

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0311/FULL 29.07.2015	Mrs M Lippard Brynhyfryd 6 Old Parish Road Hengoed CF82 7HU	Erect a new dwelling Brynhyfryd 6 Old Parish Road Hengoed CF82 7HU

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The land forming this site is situated off Kings Hill on the Old Parish Road, Hengoed. Recently constructed dwellings at Cae Canol abut the northern boundary of the site and a detached bungalow within a large plot abuts the eastern boundary of the site.

A high traditional hedge forms the southern boundary of the site above a dry stone wall. The north and east boundaries are formed with a mix of hedging and close boarded fencing. On the southern boundary is a Horse Chestnut tree subject of Tree Preservation Order (36/79/RVDC). Other trees on site include a mature Cedar and a row of mature sycamore situated on the northern boundary adjoining the rear access lane.

The site is located within a predominantly residential area within the settlement boundary. The proposal is within the large garden curtilage of Brynhyfryd, a detached, two-storey, traditional Victorian dwelling with single storey, detached, residential annex built in 1984 as a 'granny annexe'.

Old Parish Road, an adopted highway runs along the southern and western boundary of the site and provides vehicular access to the existing dwelling and its detached granny annex. This road was closed on its boundary with the development of Cae Canol to the north, and is now a cul de sac.

The topography of the site is gently sloping, currently part of a mature garden with lawn, with plants and shrubs set at different levels. The garden is relatively flat although raised approximately 1.75m above the level of the public highway. The original house is situated above the garden to the west side with the 'granny annex' located within the middle section of the garden.

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Development: Full planning permission is sought in respect of the erection of a three bedroom dwelling being sited towards the northern boundary of the garden. A new vehicular access is proposed off Old Parish Road, which will require a considerable depth of excavation to bring the drive in from the public highway into the garden. It will also require a retaining wall to be constructed either side of the driveway. The design of the dwelling is modern, flat-roof, two-storey, with a full width front porch with balcony. The roof partially comprises a 'living' flat roof accessed via an internal stairway, accommodated within a small box-like third 'storey'.

Dimensions: The footprint of the dwelling has maximum dimensions of 10.7m by 10.7m, by approximately 6.2m high to the top of the flat roof, with the stair accommodation an additional 2.2m above that. The building will be set a minimum of 3m from the rear boundary with the adjoining property in Cae Canol.

Materials: A mixture of timber and zinc cladding, and white rendered walls will comprise the main finishes of the building.

Ancillary development, e.g. parking: Four off-street car parking spaces.

PLANNING HISTORY

P/01/1015 - Prune and top tree by about one third (TPO 36) - Granted 19.11.01.

P/04/0950 - Convert loft - Granted 13.08.04.

14/0519/FULL - Erect a new low carbon dwelling - Refused 15.12.14.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - settlement boundary.

Policies:

Strategic Policies

SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place making, SP10- Conservation of Natural Heritage, SP21 - Parking Standards.

Cont'd.....

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Countywide Policies

CW2 - Amenity, CW3 - Design considerations - highways, CW6 - Trees, Woodland and Hedgerow Protection, CW15 - General locational constraints, and supplementary planning guidance contained in LDP4 - Trees and Development. LDP5 - Parking Standards, LDP6 - Building Better Places to Live, LDP7 - Householder Developments.

NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014, TAN 12 - Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this planning application.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions being attached to any consent in respect of the construction of the access, visibility splays and parking provision.

Countryside And Landscape Services - Request conditions are attached to any consent requiring that no site/vegetation clearance is to be carried out during the bird breeding season together with biodiversity enhancements in respect of bat roost and bird nesting provision.

Senior Arboricultural Officer (Trees) - Has no objection subject to a conditions being attached to any consent that the contents of the submitted document "Arboricultural Development and Construction Method Statements" be adhered to in full and the applicant confirm in writing pre-commencement of any development activities their appointment of a suitably qualified site arborist.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - Requests a condition is attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer.

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Application No. 15/0311/FULL Continued.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and eighteen neighbouring properties have been consulted.

Response: Representations have been received on behalf of the occupants of two neighbouring properties.

Summary of observations:

- Overbearing - too close to existing properties
- there is adequate room to move the proposed dwelling away from the rear boundary
- loss of privacy, particularly from the rooftop garden
- not in keeping with surrounding properties
- plans unclear.

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 that would prejudice the determination of this application..

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The site has the potential to support breeding birds and as such it is considered appropriate to attach a condition to any consent preventing site/vegetation clearance during the bird breeding season. Due to the location of the proposed new property close to bat and bird foraging habitat, it is considered appropriate to request the developer to make bat and bird nesting provision within the new property as a biodiversity enhancement. This may be addressed by attaching appropriate conditions to any consent.

Tree Preservation Order No.36/79 RVDC exists in relation to a Horse Chestnut tree within the proposed development site and any proposed development should have regard to the continued protection of this tree. The application has been supported by a Tree Protection Statement, which has been considered by this Council's Arborist who has raised no objection to the development subject to conditions.

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Is this development Community Infrastructure Levy liable? Yes. The site is located within the mid-range viability charging zone in respect of CIL.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main issues are considered to be the compatibility of the use with neighbouring land uses, design, highway considerations and the impact of the development upon the Horse Chestnut tree protected under Tree Preservation Order No. 36/79/RVDC.

This is a resubmission of a previous planning application, which was refused because its form, appearance and materials used were considered at odds with the character of the traditional built form of the existing dwelling Brynhyfryd surrounding neighbouring dwellings along Old Parish Road, and also the contemporary built form of more modern housing at Cae Canol. It was also considered the development would by virtue of its siting and orientation have an overbearing and overshadowing impact on the occupiers of the neighbouring dwelling at 21 Cae Canol and would result in overlooking and loss of privacy as a result of its siting and design to the detriment of the residential amenity of occupiers of neighbouring properties. Also, insufficient detail was provided to ascertain whether the proposed development would significantly impact on the Horse chestnut tree subject of Tree Preservation Order 36/79/RVDC. This application aims to address those reasons for refusal by locating the proposed dwelling further away from the boundary with 21 Cae Canol from that originally submitted. The proposal subject of the planning refusal was 60cms from the boundary with 21 Cae Canol. This development proposes the dwelling to be a minimum of 3m away from the boundary. The application is also supported by a Tree Survey and Construction Method Statement.

General development control considerations are set out in policies SP6 (Place making), CW2 (Amenity) and CW3 (Design considerations: Highways) of the LDP.

Strategic Policy SP6 of the LDP sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement, seek a high standard of design, seek locations that make the most of sustainable transport and accessibility principles and realises the efficient use of land. The proposed development site lies to the east of the A469 within the settlement area of Hengoed and offers the opportunity to provide housing, which will be close to residential areas and local facilities.

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In consideration of policy SP6 the proposal is within a sustainable location. In terms of design, since the previous decision, the local planning authority has allowed dwellings of modern design in areas where there is a mixture of designs from different eras, and on that basis it would be consistent to accept the current proposal.

In terms of amenity, Policy CW2 of the LDP is also relevant and objections have been received on that basis. The proposed dwelling is positioned further away from the common boundary with 21 Cae Canol than that previously proposed but it is considered that it would still have an overbearing impact and an adverse effect on the outlook from the garden at 21 Cae Canol. The latter is set at a lower level than the application site, with a high fence and retaining wall on the common boundary, with an open aspect over it. The proposal would introduce an obtrusive structure into that area to the detriment of the neighbours' amenities.

There is an existing bungalow to the east, which is set some 9.5m from the common boundary, at a lower level and has windows facing the application site. The new house would be set some 1.7m off the boundary and so the intervening distance would be sufficient to maintain the amenities of that neighbour. Furthermore, outline planning permission has been granted for a dwelling (reference 15/0409/OUT) in the intervening area on the neighbour's land, thereby screening the current proposal from the existing bungalow. If the current proposal were approved, the design of the dwelling allowed in outline would have to take account of that.

Policy CW3 of the LDP sets out criteria in terms of highway design considerations. In this respect the Transportation Engineering Manager has raised no objection to the development subject to the conditions relating to access provision and car parking provision.

Comments from consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent should the application be granted.

Comments from public: The concerns of the neighbours will be considered in turn below.

- Overbearing - too close to existing properties - this matter has been considered above.
- There is adequate room to move the proposed dwelling away from the rear boundary - this is the case, but the applicants are reluctant to move the dwelling any further because the resulting area at the rear will be 'dead space'.

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- loss of privacy, particularly from the rooftop garden - there is a balcony at the front of the dwelling which will incorporate a screen to prevent overlooking to the east, but there is potential for a loss of privacy from the roof garden; however, this matter could be addressed by the introduction of barriers if the recommendation were to approve.
- not in keeping with surrounding properties - this matter has been considered above.
- plans unclear - there is sufficient information to determine the application.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) The proposed development, due to its siting and scale, will have an overbearing impact on, and result in the loss of an open aspect southwards for the neighbouring property at 21 Cae Canol, to the detriment of the amenity of the occupiers of that dwelling contrary to policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
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