

APPENDIX 1

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
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| 13/0258/FULL 10.04.2013 | Mr A Brockett 3A Penallta Villas Ystrad Mynach Hengoed CF82 7GH | Erect detached dormer bungalow with associated access and ground works etc. Land At 3A Penallta Villas Ystrad Mynach Hengoed CF82 7GH |

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated to the south of Penallta Villas and to the north of Penallta Road.

Site description: The application site is the rear garden of the detached bungalow at number 3A Penallta Villas. That property is in itself situated within the front garden of the semi-detached dwelling at 3 Penallta Villas. This is a residential area comprising of dwellings of varying styles, designs and sizes with semi-detached dwellings being intermingled with detached bungalows and large detached two-storey dwellings. The garden is relatively flat with a slight slope on the eastern side and it is accessed via a narrow drive from Duffryn Street along the flank wall of the modern dwelling at number 2A Penallta Villas. There is an existing garage at the end of the existing drive and adjacent to the bungalow.

Development: The proposal seeks full planning consent for the erection of a detached dormer bungalow. The dwelling is to be sited directly to the south of but at right angles to the existing bungalow such that it has an east/west aspect. The dwelling will accommodate a kitchen/breakfast room, dining room, lounge, hall, w.c. and study/bedroom on the ground floor with two bedrooms (one with en-suite) and a bathroom on the first floor. There will be two dormer windows on the western roof plane with roof lights on the eastern roof plane.

The application also proposes the demolition of the detached garage that currently serves number 3A Penallta Villas in order to provide access to the site and three parking spaces will be provided for the new dwelling and a new garage is to be provided for the existing dwelling.

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Dimensions: The dwelling measures 11.7m by 8.1m by 8.5m high at its highest point (allowing for the slight slope in the site).

Materials: Face brickwork with concrete roof tiles.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

5/5/87/0181 - Erect glass conservatory - Granted 21.05.87.

5/5/89/0364 - Convert dormer rooms to self-contained granny flat - Granted 24.07.89.

5/5/91/0650 - Extend existing conservatory - Withdrawn 04.11.91.

08/1344/OUT - Construct single detached bungalow with rooms within roof space - Granted 11.06.09.

11/0718/FULL - Erect detached domestic garage - Granted 14.11.11.

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)

CW15 (General Locational Constraints).

Adopted Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

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National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) 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

Transportation Engineering Manager - No objection subject to conditions.

Countryside And Landscape Services - No objection subject to a condition regarding clearance of the site in respect of breeding birds.

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

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

ADVERTISEMENT

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

Response: Four letters of objection were received from local residents.

Summary of observations:

1. The dwelling would directly overlook numbers 5 and 7 Penallta Villas and cause a loss of privacy,
2. The dwelling would overshadow number 7 Penallta Villas,
3. The proposed dwelling is out of keeping with the character of the site,
4. The proposal would lead to the loss of mature trees on the site,
5. The existing access is unsuitable to serve the proposed development,
6. The increased use of the access would lead to amenity issues for number 2A Penallta Villas as a result of construction traffic and off street parking for the dwelling,
7. Access to the site should be gained off Penallta Road
8. The proposal could exacerbate existing drainage problems at number 5 Penallta Villas.

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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 an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are the objections raised by the neighbours and in that regard each will be considered in turn below:-

1. The scheme has been revised to amend the location of the dwelling such that it is a minimum of 21m away from the habitable room windows of all of the surrounding dwellings. As such it is not felt that there would be any significant loss of privacy to any neighbouring dwellings.
2. It is considered that the dwelling is sufficiently far away from all neighbouring dwellings that there would be no overbearing impact, even allowing for the differences in levels between the application site and surrounding properties.
3. As ever design is a very subjective issue and there is no doubt that the proposed dwelling is not in keeping with the character of the original dwellings at Penallta Villas. However, a number of more modern single and two-storey dwellings have been erected in this area and it is not felt that this proposal would be out of keeping with the character of those dwellings.
4. A number of shrubs would need to be removed to accommodate the dwelling but no mature trees. It is not felt that these shrubs are an important feature of the local landscape and as such their loss would not be unacceptable.
5. The use of the existing access to serve the development has been considered by the Transportation Engineering Manager and found to be acceptable subject to the imposition of conditions requiring minor improvements.

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6. It is not felt that the additional traffic flows associated with this proposal would have unacceptable adverse impacts on the amenity of the neighbouring dwellings. The access runs along the pine end of the nearest property and there are no windows in that elevation. It is also felt that the proposal would not represent a significant increase in traffic using the existing access.
7. The Local Planning Authority has a duty to consider what is before it. The use of the existing access is considered to be acceptable and as such it would be unreasonable to require the provision of an alternative access.
8. No objections have been raised by statutory consultees in respect of drainage issues and as such it is considered that the application is acceptable in that regard.

In conclusion it is considered that the application is acceptable in planning terms and there are no material planning considerations that would justify refusal of the application. It should also be borne in mind that outline planning permission was granted in 2009 for a detached bungalow with rooms in the roof space, and that permission is still extant.

Comments from consultees: No objections raised.

Comments from public: Addressed above.

Other material considerations: In line with Planning Policy Wales and Technical Advice Note 22 Sustainable Buildings, conditions should be imposed to ensure that the development is built to comply with the Code for Sustainable Homes.

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 hereby approved relates to the details received on 7th May 2013 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.

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- 03) 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, any gates shall be set back not less than 5m from the edge of the carriageway and the gates shall be located and fitted so as not to open outwards towards the highway.
REASON: In the interests of highway safety.
- 04) 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.
- 05) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water 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.
- 06) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, 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.
- 07) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.

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- 08) 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 enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 09) 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.
- 10) 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 enlargement to the dwelling consisting of an addition to or alteration to its roof shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 11) 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.
- 12) Prior to the commencement 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 dwelling is occupied.
REASON: In the interests of the visual amenities of the area.

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- 13) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work an 'Interim Certificate' carried out in relation to each dwelling by an accredited body, certifying that each dwelling shall achieve Code for Sustainable Homes (Version 3) Level 3 and one credit under 'Ene1 - Dwelling Emission Rate', shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 14) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

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 and CW3.
