

Application Number: 22/0157/NCC

Date Received: 17.02.2022

Applicant: Mr Pizey

Description and Location of Development: Vary condition 02 (Approved Plans) of planning consent 20/0713/FULL (Erect single storey rear and side extension, demolish existing garage, conservatory and side porch and provide L shaped single storey extension and replace roof to create a three bedroom dormer property) to alter two individual dormers to one continuous dormer along the rear elevation of the roof - 9 Gwerthonor Lane Gilfach Bargoed CF81 8JT

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: Number 9, is located on the western side of Gwerthonor Lane.

House type: Dormer bungalow with flat roofed garage extension to southern elevation and conservatory projecting from the rear elevation. Works to implement 20/0713/FULL have commenced on site.

Development: Permission is sought to vary condition 02 (Approved Plans) of planning consent 20/0713/FULL to amend the design of the development approved under 20/0713/FULL, by the addition of two dormers to the front elevation, increase in the size of the box dormer to the rear elevation and change roof from a hipped to a ridged roof.

Dimensions: Box dormer to rear elevation has an overall width of 10.372 metres, it is set in from the southeast edge of the roof by 2.00 metres and from the northwest edge by 1.942 metres. The widow openings to the outer edges are 3.10 metres in width, the window opening positioned centrally between these is 2.150 metres in width. The dormer has an overall height of 2.32 metres and projects from the top of the roof slope by some 5.24 metres. Each opening is shown to have a fixed Juliet balcony with clear glazing and a fixed hand rail. Dormers to front elevation, are 3.237 metres in width, 1.313 to eaves and 1.78 to the top of the shallow pitched roof, with 6.088 metres between and they project from the top of the roof slope by 4.067 metres. They are set in from the edge of the roof by 875mm.

Materials: Cladding to box dormer rear elevation horizontal slates colour to match roof.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT 20/0713/FULL - Erect single storey rear and side extension, demolish existing garage, conservatory and side porch and provide L

shaped single storey extension and replace roof to create a three bedroom dormer property - Granted 09.11.2020.

21/0973/NCC - Vary condition 2 (Approved plans) of planning consent 20/0713/FULL (Erect single storey rear and side extension, demolish existing garage, conservatory and side porch and provide L shaped single storey extension and replace roof to create a three bedroom dormer property) to amend elevations to install larger dormer windows to the rear and front elevation, together with the additional changes to the roof design - Refused 16.12.2021.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010 (LDP).

Site Allocation: Site is located within the settlement limits of Bargoed. Rear boundary of property is the south western extent of the settlement boundary.

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 LDP7: Householder Developments.

NATIONAL POLICY Future Wales - The National Plan 2040, Planning Policy Wales 11th Edition (February 2021) 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? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a low risk coal mining area, however standing advice will be provided.

CONSULTATION

Ecologist - No response.

ADVERTISEMENT

Extent of advertisement: Two adjoining properties were notified of the application by letter.

Response: One response has been received.

Summary of observations: The comments which have been received can be summarised as follows:-

Wishes to object to the amendment with particular regard to the box dormer to the rear elevation. The openings in these dormers would allow the occupiers to step out onto the 13800 x 1000 canopy shown on the rear elevation, which it is believed would be used by the occupiers as a balcony and as such it would enable anyone using it in that way to look into the objectors dwelling and into the upstairs bedroom window of the immediately neighbouring property to the south giving rise to issues of overlooking and loss of privacy.

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? Not liable additional floor area amounts to less than 100 square metres.

ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance and local plan policies.

Planning permission reference number 20/0713/FULL was granted on 9th November 2020 subject to two conditions, to erect single storey rear and side extension, demolish existing garage, conservatory and side porch and provide L shaped single storey extension and replace roof to create a three bedroom dormer property - 9, Gwerthonor Lane, Gilfach, Bargoed, CF81 8JT. Condition two identified the plans and documents that had been approved under that permission and stated:-

The development shall be carried out in accordance with the following approved plans and Documents :-

Existing Layouts - Site Location Plan, Drwg. No. AL-PA-01, Dated August 2020, Received 26th August 2020;

Proposed Layouts, Drwg. No. AL-PA-02, Dated August 2020, Received 26th August 2020;

Letter from Williams Architectural Design Services, Dated August 2020, Received 26th August 2020.

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

The current application seeks to vary condition 2 of planning consent 20/0713/FULL to permit the development to be undertaken in an amended form as shown on the plan submitted for consideration, Drwg. No. AL-PA-20-B. With regard to the nature of the application it should be recognised that the Welsh Government Development Management Manual confirms that Sections 73 (2) and (4) of the Town and Country Planning Act 1990 restricts the Local Planning Authority in their determination of section 73 applications. The effect of the provisions is to limit the Local Planning Authority to considering the question of whether the conditions identified in a Section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The Local Planning Authority cannot revisit the original permission and reconsider whether the development should have been granted in the first place. However, as a Section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been since the original permission was granted in order to ensure that all relevant material considerations have been addressed. In that regard the suitability of an extension to 9, Gwerthonor Lane remains unchanged in policy terms. As such the main consideration in the determination of this application is whether the proposed amendments to the approved scheme are in themselves acceptable in terms of design and whether there would be any detrimental impact to the occupiers of number 10 and number 8 Gwerthonor Lane, or on the street scene or wider area.

The previously approved plan shows two individual box dormers to the rear elevation. The one to the south east end of the roof slope is set in from the edge of the roof by 2.7 metres, it is 2.0 metres in width with a window opening of 1.49 metres and has an overall height of 2.1 metres. Between it and the second box dormer towards the northwest side of the roof slope there is a distance of 4.2 metres, that dormer is set in from the edge of the roof by some 3.0 metres. It also has an overall width of 2.0 metres and a window opening of 1.30 metres. The box dormer is shown to project from the top of the roof slope by some 4.83 metres. The plans show what is identified as a clad overhang projecting from the rear elevation by one metre and extending across the width of the rear elevation at wall plate level. The front roof slope as approved under 20/0713/FULL shows the provision of six roof lights of two different sizes, set out in a uniform arrangement to provide light to the bedroom accommodation at first floor.

The proposed amendment shows a single box dormer across the rear roof slope divided into three window openings. It has an overall width of 10.372 metres, it is set in from the southeast edge of the roof by 2.00 metres and from the northwest edge by 1.942

metres. The widow openings to the outer edges are 3.10 metres in width, the window opening positioned centrally between these is 2.150 metres in width. The dormer has an overall height of 2.32 metres and projects from the top of the roof slope by some 5.24 meters. The clad overhang to the rear elevation is shown to remain. The plan carries a notation stating that the overhang is for shading only. There is a further notation referring to the openings in the rear dormer which states:- ' 3 Fixed balconies (Juliette) with clear glazing, fixed handrail (as noted in red) for security and safety from the first floor rooms, no access can be gained via these doors out onto the roof space or overhang' In respect of the front elevation the amended scheme shows two pitched dormers one towards either end of the front roof slope set in 875 mm from the edge of the roof with two of the smaller roof lights retained centrally towards the top of the roof slope. These dormers are 3.237 metres in width, 1.313 to eaves and 1.78 to the top of the shallow pitched roof, with 6.088 metres between and they project from the top of the roof slope by 4.067 metres. It is also proposed to change the shape of the roof by replacing the hips at either end to gables.

Policy CW2 of the Local Development Plan (LDP) considers amenity. The principle of rear dormer extensions to increase the current level of accommodation was considered acceptable in the original application on the basis that there would be no unacceptable impact to neighbouring amenity or land. The requested amendment represents a considerable increase in the size of the proposed box dormer. However it is acknowledged that subject to complying with specific criteria in terms of its design, dimensions, volume and matching materials, a substantial roof dormer on the rear elevation of a dwelling can be built utilising householder permitted developments rights and as such it is not considered that this amendment would be unacceptable in this instance.

Policy SP6 of the Local Development Plan (LDP) states that development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features, Criterion B of that Policy identifies that this can be achieved through a high standard of design that reinforces attractive qualities of local distinctiveness.

Advice contained in Supplementary Planning Guidance LDP7: Householder Development (2017) Guidance Note 4, in respect of Dormer windows states 'Normally dormer windows are discouraged to the front of your house, unless they are an existing local feature - Where planning permission is required key principles are:

- Dormer windows should be subservient to the main roof and use the same roofing details as the main roof;
- Dormer windows should cover no more than a maximum of 50% of the roof area on which it is located;
- Dormer windows should normally be set well back from the eaves, down from the ridge and in from the sides of the roof;
- New dormer windows should reflect the design of dormer windows that are an original feature of other buildings in your area or street;

- Dormer windows should be positioned to match the pattern of the windows on the rest of your house;
- Two smaller dormer windows are often preferred to one large window.

With regard to the two ridged box dormers shown on the roof slope to the principal elevation of the dwelling, These dormers are 3.237 metres in width, 1.313 to eaves and 1.78 to the top of the shallow pitched roof, with 6.088 metres between, there are set in from the edge of the roof at either end by 875mm and they project from the top of the roof slope by 4.067 metres. There are several properties in the street of the same original design to that of the host with one hipped dormer set in the front roof slope, as exists at the host and others with ridged dormers. These are set high up on the roof slope above the eaves and are visibly lower than that of the peak to the roof. Those now proposed comply with the principles set out in LDP7 and as such are acceptable in planning terms.

In conclusion, for the reasons set out in the report above it is considered that the proposal complies with the objectives of Policies SP6 and CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010, together with advice contained in supplementary Planning Guidance LDP7: Householder Development (2017) and as such it is recommended that permission is granted.

Comments from public: The comments which have been received can be summarised as follows:-

Wishes to object to the amendment with particular regard to the box dormer to the rear elevation. The openings in these dormers would allow the occupiers to step out onto the 13800 x 1000 canopy shown on the rear elevation, which it is believed would be used by the occupiers as a balcony and as such it would enable anyone using it in that way to look into the objectors dwelling and into the upstairs bedroom window of the immediately neighbouring property to the south giving rise to issues of overlooking and loss of privacy. The issues raised have been considered in the main body of the report - As referred to above the agent for the application has added a notation to the plan stating that no access can be gained via the doors in the dormers out onto the roof space or the overhang, due to the proposed fixing in place of glazed Juliet Balconies across each opening together with fixed hand rails. It is stated by the Agent that the overhang is to provide shelter/shade to the property and not for any use such as seating above from the first floor. A canopy would not in itself be objectionable whereas a balcony in such a location would be a cause for concern, but this could be controlled by condition if it was recommended that consent should be granted.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

Living Decision Document: Condition 02 of Planning permission 20/0713/Full has been varied by consent 22/0157/NCC dated xx.xx.2022 granted by Caerphilly County Borough Council.

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:
Existing Layouts - Site Location Plan, Drwg. No. AL-PA-01, Dated August 2020, Received 26th August 2020;
Proposed Layouts, Drwg. No. AL-PA-02 B, Dated January 2022, Received 14th April 2022;
Letter From Williams Architectural Design Services, Dated August 2020, Received 26th August 2020.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The canopy indicated on the rear elevation of the extended dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
REASON: In interests of the amenity of neighbours and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the beneficial occupation of the accommodation at first floor level, the installation of the three proposed Juliet balconies with fixed handrails on the rear elevation shall be carried out and completed in accordance with the approved

plans and shall thereafter be retained in perpetuity unless written consent is obtained for the removal.

REASON: In the interests of residential amenity.

- 05) 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 gable windows facing North and South shall be glazed with obscure glass. Any replacement or repair shall only be with obscure glass.

REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.