

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/1092/FULL 11.01.2018	Mr C Vaughan New Inn Victoria Road Fleur-de-lis Blackwood NP12 3UP	Erect rear single storey extension providing a living room and billiard room New Inn Victoria Road Fleur-de-lis Blackwood NP12 3UP

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The property is located on the western side of Victoria Road.

Site description: The application site is a former public house, that was converted into a residential unit in the 1980's.

Development: A single storey rear extension.

Dimensions: The rear extension projects out by 4.6m, and is 15.8m wide. The height to the eaves is 2.4m, and to the highest point on the ridge is 3.4m.

Materials: To match the existing, white render with concrete interlocking roof tiles and white UPVC glazing.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021, Adopted November 2010.

Site Allocation: The site is in the settlement boundary of Fleur-De-Lis.

Policies: Policy CW2 (Amenity) and guidance contained in Supplementary Planning Guidance LDP7: Householder Development.

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CW2 (Amenity) ensures that development proposals have regard for all relevant material planning considerations to ensure that there is no unacceptable impact on the amenity of adjacent properties or land, the proposal would not lead to overdevelopment and that the development would be compatible with the surrounding land uses.

NATIONAL POLICY Planning Policy Wales (9th Edition) and Technical Advice Note 12: Design (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 site lies in an area where there may have been previous coal mining. An informative will be provided should the application be recommended for approval.

CONSULTATION

Countryside And Landscape Services - No comments received at time of writing the report, however considering the works proposed, advisories will be put on relating to the potential of bats and buildings should the application be recommended for approval.

Dwr Cymru - No objection. Information should be provided to the applicant should the application be recommended for approval.

ADVERTISEMENT

Extent of advertisement: The application was advertised by neighbourhood letters to the nearest eight properties.

Response: Two letters of objection were received.

Summary of observations: The issues raised with the application are summarised below:

- 1) Buildings are already closely related consequently the extension will have an overbearing impact;
- 2) The extension will be 14 foot (4.3m) high at the ground level of the patio of the adjacent bungalow;

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- 3) Extension will overshadow kitchen window and downstairs bathroom;
- 4) A reduction in the depth of the extension would be welcomed;
- 5) Extension will block light into the patio area;
- 6) When scaffolding used on the application property, workmen able to look into the bathrooms;
- 7) If there are skylights proposed, there would be a clear view into the upstairs bathroom (which also has a skylight).

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?
Crime and disorder are not considered to be issues in 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, as the proposed increase in floorspace would be less than 100 square metres.

ANALYSIS

This application is before planning committee as the applicant is a member of Council staff.

Policies: This application has been considered in accordance with Local Plan Policy and Supplementary Planning Guidance. The main points to consider in the determination of this application are whether the proposal is acceptable from a design perspective, and whether the proposal would have an overbearing and overlooking impact on the adjacent dwellings at 'The Bungalow' and No. 5 Julian Heights.

In terms of design, the scheme is considered to be acceptable as the materials proposed match the existing dwelling house. The pitch of the roof is relatively low, and the upper windows are not to be replaced. The extension is removing patio doors at the rear, and replacing them with patio doors to the western elevation, and a bay window to the eastern elevation (which fronts Victoria Road). In order to maximise light to the extension, a roof lantern is proposed. Whilst this is not strictly similar to the host

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property in design terms, the area is characterised by a myriad of different styles of dwellings, therefore would not add an unacceptable design element to the area. The extension is in keeping with the host dwelling and proposed extension is therefore considered acceptable and in accordance with policy CW2 (Amenity) part (a).

With regard to the potential overbearing and overlooking impact on the adjacent dwellings, the impacts on 'The Bungalow' and No. 5 Julian Heights are different and as such, the impact on both properties will be assessed separately.

Turning firstly to the impact on the property at the rear of the application 'The Bungalow', the existing separation distance between both properties is 8.4m (at its closest) to 9.1m (at its furthest). The proposed extension would see this separation distance decrease to 3.6m and 5.0m respectively. 'The Bungalow' is also set down from the application property by approximately 0.6m, consequently any development would have a negative impact. Consideration must be given to the size of extension that could be erected under permitted development rights. In this specific location, a rear extension of up to 4 metres could be erected across the entire width of the property, without the need for planning permission. Therefore, the main consideration in the determination of this application is whether the additional 0.6 metre would have an adverse negative impact on 'The Bungalow', and whether this is sufficient to justify refusing the application.

Guidance contained in LDP7: Householder Development states that "Extensions and conservatories should not cast large shadows over, or have an overbearing impact on, a neighbour's house or garden". As a general rule single storey extensions on the common boundary and near to a ground floor window of any principal room should not be longer than 4 metres, however these limitations can be exceeded depending on the context of the proposed extension. Those that are pertinent to this application are:

- Orientation of the house;
- Location of any windows and the rooms they serve.

It is also noted that the rooms directly affected in 'The Bungalow' are a kitchen and bathrooms. However, LDP7: Householder Development, does not classify these rooms as 'principal habitable rooms'. As such, this would be one situation where the 4.0m rule could be exceeded. Given that the two properties are closely located as well as the difference in levels, there is already an element of overshadowing and overbearing caused by the application property. Furthermore, a 2m boundary fence could be erected at the application property without the need for planning permission, which would have a similar, if not greater impact on 'The Bungalow' than the proposed extension. Similarly, the application is proposing no windows directly facing 'The Bungalow', which could be installed without the need for planning permission if the applicants were to

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utilise their permitted development rights. The design of the scheme minimises the impact the development would have, as the height of the eaves and ridge of the roof are low, and only take into account general head height.

With regards to the impact on No. 5 Julian Heights, the proposed extension seeks to install a patio door on the western elevation that would be approximately 17m away from the bedroom windows of No. 5. Guidance contained in LDP7: Householder Development seeks to ensure that the separation distance of approximately 21m is sought for a back-to-back situation. As this would be a side-to-back scenario, coupled with the close boarded fence that surrounds the site, any potential overlooking is predominantly prevented. In order to ensure that overlooking is restricted, it is deemed necessary to impose a condition stipulating that the fence nearest to No. 5 should always be at a height of 1.8m high.

In summary, given that fall-back position of what could be erected under permitted development, on balance the proposal will not have a sufficient impact on 'The Bungalow' or No. 5 Julian Heights to warrant a refusal. Given the close proximity to the neighbouring dwellings, it is deemed necessary to impose conditions restricting the addition of windows and dormers without prior approval from the Local Planning Authority. As such, planning permission for this extension is recommended for approval.

Comments from consultees: These are incorporated in the report above.

Comments from public:

1) Buildings are already closely related consequently the extension will have an overbearing impact;

This is noted and is discussed in the above report.

2) The extension will be 14 foot (4.3m) high at the ground level of the patio of the adjacent bungalow.

This issue is discussed in the above report.

3) Extension will overshadow kitchen window and downstairs bathroom.

This issue is discussed in the above report.

4) A reduction in the depth of the extension would be welcomed.

This application can only consider the merits of the proposal as submitted.

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5) Extension will block light into the patio area.

Given the low height to eaves, as well as the fall-back position of a 2.0m boundary fence and a 4.0m rear extension being erected, the impact generated by the extension will not be significant to justify a refusal.

6) When scaffolding used on the application property, workmen able to look into the bathrooms

Any potential overlooking would be limited to during the construction period.

7) If there are skylights proposed, there would be a clear view into the upstairs bathroom (which also has a skylight).

The skylights on the proposed extension are located at a height of 2.3m high, making any overlooking impact down onto 'The Bungalow' difficult due to the acute angle. The outlook would be to the top of 'The Bungalow' roof, or the sky.

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 titled 'Proposals at New Inn Cottage' dated 29/11/2017 received 21/12/2017.
 - Site Layout Plan received 21/12/2017.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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- 03) 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 in the extension hereby approved without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 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 enlargement to the extension 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.
- 05) Notwithstanding the submitted plans, the boundary treatment on the west of the site (closest to No. 5 Julian Heights) shall be at least 1.8m high (but no higher than 2.0m) and shall be maintained in perpetuity as such.
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

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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 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 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.

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 find attached the comments of Dwr Cymru / Welsh Water that are brought to the applicant's attention.

