

Application Number: 23/0097/RET

Date Received: 17.02.2023

Applicant: Mr & Mrs Williams

Description and Location of Development: Retain and complete partially constructed front conservatory following the demolition of existing conservatory - Rosalyn 31 King Charles Road Pentwyn-mawr Newport NP11 4HF

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The site is located at 31, King Charles Road, Pentwyn-mawr.

Site description: The dwelling is a semi-detached bungalow, which previously possessed a front conservatory, which has since been demolished, work has already been undertaken on the proposed conservatory.

Development: The proposed development is to retain and complete a front conservatory.

Dimensions: The proposed extension has a width of 4.04 metres and a depth of 3.1 metres. The extension has heights of 1.66 metres to the eaves and 2.73 metres to the ridge line.

Materials: The materials as viewed on the submitted plans, are to match the incumbent dwelling.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT 22/0004/FULL - Construct hardstanding and retaining walls to form car parking area - Granted 24.02.2022.

22/0747/RET - Retain and complete partially constructed front conservatory following the demolition of existing conservatory - Refused 02.02.2023.

POLICY

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

Site Allocation: The site is within settlement limits.

Policies: SP2 (Development Strategy - Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW15 (General Locational Constraints) and advice contained within the Local Planning Authority's adopted Supplementary Planning Guidance LDP5: Car Parking Standards, LDP 6: Building Better Places to Live and LDP 7: Householder Developments.

NATIONAL POLICY Future Wales: The National Plan 2040 (February 2021), (Planning Policy Wales Edition 11 (February 2021) 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 required.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site falls in an area deemed to have 'high coal mining risk' associated with development, informative advice will be provided should the application be approved planning permission.

CONSULTATION

Ecologist – No comments received.

ADVERTISEMENT

Extent of advertisement: The application was advertised by neighbour letter.

Response: Several responses received.

Summary of observations: - Submitted plans and proposals are not in accordance with the reality of what is currently existing on site.

Extension would be contrary to Council planning guidance.

Overbearing impact on neighbours' amenity.

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?

None.

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.

ANALYSIS

Policies: This application has been considered in accordance with national policy and guidance, local plan policy and supplementary planning guidance. The primary points for consideration within this report are the impact that a front extension would have on the amenity of the adjacent neighbour, as well as if the design of the extension is viewed to be suitably in keeping with the incumbent dwelling. It needs to be noted that the previous front conservatory was demolished and therefore there is no fall back, this application is being viewed as if the front extension is a new proposal, regardless of what was sited there previously. It must first be noted that this application is a re-submission of a previous refusal (reference 22/0747/RET) what will first be investigated is the degree of consistency between the two submissions and if the previous reason for refusal has been addressed and incorporated into the amended plans.

The previous application was refused for the following reasons:-

'The proposed extension by virtue of its reduced eaves and ridge line is at odds with the height of the front projecting gable creating a discordant and jarring feature. It fails to pay adequate regard to the existing character of the host dwelling and does not exhibit a high standard of design that reinforces attractive qualities of local distinctiveness. The proposals do not therefore comply with policy SP6 of the Caerphilly Borough County Council Local Development Plan, up to 2021 (introduced in 2010).'

As can be viewed on the submitted plans attached to this most recent application- the ridge height of the front extension has been heightened to match and run consistent with the ridge of the front gable of the host dwelling, this directly addresses the above reason for refusal, therefore eliminating the previous unacceptability of the submission, rendering it compliant and an acceptable standard of design. The proposed development is now in full compliance with policy SP6 of the Caerphilly Borough County Council Local Development Plan, up to 2021 (Adopted November 2010).

In terms of the impact on the amenity of neighbouring dwellings, the previous application was assessed as follows:-

'Policy CW2 of the Caerphilly County Borough Local development Plan, up to 2021 (adopted 2010) is termed 'amenity' and it states that 'development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements', one of these requirements being; 'there is no unacceptable impact on the amenity of adjacent properties or land'. The front extension is perceived to have no unacceptable impacts on the adjacent neighbours, despite its location on the front of the

dwelling. Ancillary to the LDP are supplementary planning guidance (SPG) documents that offer advice on varying areas of planning, one being SPG LDP7, termed 'Householder developments'. It states within SPG LDP7 that the limitations surrounding extensions can be exceeded if; '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'. It can be viewed on the submitted plans that the extension would not breach the 45 degree rule, the angle take from the nearest principal room of the adjacent property would be 25-30 degrees, and would therefore not give rise to any unacceptable impact on amenity.' Although it is noted that there are also minimal boundary treatments that mitigate against the potential impact on amenity of the adjacent property, the angle of the extension to the French doors of the neighbouring dwelling is acute enough to not require any mitigation. It should also be noted that the proposed extension would overlook the front garden of the neighbouring property, but as this is the front garden and not the principal private amenity space, such overlooking would not be unacceptable in planning terms. This front garden is also readily visible from the adjacent highway. The proposals therefore are in accordance with policy CW2 of the Caerphilly County Borough Local development Plan, up to 2021 (adopted 2010).

The proposed development has remained consistent with the previous submission, with the exception of heightening the ridge line of the extension to match the protruding gable of the host dwelling, this therefore addresses the sole reason for refusal and establishes that the development is running in full accordance with policy from the Caerphilly County Borough Local development Plan, up to 2021 (adopted 2010) has been established. This application is therefore recommended for approval of planning permission, as per the conditions.

Comments from consultees: None received.

Comments from public: Comments received are addressed as follows:

Submitted plans and proposals are not in accordance with the reality of what is currently existing on site - Whilst the submitted plans do not reflect the extension that has been partially built on site, it should be noted that the applicant has been advised that that structure would not be acceptable in planning terms. In that regard, and as discussed above, this application has been submitted in order to present an alternative design that would be acceptable. In that regard the submitted plans accurately reflect what is proposed and as such the application is valid.

Extension would be contrary to Council planning guidance - It is accepted that Guidance Note 2 of Supplementary Planning Guidance LDP7 - Householder development suggests that extensions should not normally be sited to the front of dwellings. However, that same guidance suggests that the context and quality of the existing house and proposed extension will be taken into account when determining any application. In this instance it is noted that the adjacent dwelling has an existing large side extension that already serves to unbalance the symmetry of this pair of bungalows and as such the proposed extension would not be unacceptable in that regard.

Moreover, as discussed above, the proposed extension has been amended such that its roof follows the ridge line of the host dwelling such that it does not present an incongruous feature. In that regard, it is considered that the context of the site and the quality of the extension allows the proposed development in this instance.

Overbearing impact on neighbours' amenity - This is considered at length above.

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.

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.

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 all conditions of the original consent (Ref: 21/0276/FULL), except where they are amended by the following plans:
Drawing reference 003 (Proposed floor plans and elevations) (received 10/02/2023).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

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