular, it would also be true to say that the adjacent dwellings would not have been in keeping when they were erected and indeed in respect of the dwelling to the west, this has an extension to the rear that would also not be in keeping with the local vernacular. In that regard it is not felt that the use of a flat roof is unacceptable in design terms. Moreover, as this is an outline planning application with the matter of appearance reserved for future consideration this application cannot be refused on the basis of the design of the indicative scheme.
4. Paragraph 3.3 of Planning Policy Wales suggests that tandem development may be unacceptable if it causes issues of access, disturbance or loss of privacy. In terms of the access leading to the dwelling it is considered that this is sufficiently far away from the existing dwelling that there would not be any unacceptable disturbance. As there are a number of parking spaces proposed to the front of the dwelling it is also not felt that access to the dwelling to the rear would be affected. In terms of loss of privacy it is not possible to fully consider this issue at the outline stage without seeing the layout of windows in the proposed dwelling. However, it is considered that a dwelling could be positioned on the site such that adequate levels of privacy could be maintained. As such there would be no objection to the principle to the development on privacy grounds.

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5. It is acknowledged that the developer has already removed a number of mature trees from the site but this is not controlled by planning as the trees were removed prior to the submission of this application. However, and as stated above the proposal would also lead to the removal of part of the hedgerow to the front of the site and this is considered to be unacceptable in planning terms.
6. Planning Policy Wales defines brownfield land as being any site that contains a building and the curtilage of that building. As the application site forms part of the curtilage of Chez Nous it is considered to be 'brownfield' in planning terms.
7. As stated above it is considered that a dwelling could be accommodate on the site whilst maintaining adequate levels of privacy subject to careful design and siting.
8. The objector suggests that the proximity of the proposed access to the sloping boundary of the site could lead to instability issues. There is nothing to substantiate this claim and as such it is not felt that refusal of the application would be justified in this instance.
9. The application has been considered by the Council's Senior Engineer (Land Drainage) who has raised no objection to the application. In that regard it is considered that a suitable drainage solution can be provided for the site.
10. This application and the application for an extension to the existing dwelling cannot be considered under the same application and each application has to be considered on its own individual merits. However the impacts of each proposal on each other and on surrounding properties will need to be considered.
11. The ownership of Ysgubor Fach is a private legal matter. The adequacy of the highways serving the site has already been discussed above.

Comments from consultees: The comments of the Transportation Engineering Manager are addressed above. No other objections were raised.

Comments from public: Addressed above.

Other material considerations: None.

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RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The highway network leading to the site is substandard in terms of its width, horizontal and vertical alignments and lack of pedestrian footways. The proposed additional use of the substandard highway network will create increased traffic hazards to the detriment of highway safety contrary to Criterion A of Policy CW3 of the Caerphilly County Borough Local Development Plan to 2021 - Adopted November 2010.
  - 02) The loss of part of the hedgerow to the front of the site to create the required vision splays would be detrimental to the character of the area contrary to Policy CW6 of the Caerphilly County Borough Local Development Plan to 2021 - Adopted November 2010.
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