

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0360/RET 26.04.2019	Mr A Layman 64 Cae Collen Blackwood NP12 1FF	Retain and complete a rear single storey garden shed/store 64 Cae Collen Blackwood NP12 1FF

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application property is located on the eastern side of Cae Collen, Blackwood.

House type: Two storey detached dwelling located on the corner of a cul-de-sac.

Development: Planning permission is sought to retain and complete a single storey garden shed/store within the rear curtilage of 64 Cae Collen.

Dimensions: The outbuilding has a maximum footprint of 3.9 metres in width by 5.25 metres in depth with a height of 2.2 metres to the eaves and 3.57 metres to ridge height.

Materials: Facing brick, concrete roof tiles, upvc glazing together with white fascia boards, soffits and rainwater goods to match the host dwelling.

Ancillary development, e.g. parking: 1.8 metre high facing brick privacy screen.

PLANNING HISTORY 2005 TO PRESENT

07/0432/FULL - Convert attic to include one en-suite bedroom - Granted 23.05.2007.

16/0920/FULL - Erect rear single-storey lounge - Granted 20.12.2016.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within settlement limits.

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Policies: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW15 (General Locational Constraints) and advice contained within the Local Planning Authority's adopted Supplementary Planning Guidance LDP 7: Householder Developments (January 2017).

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018) and Technical Advice Note 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? Due to the nature of the application and the amount of floor space created, building regulations approval is not required, however informative advice will be provided.

CONSULTATION

Ecologist - No objections.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and four neighbours were notified by letter.

Response: Two letters of response have been received objecting to the development together with the concerns of the objectors being represented by two local Ward Members and Blackwood Town Council. One letter of response has been received raising issues that are not pertinent to this application, and two letters in support of the development have been received.

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Application No. 19/0360/RET Continued

Summary of observations:

OBJECTOR, LOCAL WARD MEMBERS AND BLACKWOOD TOWN COUNCIL CONCERNS

1. The development is not a shed.
2. Excessive development at this property together with the amount of retrospective applications submitted to the Local Planning Authority.
3. The building will be used in connection with the applicant's landscaping business.
4. The proposal increases Flood Risk as a result of increased surface water run-off from this property.
5. The proposal sets a precedent for concreting garden areas and therefore increases the risk of flash flooding.
6. Loss of privacy as a result of previous development approved by the Local Planning Authority.
7. The previous permissions have resulted in significant light pollution to the occupier of 8 Llwyn Coed together with its impact upon birds and bats in the adjacent woods.
8. The applicant causes nuisance parking with his commercial vehicles.
9. On street nuisance car parking has reduced throughout the course of this application.
10. Concerns about future development proposals at the property.
11. The applicant should not be allowed to use land that the Council previously refused the occupiers of 6 Llwyn Coed to purchase.

REPRESENTATIONS RECIEVED IN SUPPORT

1. The neighbours most affected by the proposal (no. 62 Cae Collen) have no objection to the application.
2. The building works to date have been completed in a professional manner with the minimum disturbance to the immediate and wider surrounding neighbours.
3. The applicant has been invited to park any vehicles required in connection with the development within the curtilage or outside of a neighbouring property where not all of the off-street car parking spaces are utilised and this offer is extended indefinitely.
4. There has not been any disturbance to protected species outside of the curtilage of the application property and the birds and bats are thriving in the woodlands.
5. It is now difficult to ignore the personal vendettas of some neighbours against the applicant as efforts have been made to hinder the progress of completing the development.
6. The development is aesthetically pleasing.

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7. The applicants are friendly, helping, considerate and caring neighbours.
8. The neighbouring properties have not experienced flooding or disruption to the existing drainage networks.
9. The numerous complaints are burdening tax payers' money and officer time.

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? Having regard to the scale of the outbuilding, its relationship with the host dwelling together with the location of the outbuilding occupying a similar position as the applicant's former shed, it is not considered that the development would affect any protected wildlife species.

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 policy and supplementary planning guidance. Whilst the proposal presents a range of issues for consideration from the representations received, these will be addressed below, however the main issue in determining the application is whether the proposal is acceptable from a design perspective, whether the proposals would have an overbearing impact on the adjacent dwelling (no. 62 Cae Collen) and whether there would be any detrimental impact in terms of the amenity received by the occupiers of the neighbouring dwellings at Llwyn Coed.

Policy CW2 sets out the criteria relating to amenity. In design terms, the outbuilding is considered to be acceptable in terms of its design, scale, form, materials and fenestration, as such it is not considered that the proposed siting of the outbuilding would give rise to an unacceptable impact on the street scene or character of the surrounding area.

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In terms of its impact on no. 62 Cae Collen, a privacy screen commensurate with permitted development has been constructed along the common boundary to reduce any impacts in terms of loss of privacy. Furthermore, by virtue of the orientation of the rear gardens, it is not considered that there will be any significant overbearing or overshadowing impacts to the occupiers of no. 62 Cae Collen.

Turning to the impacts that the development may have upon the occupiers of the neighbouring properties at Llwyn Coed, the outbuilding is located in excess of 25 metres from the nearest habitable room windows across an intervening private drive together with a considerable proportion of the side elevation being hidden from view by the existing facing brick boundary wall. On the basis of these observations, it is not considered that the outbuilding results in any adverse impacts in terms of loss of privacy to the occupiers of the neighbouring properties at Llwyn Coed.

Subject to a condition imposed to any permission to control the use of the outbuilding, the proposal complies with policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2021.

Comments from consultees: None

Comments from public:

OBJECTOR, LOCAL WARD MEMBERS AND BLACKWOOD TOWN COUNCIL CONCERNS

1. The development is not a shed - The applicant has described the development as a shed, sheds can be built in materials other than traditional timber, but for the purposes of this report the development has been considered as an outbuilding within the rear curtilage of the property.
2. Excessive development at this property together with the amount of retrospective applications submitted to the Local Planning Authority - The planning history of the property has been provided. In total four applications have been submitted to the Local Planning Authority including the application subject of this committee, three of which have been submitted by the applicant, with this application being the only retrospective application submitted to the Local Planning Authority by the applicant.
3. The building will be used in connection with the applicant's landscaping business - This is speculative, however a condition to control the use of that building can be imposed to any consent granted.

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4. The proposal increases flood risk as a result of increased surface water run-off from this property - There are no restrictions to prevent householders from hardsurfacing the rear and side of their properties, furthermore, the applicant intends to capture any rainwater, however the resultant outbuilding is yet to be completed to comply with the request from the Local Planning Authority to cease works.

5. The proposal sets a precedent for concreting garden areas and therefore increases the risk of flash flooding - As stated above, there are no restrictions to prevent householders from hardsurfacing the rear and side of their properties.

6. Loss of privacy as a result of previous development approved by the Local Planning Authority -These are matters that have been addressed previously in other officer reports.

7. The previous permissions have resulted in significant light pollution to the occupier of 8 Llwyn Coed together with it impact upon birds and bats in the adjacent woods. This has no material bearing on the determination of the current application.

8. The applicant causes nuisance parking with his commercial vehicles - This has been investigated previously by the Local Planning Authority.

9. On street nuisance car parking has reduced throughout the course of this application - By the objector's admission it would appear that the situation has now changed.

10. Concerns about future development proposals at the property - This is speculative and should any future application be submitted to the Local Planning Authority, the merits of the application will be considered at that point in time.

11. The applicant should not be allowed to use land that the Council previously refused the occupiers of 6 Llwyn Coed to purchase - This is not a matter relevant to the determination of the application. This land is outside of the applicant's ownership and the Local Planning Authority cannot take into consideration speculative assumptions. At present, no breach of planning control has occurred and should any individual purchase the parcel of land to the rear of no. 64 Cae Collen, there would be a requirement for any future landowner to submit an application for consideration to the Local Planning Authority to change the use of the land for its intended purpose.

REPRESENTATIONS RECEIVED IN SUPPORT

1. The neighbours most affected by the proposal (no. 62 Cae Collen) have no objection to the application.

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Application No. 19/0360/RET Continued

2. The building works to date have been completed in a professional manner with the minimum disturbance to the immediate and wider surrounding neighbours.
3. The applicant has been invited to park any vehicles required in connection with the development within the curtilage or outside of a neighbouring property where not all of the off-street car parking spaces are utilised and this offer is extended indefinitely.
4. There has not been any disturbance to protected species outside of the curtilage of the application property and the birds and bats are thriving in the woodlands.
5. It is now difficult to ignore the personal vendettas of some neighbours against the applicant as efforts have been made to hinder the progress of completing the development.
6. The development is aesthetically pleasing.
7. The applicants are friendly, helping considerate and caring neighbours.
8. The neighbouring properties have not experienced flooding or disruption to the existing drainage networks.
9. The numerous complaints are burdening tax payers money and officer time.

In response to the representations received in support of the application, it is agreed that the property most affected by construction of the outbuilding are those of no. 62 Cae Collen, the immediate adjacent neighbour together with the scale, design and use of materials being sympathetic to the host dwelling. For all of the other supporting comments made these have been noted but the Local Planning Authority is unable to comment in respect of those additional supporting comments.

Other material considerations: The development is acceptable in all other areas.

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

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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. 25-4-19/1 Site Location Plan, Floor Plan and Section received on 26.04.2019; and
Dwg. No. 25-4-19/2 Block Plan and Elevations received on 26.04.2019.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The use of the outbuilding hereby approved shall be limited to that ancillary and incidental to the enjoyment of the dwelling at 64 Cae Collen, Blackwood and for no other purpose.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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 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.

