

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0020/FULL 02.03.2015	Ms F Bowen Westways St Martin's Crescent Caerphilly CF83 1ER	Provide hydrotherapy pool enclosure and shed in rear garden Westways St Martin's Crescent Caerphilly CF83 1ER

**APPLICATION TYPE:** Full Application

**SITE AND DEVELOPMENT**

Location: The application property is situated on the eastern side of St Martin's Crescent.

House type: The application property is a detached bungalow with front and rear gardens. The dwelling is sited on a sloping plot such that the rear garden is lower than the host dwelling and the dwellings on either side are higher (in respect of Isfryn) and lower (in respect of Maesawelon) than the application property. To the rear of the property are the rear gardens of the dwellings at number 60 St Martin's Road and 10 Glan Nant Close.

There is an approximately 1.2m high close boarded fence to the southern (higher) and eastern (rear) boundary of the dwelling, with a 1m high panel fence with trellis above on the northern (lower) boundary.

Development: The application seeks full planning consent for the erection of a detached building in the rear garden to house a hydrotherapy pool. The building will be a timber clad structure with an apex roof and it will be sited in the south east corner of the garden adjacent to the boundaries with 10 Glan Nant Close and Isfryn.

Dimensions: The building measures 3m wide by 9.45m long by 3.4m high.

Materials: Timber cladding with a hardwood shingle roof.

Ancillary development, e.g. parking: None.

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## PLANNING HISTORY

P/97/0516 - Extend existing bungalow and add garage - Granted 14/08/97.

## POLICY

### Site Allocation

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 3 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development gives advice on garages and outbuildings.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2014) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design is also relevant.

## CONSULTATION

Dwr Cymru/Welsh Water – Draws attention to the position of a sewer at the property.

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### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: Three responses were received from local residents.

### Summary of observations:

1. Ventilation of the chemicals from the pool causing contamination to the air.
2. Noise from plant associated with the pool.
3. Drainage from the pool.
4. Loss of privacy from the windows and doors of the pool and as a result of the distance of the pool from the dwelling.

### 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? 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.

Is this development Community Infrastructure Levy liable? No.

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The principle of this proposal is considered to be acceptable and the structure is considered to be acceptable from a design perspective. As such the main points to consider in the determination of this application are the objections raised by the neighbours which are considered in turn below.

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1. With regard to potential contamination from the ventilation of chemicals from the pool it should be noted that the only plant and machinery for this building will be a humidifier. This machine would be fitted with filters to control the flow of air out of the building and this would need to meet with specified standards in terms of emissions. In that regard it is not considered that the proposal would have an unacceptable impact on air quality in the area.
2. As stated above, the only plant associated with this pool is a humidifier unit. The technical specification for this states that noise levels from the machine will be at acceptable levels and it should also be noted that it will be housed within the building. In that regard it is considered that the proposal would not create an unacceptable noise nuisance to adjacent properties.
3. The hydrotherapy pool is a self contained unit that does not need to be emptied on a regular basis. On the rare occasions when the pool will need to be emptied it is connected directly to the main foul drainage. This is a matter for Dwr Cymru/Welsh Water to deal with in association with the developer and it is not a matter for the Local Planning Authority. With regard to surface water drainage from the roof of the building it is considered that something as simple as a rainwater butt would be sufficient to deal with such flows from a building of this size and this is not a significant material planning consideration in this instance.
4. The objectors have stated that the proposed building is poorly sited as it is too far away from the host dwelling thereby increasing the travel distance for the applicant to the pool and as such this would lead to a loss of privacy for all parties. It is also felt that the pool would be best sited facing towards the application property rather than towards the side of Maesawelon. The Local Planning Authority has a duty to consider the application as submitted and a re-siting of the structure would only be justified if it was considered to be unacceptable in its proposed location. The distance of the pool from the host dwelling (and the increased travel distances involved for the applicant) is a matter of personal choice for the applicant. The suggestion that this would cause a loss of privacy to all parties concerned is difficult to substantiate. In that there is nothing to prevent the applicant from using their garden in this way and indeed for them to position an open air pool in their rear garden it is not felt that any unacceptable loss of privacy or amenity would be caused as a result of this.

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With regard to the windows of the pool building which face onto the side elevation of Maesawelon, it is accepted that these would give views into the conservatory and habitable room window in that property. However, it is considered that the privacy of that dwelling could be maintained either by the use of obscure glazing to the doors and windows of the proposed building or by the erection of a screen fence on the common boundary. In that regard it is felt that the privacy of the neighbouring properties could be adequately protected by the imposition of a suitably worded condition and as such the proposal is acceptable in this regard.

Comments from consultees: No objections raised.

Comments from public: None.

Other material considerations: None.

In conclusion it is considered that the proposal is acceptable in planning terms subject to the imposition of conditions.

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 hereby approved relates to the details received on 24th March and 21st April 2015 by the Local Planning Authority.  
REASON: For the avoidance of doubt as to the details hereby approved.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.
- 04) The building hereby approved shall not be used until screening has been erected in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the agreed screening shall remain in place at all times.  
REASON: To prevent a loss of privacy.

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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 comments of Dwr Cymru/Welsh Water are brought to the applicant's attention.

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