

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0980/FULL 14.11.2017	Mr McNiel 28 Rhodfa Glascoed Blackwood NP12 1GW	Erect two-storey extension to rear of property 28 Rhodfa Glascoed Blackwood NP12 1GW

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application property is located on the eastern side of Rhodfa Glascoed, Blackwood.

Site description: The application property is a detached dwelling with front and rear gardens.

Development: Full planning permission is sought to erect a two storey extension to the rear of the property.

Dimensions: The two storey extension measures 7.8 metres in width by 3.5 metres in depth with a height of 6.0 metres to the ridge height of the parapet wall. The application is reported to Planning Committee because the agent is related to a member of staff in Planning.

Materials: Facing brick and upvc to match host dwelling.

Ancillary development, e.g. parking: The provision of a juliet balcony is proposed on the rear elevation.

### PLANNING HISTORY 2005 TO PRESENT

None.

### POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The land is located within settlement limits.

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Policies: SP5 (Settlement Boundary), SP6 (Place Making), CW2 (Amenity), CW15 (General Locational Constraints) and advice contained in the Council's Adopted Supplementary Planning Guidance LDP7: Householder Developments (2017).

NATIONAL POLICY Planning Policy Wales Edition 9 (November 2016) and TAN 12: Design (March 2016).

### 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 site is located within an area where no coal mining report is required however standing advice will be provided.

### CONSULTATION

Countryside And Landscape Services - No objection subject to the imposition of biodiversity enhancement conditions attached to any permission.

### ADVERTISEMENT

Extent of advertisement: A site notice was not required in this instance, however six neighbours were notified by letter.

Response: Three letters of representation were received objecting to the proposal.

Summary of observations: The following concerns were raised:

1. The development will adversely affect existing views from the rear of 31 Rhodfa Glascoed.
2. The development is overbearing and not in keeping with other developments in the surrounding area.
3. The proposal is overdevelopment.
4. The scale of the development would give rise to overshadowing and loss of light to dwelling and garden of 30 Rhodfa Glascoed.

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5. The proposal may lead to the lower garden level being raised to same level as the folding door threshold to the rear of the property and this would result in a loss of privacy to the occupiers of 29 and 30 Rhodfa Glascoed.
6. The juliet balcony will give rise to direct overlooking into 30 Rhodfa Glascoed.
7. Potential devaluation of the neighbouring properties.

### 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 material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable as the proposal intends to create less than 100 square metres of additional floor space.

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policies and supplementary planning guidance. The main issues to consider in the determination of this application is whether the proposed extension is acceptable in terms of its design, fenestration, materials and scale, its impact on the amenity of the neighbouring properties of 27, 29 and 30 and Rhodfa Glascoed and its impact on visual amenity of the surrounding area.

In terms of the design, whilst the flat roof proposal is contrary to guidance contained within Guidance Notes 1 and 2 of Supplementary Planning Guidance LDP7: Householder Developments (2017), the design has been constrained by virtue of the original rear dormer windows. However, given that that the design of properties no. 23 - 28 Rhodfa Glascoed are large detached properties with references to Georgian and Victorian architectural detail, flat roof extensions with parapets were common features during the above architectural eras. In terms of the fenestration and materials, the materials match the host dwelling and the proposed fenestration emphasises symmetry and does not give rise to overlooking to windows of the neighbouring properties.

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With regards to the scale of the proposal, advice contained in Supplementary Planning Guidance LDP7: Householder Development is of relevance. In particular, Guidance Note 2 of Supplementary Planning Guidance LDP7: Householder Developments (2017) states:

"Extensions and conservatories should not cast large shadows onto neighbour's houses or gardens. As a general rule single storey extensions near to a ground floor window of any principal room in an adjoining property, should be no longer than 4 metres, whilst two-storey extensions in the same circumstances should be no longer than 2 metres. A 'principal room' can be defined as one of the main rooms of a house, such as a living room, main bedroom and dining room.' Unless the context allows otherwise, those dimensions could be increased to a maximum of 6 metres and 4 metres respectively, where the extension does not breach a line taken at 45 degrees from the centre of the nearest ground floor window of any principal room in an adjoining property, and it would not have an overbearing effect or an adverse impact on outlook."

The nearest neighbour to the proposal is no.27 and the proposal does not interfere with the theoretical 45 degree line. It is noted that properties 29 - 31 Rhodfa Glascoed are located to the south of the application property and are at a lower level also, as such, whilst not the nearest to the application property, consideration needs to be given to the scale of the proposal and the impact on these properties below regardless of the advice contained within Supplementary Planning Guidance LDP7: Householder Developments (2017).

In that regard The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 is of relevance whereby it is now possible to erect a two storey extension within two metres of a boundary up to a maximum of 4.0 metres in depth on the ground floor and 3.0 metres in depth at first floor subject to criteria without the need to apply for planning permission. Given that the proposed extension measures 3.5 metres in depth and the roof pitch does not match the dwelling house, the development fails to comply with (General Permitted Development) (Amendment) (Wales) Order 2013, however the "fallback position" should be considered. As such, one of the main considerations in this application is whether the additional 0.5 metres in depth at first floor level and the flat roof design would have a significant overbearing impact upon the amenity received by the occupiers of 30 and 31.

Policy CW2 of the Adopted Caerphilly Local Development Plan (November 2010) also states that development proposals must not result in an unacceptable impact on the amenity of adjacent properties or land. Whilst the neighbouring properties are located at a lower level, the proposed works are located to the north of these properties and the rear elevations are already restricted in terms of the amount of daylight and sunlight received. The rear elevation of no.30 is located approximately 15 metres away from the

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proposed development and 10 metres away from the conservatory. The rear elevation of no.29 is located approximately 16 metres away from the proposed development. Therefore, whilst the proposal may result in a slight loss of daylight to these properties, it is not considered that the additional 0.5 metres in depth of the first floor element of the extension would have an overbearing impact to a degree that is significant enough to justify warranting refusal of planning permission. Furthermore, the flat roof design has an impact far less in terms of allowing light to be received to the properties to the south when compared to a pitch roof design.

Finally, with regards to the impact that the proposal will have on the character and appearance of the surrounding area, the proposal is located on the rear elevation of the application property, as such it is not considered that the proposal will have a detrimental impact to the appearance or character of the existing street scene or upon the public realm. Therefore the proposal complies with policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

Comments from consultees: The council's ecologist has requested the imposition of biodiversity enhancements for bat and bird provision to be included within the development. Given that the proposed works do not affect the roof space or eaves and is slightly over the thresholds for permitted development, it is not considered reasonable or necessary to impose such conditions.

Comments from public: The following concerns were raised:

1. The development will adversely affect existing views from the rear of 31 Rhodfa Glascoed - Whilst the proposal will slightly restrict the views currently enjoyed from the first floor of the property, the right to a view is not a material planning consideration.
2. The development is not in keeping with other developments in the area - This has been discussed in the report above.
3. The proposal is overdevelopment - It is not considered that the proposal results in over development of the site as sufficient amount of rear amenity space would remain.
4. The scale of the development would give rise to overshadowing and loss of light to dwelling and garden of 30 Rhodfa Glascoed - This has been discussed in the report above.
5. The proposal may lead to the lower garden level being raised to same level as the folding door threshold to the rear of the property and this would result in a loss of privacy to the occupiers of 29 and 30 Rhodfa Glascoed - Should the occupiers of no. 28

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wish to increase the ground levels within the rear curtilage by more than 0.4 metres in height, there will be a need to apply for planning permission. Speculation of any future development at the property is not a material planning consideration, however an advisory can be attached to any permission granted.

6. The juliet balcony will give rise to direct overlooking into 30 Rhodfa Glascoed - It is not considered that the juliet balcony will give rise to any loss of privacy as the impact would be no different to a window and the orientation of angles between such properties is oblique.

7. Potential loss of value to the neighbouring properties - This is not a material planning consideration.

Other material considerations: None.

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:  
Drawing No.2 As Proposed - Proposed Elevations received on 14.11.2017;  
Drawing No.3 As Proposed - Proposed Floor Plans received on 14.11.2017.  
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.

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- 04) 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.

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.

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.

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

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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](http://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](http://www.gov.uk/government/organisations/the-coal-authority).

The applicant should be made aware that any change in ground levels or raised platform measuring over 0.4 metres in height within the rear garden will require planning approval from the Local Planning Authority and it should be noted that such permission may not be granted.

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).

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.



