

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0320/FULL 11.04.2019	Mr D Aldridge 17 Cheriton Avenue Cefn Hengoed Hengoed CF82 7JA	Regularise alterations to dwelling previously approved under planning consents 17/0572/FULL and 17/0806/NMA 17 Cheriton Avenue Cefn Hengoed Hengoed CF82 7JA

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: 17 Cheriton Avenue, Cefn Hengoed, Hengoed, CF82 7JA.

Site Description: The application property is a detached Dwelling fronting westwards towards Cheriton Avenue. To the south is the neighbouring residential property (19 Cheriton Avenue) to the north-west is a public footpath and a neighbouring residential property (15 Cheriton Avenue). To the east are open fields.

Development: Regularise alterations to dwelling previously approved under planning consents 17/0572/FULL and 17/0806/NMA including alterations to the dwelling's roof form and footprint.

Dimensions: The roof alterations including amending the eaves and also raising the ridge height of the property by approximately 2m in height to approximately 6.5m. The footprint alterations relate to the additional of a single storey porch measuring approximately 3.2m by 1.7m connecting to an existing single storey element.

Materials: Walls: Cream Render Roof: Concrete interlocking tiles.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

17/0572/FULL - Carry out repairs to fire damaged property incorporating a dormer roof - Granted 30.08.17.

Cont'd.....

Application No. 19/0320/FULL Continued

17/0806/NMA - Seek approval of a non-material amendment to planning consent 17/0572/FULL (Carry out repairs to fire damaged property incorporating a dormer roof) to replace window with french doors and a juliet style balcony at first floor level to rear of property - Granted 13.10.17.

POLICY

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

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 7 (Householder Development).

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? This is a High risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Rights Of Way Officer - The works to the building, whereas on the limit, are satisfactory to reinstate the width of the public right of way. Advise that an area of paving is encroaching onto the public right of way.

Gelligaer Community Council - There were objections to 19/0320/FULL on the grounds of visual amenity as it is not in keeping with the other properties on that side of the road. They are unsure, but it may also be encroaching onto a registered rights of way.

Cont'd.....

Application No. 19/0320/FULL Continued

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 4 nearby properties. The application has subsequently been re-advertised with a press notice, site notice and notification letters as it was subsequently found to be affecting a public right of way.

Response: No responses were received relative to the initial consultation exercise. In respect of the re-advertisement this has yet to elapse; however, no representations have been received at the time of the completion of this report. Members will be verbally updated at committee with any representations received following the completion of this report.

Summary of observations: None.

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? It is not considered that crime and disorder will be materially affected by the development.

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 (CIL)

Is this development Community Infrastructure Levy liable? The development is not chargeable as the additional internal floorspace created is below 100 sq m.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area.

Cont'd.....

Application No. 19/0320/FULL Continued

The application property is a dwelling located within Cheriton Avenue which has been subject to several previous permissions. A planning permission (17/0572/FULL) granted in August 2017 approved works to increase the ridge height of the property and install dormer windows onto each roof slope. A non-material amendment was also approved to amend a window on the rear elevation from a window to french doors and a juliet balcony.

It was subsequently found that construction works at the property had varied from the approved permission in terms of the roof alterations, a side extension and a full balcony (rather than the approved juliet balcony) had been constructed at the rear elevation and additional works to a single storey element of the property. The current application seeks retrospective planning permission to retain those works carried out.

In the course of considering this application there has been dialogue with the applicants in relation to the works carried out and this included a public right of way which runs alongside the property boundary from Cheriton Avenue to the field behind. Following a joint meeting with the Public Rights of Way Officer the applicant has undertaken physical works to demolish part of a section of walling from the front wall of the porch reconstructed this on an angled alignment to remove an encroachment of the right of way. The plans have been amended to reflect these works. The Public Rights of Way Officer has inspected these works and commented that the remedial works carried out by the applicant to the building have removed the encroachment. Members are advised that there are some outstanding issues in relation to the right of way which are considered in the comments from Consultee section of this report.

In respect of the variation from the previously approved works affecting the physical appearance of the dwelling, although the dwelling is materially different in appearance from that approved under the previous permissions, however, the resultant dwelling's form is considered to be acceptable in its visual appearance and its impact on the character of the area. It accords with adopted Local Development Plan Policy SP6 (Placemaking).

The impact on neighbour amenity has been considered. The neighbouring property to the south (19 Cheriton Avenue) has fenestration at ground and first floor level on its north facing gable end elevation, however the increased massing of the application dwelling is considered to have an acceptable impact on this fenestration and also upon fenestration within the rear (east facing) elevation of 19 Cheriton Avenue. The alterations carried out are not unacceptably overbearing to the occupiers of 19 Cheriton Avenue. In relation to the rear balcony created following negotiation a privacy screen formed of obscure glazing has been installed by the applicant to prevent elevated overlooking of the rear amenity area of number 19 and other properties in the same row and this is considered to acceptably mitigate privacy concerns. A planning condition is recommended to require this privacy screen to be retained in perpetuity.

Cont'd.....

Application No. 19/0320/FULL Continued

The impact on the existing level of amenity enjoyed by the occupants of the other adjacent neighbouring dwelling (15 Cheriton Avenue) is considered acceptable. The application property is angled in relation to number 15 Cheriton Avenue and the development has an acceptable impact on their amenity. The first floor windows in the side elevation of the application dwelling have been obscurely glazed to reflect a previous requirement of the earlier permission. It is proposed that the obscure glazing will be required to be kept in these windows by the imposition of a planning condition. It is highlighted to members that the first floor habitable rooms subject to these glazing restrictions will also be served by other windows that have clear glazing situated to either the front elevation or rear elevation. These windows have their primary outlook either toward the publicly visible areas of Cheriton Avenue or in the case of the rear elevation view towards the open fields behind. As such the habitable rooms will have acceptable outlook which will not have an unacceptable impact for privacy of neighbours. The development accords with Policy CW2 (Amenity).

The application property retains sufficient parking within its front curtilage area to accommodate at least three vehicles and accords with adopted Parking Standards and Policy CW3 (Highways).

Comments from consultees: There were objection raised by the Community Council and these raised on the grounds of visual amenity. It has been expressed that the application property is not in keeping with the other properties on that side of the road. This matter was considered within the earlier planning permission which granted works to the property including a ridge height alteration. The application property prior to the construction work being carried out was a bungalow and was one of two properties within this part of Cheriton Avenue (along with number 15 Cheriton Avenue) which differed substantially in form and appearance to other properties within the street. These two properties were gable fronted bungalows in contrast to the nearby properties which were higher dormer style properties. The relationship between the orientation of numbers 15 and 17 Cheriton Avenue was also different with their principal elevations angled at broadly 90 degrees to each other. It was therefore considered that the application property was substantially different in appearance to the majority of properties within Cheriton Avenue and therefore the proposed alterations would not harm the character of the area.

The works sought for retention as part of this application have been considered and are visually acceptable and are recommended for approval accordingly. The matters relating to obstruction of the right of way raised by the Community Council have been addressed in terms of the building by works carried out to realign the porch walling.

Cont'd.....

Application No. 19/0320/FULL Continued

It is noted that the revised response of the Public Rights of Way Officer is that the physical alterations made by the applicant to the building are satisfactory to reinstate the width of the public right of way. The Rights of Way officer has advised that an area of paving is still encroaching on the rights of way. This paving is not part of the current application and therefore it is considered that this matter does not preclude the determination of the application. The paving will be a separate matter for consideration of the expediency of enforcement action either under Planning Legislation or through Rights of Way Legislation.

Comments from public: None.

Other material considerations: 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.

The application is considered acceptable in its design and impact on amenity and is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan, received 11.04.19;
 - Proposed Floorplan and Elevations received 27.08.19.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) 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) the first floor side windows facing north and south shall be glazed with obscure glass and any part of those windows that are less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter. REASON: In the interests of residential amenity.
- 03) The erected privacy screen to the southern side of the balcony hereby approved shall remain in place at all times. REASON: To prevent a loss of privacy amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd.....

Advisory Note(s)

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 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.

