

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0065/FULL 19.01.2018	Mr G Jones 5 Oak Tree Rise Homeleigh Newbridge Newport NP11 4RH	Erect rear single storey bathroom extension and rear first floor shower room extension 4 Penmaen Road Pontllanfraith Blackwood NP12 2DL

APPLICATION TYPE: Full Application.

SITE AND DEVELOPMENT

Location: The application property is located on the eastern side of Penmaen Road, Pontllanfraith.

House type: Two storey mid terrace property with an original ground floor annexe to the rear.

Development: Full planning permission is sought for the erection of a two storey rear extension. The ground floor element will provide a utility room and bathroom whilst the first floor element will provide relocation of one bedroom.

Dimensions: The ground floor element of the proposal measures 3.2 metres in width by 2.7 metres in depth with a height of 2.4 metres to the eaves and 3.5 metres to ridge height.

The first floor element measures 3.2 metres in width by 2.0 metres in depth with a height of 5.5 metres to the eaves and 6.7 metres to ridge height.

Materials: Render, concrete roof tiles and white upvc to match existing.

Ancillary development, e.g. parking: None proposed.

PLANNING HISTORY 2005 TO PRESENT

17/0996/FULL - Erect two storey rear extension - Refused 15.01.18.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is located within settlement limits.

Policies: SP5 (Settlement Boundaries), 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

Ecologist - No objection subject to the imposition of biodiversity enhancement conditions attached to any permission granted.

ADVERTISEMENT

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

Response: One letter of representation has been received.

Summary of observations: The following concerns were raised:

1. The dwellings were designed to take into consideration the orientation of sun movements.
2. The dwellings as built have afforded the benefits of sufficient sunshine and light.

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3. The occupiers of no.4 require agreement from the neighbouring occupiers when exceeding 4.0 metres in depth.
4. The existing first floor layout of no.4 is no smaller than that of no.6.
5. The proposal may disrupt the existing underground pipework and cause future problems.
6. The conservatory that has subsequently been removed allowed sufficient light, however the current proposal will have adverse impacts.
7. Overbearing and overshadowing impact on the occupiers of no.6.
8. The occupier of no.6 was not consulted by the applicant prior to submission of this application.
9. The first floor element of the proposal is considered to be inappropriate development.

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 planning application.

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.

COMMUNITY INFRASTRUCTURE LEVY

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

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main issue to consider in the determination of this application is whether the proposed works would have an overbearing impact on the amenity of the occupiers of 6 Penmaen Road, Pontllanfraith.

A previous applications at the property (Ref: 17/0996/FULL) for a two storey rear extension were refused for the following reason:

"By virtue of its siting and scale, the proposed first floor rear extension would result in an unacceptable overbearing and overshadowing impact on the occupiers of no. 6

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Penmaen Road, resulting in a loss of daylight and sunlight. Such an impact is contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, as well as Guidance Note 2 of the Local Planning Authority's Adopted Supplementary Planning Guidance LDP7: Householder Developments (2017)."

The resubmitted scheme has been amended to reduce the depth of the first floor element of the two storey extension. This now measures 2.0 metres in length from the rear wall of the application property compared to the 3.7 metres previously proposed. With regards to the design, the two storey extension is considered to be acceptable in terms of its setting, materials, roof design and fenestration.

In terms of its size and the impact that the development would have upon the neighbouring dwelling (6 Penmaen Road), 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."

In that regard the application property benefits from an original single storey annexe and therefore the ground floor element of the proposal is commensurate with what can be built under permitted development. In terms of the first floor element, the 2.0 metres first floor extension accords with the above guidance.

Due to the orientation of the dwellings within this terrace, it is acknowledged that the occupier of no.6 Penmaen Road experiences overshadowing at certain times of the day. However, it is not considered that the first floor element of this proposal would have an overbearing impact or exacerbate any existing overshadowing to a degree sufficient enough to warrant refusal of planning permission. Furthermore, it is not considered that the proposal would have an adverse impact on outlook or bring about any loss of

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privacy. As such the proposal accords with policy CW2 of the Caerphilly County Borough Council Local Development Plan up to 2021 (adopted November 2010).

Comments from consultees: Whilst the council's ecologist has requested the imposition of bird breeding provision and bat roost provision, given the nature of the development proposed, it is not considered reasonable or necessary to impose two conditions to this permission and subsequently one condition is considered appropriate for the development proposed.

Comments from public: The following representations were raised:

1. The dwellings were designed to take into consideration the orientation of sun movements - Orientation of the dwelling, the tracking of the sun's movements and advice contained within supplementary planning guidance LDP7: (Householder Developments) have been taking into consideration in the determination of this application.
2. The dwellings as built have afforded the benefits of sufficient sunshine and light - Whilst the depth of the first floor element of the proposal is considered to be unacceptable, a reduction to two metres complies with the Council's Supplementary Planning Advice LDP7 :Householder Developments (2017).
3. The occupiers of no.4 require agreement from the neighbouring occupiers when exceeding 4.0 metres in depth - The applicant served notice on the occupier of no.6 Penmaen Road. Further issues can be addressed under the Party Wall Act.
4. The existing first floor layout of no.4 is no smaller than that of no.6 - This is not a material planning consideration, it is within the applicant's gift to apply for planning permission to increase the footprint of the dwellinghouse.
5. The proposal may disrupt the existing underground pipework and cause future problems - This is not a material planning consideration. and can be addresses through the submission of a building regulations approval application.
6. The conservatory that has subsequently been removed allowed sufficient light, however the current proposal will have adverse impacts - It is difficult to ascertain the extent of the original ground floor annexe at no.4, however as the applicant has permitted development rights, a structure of 4.0 metres could be erected onto the existing annexe without the need for planning permission and would have a similar impact to the ground floor element proposed as part of this submission.
7. Overbearing and overshadowing impact on the occupiers of no.6 - This has been discussed in the report above.

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8. The occupier of no.6 was not consulted by the applicant prior to submission of this application - There is no requirement for the applicant to consult with neighbours prior to submission of any application for planning permission, however the Local Planning Authority encourages neighbourly conversations prior to the submission of any application.

9. The first floor element of the proposal is considered to be inappropriate development - Whilst the occupier of no.6 considers that any first floor development to the application property is unacceptable, the Council's Supplementary Planning Advice LDP7: Householder Developments acknowledges that first floor extensions up to 2.0 metres in depth is acceptable in planning terms and can project considerably further subject to the 45 degree rule.

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:
Dwg No. 15-11-17/1 (A) Proposed Plans and Elevations received on 19.01.2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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- 03) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats the two storey extension shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 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.

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.

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

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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).

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.

