

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0057/FULL 03.02.2015	Mr R Selway 28 Clos Cae Mawr Penpedairheol Hengoed CF82 7TH	Partially convert garage to a dining room with the remainder being used as a store 28 Clos Cae Mawr Penpedairheol Hengoed CF82 7TH

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: 28 Clos Cae Mawr, Penpedairheol, Hengoed.

House type: This is a two-storey, three-bedroom, semi-detached property located on a relatively modern residential estate within the settlement boundaries of Penpedairheol. The property is situated on a corner plot at the junction of Bron Las with Clos Cae Mawr. Similar residential dwellings are located opposite with the side boundary of a detached property abutting the rear boundary of the site.

The property benefits from a two-storey side extension, which comprises an integral garage on the ground floor, with an extension to the kitchen, and a first floor bedroom. The extension was granted planning approval in 2004 subject to conditions.

Development: Full planning permission is sought in respect of the change of use of the existing garage to habitable accommodation (dining room) with a small part to be used as a store.

Dimensions: The existing garage has a footprint of 5.55m by 4m.

Materials: Face brick with a steel garage door.

Ancillary development, e.g. parking: One off-street parking space is proposed in the side garden.

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PLANNING HISTORY

5/5/94/0090 - Construct 10 no. detached dwellings - Refused 27.04.94.

P/98/0473 - Erect residential development - Granted 09.10.98.

P/04/0117 - Erect extension - Granted 20.05.04.

14/0087/FULL - Convert garage to dining room and store - Refused 25.03.14.

14/0572/FULL - Change part of existing garage to habitable room - Refused 20.10.14.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - within the settlement boundary.

Policies:

Strategic Policies

SP2 - Development strategy in the northern connections corridor, SP6 - Place making, SP21 - Parking Standards.

Countywide Policies

CW2 - Amenity, CW3 - Design Considerations - Highways, CW15 - General locational constraints, supplementary planning guidance contained in LDP5 - Parking Standards, LDP7 - Householder Developments.

NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014, TAN 12 - Design, TAN 18 - Transport.

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? Not an issue in respect of this application.

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CONSULTATION

Gelligaer Community Council - No objection providing there is no loss of off-street parking provision.

Dwr Cymru - Provides advice to be conveyed to the developer.

Transportation Engineering Manager - No objection subject to conditions being attached to any consent in respect of parking provision, and the prevention of rainwater run-off into the highway surface water drainage system. He also provides advice to be conveyed to the developer regarding the provision of a vehicular crossover.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 6 neighbouring properties have been consulted.

Response: Three letters have been received.

Summary of observations:

- objector has been in dispute with applicant for a number of years over parking issues, whereby the applicant insists on parking on the road outside of the neighbouring property, which interferes with the resident's view, which is important to him because he is housebound,
- existing on-street parking congestion and obstruction including commercial vehicles,
- non-compliance with condition attached to original planning approval granted in 2004, which requires the garage to be used for parking,
- disputes proposed parking area is of adequate size,
- questions use of gravel as an appropriate finish for the parking area,
- no legal evidence has been provided regarding permanent transfer of ownership of the neighbour's land,
- no current drop kerb to facilitate the development,
- overdevelopment of the site and loss of green space,
- surrounding area has 28 properties but only 3 working garages,
- parking on the pavement and unneighbourly parking causing difficulties for residents to get onto their drives.

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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 planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main issues to be considered in the determination of this planning application are in respect of highway considerations and amenity and in this respect Policies CW3 and CW2 respectively are relevant.

The proposal is to convert the existing single garage, which is attached to the dwelling into a dining room and store room. Planning consent for this garage was granted in 2004, along with a kitchen extension, and an additional first floor bedroom. When consent was granted, 2 parking spaces was an acceptable level for a property of this size, as residential parking was calculated on the floor area of a dwelling. Following the proposed extension works, the dwelling measured approximately 102m² internally, well below the 120m² threshold, which would have required 3 spaces. It is worth noting that in accordance with supplementary planning guidance contained in LDP5 Car Parking Standards, a three-bedroom property such as this would now require 3 off-street parking spaces, at a rate of 1 per bedroom, but this is now a maximum standard rather than a minimum.

The property currently has 2 parking spaces, which were secured by condition on the previous consent, by virtue of the garage, which measures approximately 4m x 5.5m and could comfortably accommodate a car, and the driveway in front of the garage. When consent for the garage was granted, a condition was added for the garage to be set back not less than 4.8m from the back edge of the footway, in order to provide a second space in front of the garage.

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That is the current parking arrangement, however as the proposal is to convert the garage, a space must be provided within the curtilage of the site to compensate for this loss. To mitigate the loss of the garage space for parking, the applicant proposes to construct a new parking space to the side of the house fronting Bron Las. There is insufficient land within the curtilage of the applicant's property to accommodate this proposed parking space and two subsequent planning applications reference 14/0087/FULL and 14/0572/FULL have been refused in 2014 for this reason. Consequently, the applicant has indicated that his neighbour at No.7 Bron Las is prepared to allow him to use some of his garden in order to provide the necessary replacement parking space size required. In this respect the current application is supported by written confirmation from the neighbour at 7 Bron Las that he is in agreement to allowing the applicant to utilise additional land from his property to provide sufficient off-street parking provision. This has also been demonstrated on a submitted plan.

Policy SP21 of the LDP considers parking standards and in this respect the Transportation Engineering Manager has raised no objection subject to conditions referred to above. In addition, at the request of the applicant, the Development Manager has visited the site and the applicant has demonstrated that he was able to drive his vehicle onto the proposed parking space easily and that there was plenty of space either side to open the car doors. Having witnessed that he considers it would be difficult to object to the application particularly in view of The Planning Inspectorate's comments at appeal that the parking standards are maximum requirements, and the fact that this is a quiet residential cul-de-sac.

Comments from consultees: No objections are raised by statutory consultees.

Comments from public:

- objector has been in dispute with applicant for a number of years over parking issues, whereby the applicant insists on parking on the road outside of the neighbouring property, which interferes with the resident's view, which is important to him because he is housebound. Response - the obstruction of the highway falls within the jurisdiction of the Police,
- existing on-street parking congestion and obstruction including commercial vehicles. Response - as above, falls within the jurisdiction of the Police,
- non-compliance with condition attached to original planning approval granted in 2004, which requires the garage is to be used for parking. Response - the garage should be made available for the parking of a vehicle but the Local Planning Authority cannot make a resident park their car in their garage,

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- disputes proposed parking area is of adequate size. Response - See analysis above,
- questions use of gravel as an appropriate finish for the parking area. Response - The use of gravel could result in chippings spilling onto the highway and as such a condition may be attached to any consent requiring details of permanent materials to be used in the parking space to be submitted for consideration by the Local Planning Authority,
- no legal evidence has been provided regarding permanent transfer of ownership of the neighbours land. Response - Notwithstanding that a Section 106 Agreement may be used to secure the parking provision, it is considered sufficient that the neighbouring resident has confirmed in writing his agreement to allow the use of part of his land to accommodate the parking,
- no current drop kerb to facilitate the development. Response - the applicant will be required to apply for a vehicular crossover where it is required,
- overdevelopment of the site and loss of green space. Response - it is not considered the proposal is over- development. Also there are permitted development rights that would allow the garden to be land surfaced,
- surrounding area has 28 properties but only 3 working garages. Response - as stated above, whilst in planning terms a condition attached to a planning consent may require a garage to be made available for the parking of a vehicle, the choice of whether or not to use the garage is down to the individual,
- parking on the pavement and unneighbourly parking causing difficulties for residents to get onto their drives. Response - matters of obstruction fall within the jurisdiction of the Police.

Other material considerations: None.

In conclusion, it is considered the proposed development is, subject to the imposition of appropriate conditions acceptable in planning terms.

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.

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02) The conversion shall not be occupied until the area indicated on the approved plan for the parking of vehicles has been laid out in accordance with the submitted plans and the requirements of condition (03), and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: In the interests of highway safety.

03) Notwithstanding the submitted plans, details of the permanent materials to be used in the provision of the off-street parking space, as shown on drawing no: AL-P-09 and indicated as 'proposed car parking space - gravel material finish, shall be submitted for consideration and approval in writing with the Local Planning Authority. The parking space shall be provided in accordance with the agreed details prior to the commencement of the construction works in respect of the garage conversion hereby approved.

REASON: In the interests of highway safety.

04) Rainwater run-off shall not discharge into the highway surface-water drainage system.

REASON: In the interests of highway safety.

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, CW3.

The applicant is advised of the comments of Dwr Cymru/Welsh Water.

