

Application No	S/35086
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Application Type	Full Planning
Proposal & Location	ALTERNATIVE SCHEME FOR ONE DWELLING (RESUBMISSION OF S/34809 - REFUSED 06/01/2017) AT PLOT ADJACENT, 15 HEOL DDU, PEN Y MYNYDD, TRIMSARAN, SA15 4RN

Applicant(s)	RACHEL JONES, 25 BWLCHYGWYNT, LLANELLI, SA15 2AJ
Case Officer	Gary Glenister
Ward	Trimsaran
Date of validation	10/02/2017

CONSULTATIONS

Trimsaran Community Council – Has not commented to date.

Local Member – Former County Councillor M Gravell asked for the application to be determined after a site visit.

Neighbours/Public – Two neighbour consultation letters have been sent out, with representations from both neighbouring properties having been received as a result raising the following matters:-

- The garden extension encroaches beyond the LDP settlement limits.
- The height is overbearing despite removal of the balcony screens previously refused.
- Lack of privacy from roof terrace - patio doors still proposed.
- Spatial character – proportion of house to plot.
- Loss of sunlight/daylight through overshadowing.
- Loss of third party hedge to provide parking.

RELEVANT PLANNING HISTORY

The following applications have been received on the application site:-

S/34809	Single detached dwelling – amended scheme to S/31132 approved 26-11-2014 Full planning refused	06 January 2017
S/31132	Proposed detached dwelling Full planning permission	26 November 2014
S/26356	Erection of a three bedroomed house Outline planning permission	22 May 2012

APPRAISAL

This application was reported to Planning Committee on the 19th April 2017. Members visited the site and resolved to defer the application for further discussion to take place with regard to the rear windows. A subsequent change in the composition of the Planning Committee has meant that fewer than the required quorum of 50% of members who previously attended the site visit remain on the new Planning Committee. This resulted in the application being deferred by the Planning Committee on the 1st June, 2017 to enable all members to visit the site before considering the application.

THE SITE

The site was formerly part of the garden area for 15 Heol Ddu, Penymynydd and formed a lawned area and garage serving the property. Planning permission was approved in 2012 for a single dwelling and reserved matters subsequently approved in 2014. The site is modest in dimension, however the applicant has acquired the Paddock to the rear, part of which was in settlement limits in the UDP but has been excluded in the LDP.

The applicant has two children with disabilities, the nature of which is sensitive information, and the design requirements have changed since the original approval, hence, the applicant seeks an alternative scheme as described below.

An application for an alternative scheme was refused in January 2017 due to the presence of a balcony above the rear projection being an over bearing element, and the fact that the application proposed a large extension of the garden area into the paddock to the rear which was considered to be an unacceptable incursion into the open countryside and would adversely impact the neighbouring properties.

THE PROPOSAL

The application seeks retrospective approval for an alternative scheme to that originally approved in 2014.

Amendments have been made primarily to the rear of the property with the addition of a single storey rear projection. The general form of the main dwelling is not proposed to be changed.

The rear projection is shown as 4.3m from the rear wall of the main house and extends across the rear elevation which measures 9.75m. The extra floor space is proposed as a day room/living room which is open to the kitchen/dining room to provide a supervised living space due to the specific needs of the children. A large glazed rear opening is proposed opening onto the garden area. It is also noted that Juliette balconies were originally proposed at first floor to prevent access from the patio doors onto the flat roof (which was previously proposed as a balcony in the refusal of January 2017) however these have been removed.

Committee expressed concerns over the scheme with Juliette balconies and deferred the decision for further discussion to ensure they were amended to fixed windows. Since the Committee, the applicants have amended the scheme to omit the French Doors and Juliette balconies and replace with windows. The applicants cannot have fixed windows as this would not comply with the requirement for ventilation and emergency egress, however they have amended to scheme so that there are fixed glazing bars at 800mm to ensure that no one can walk through onto the roof unless in an emergency. Further, the applicants have positioned the radiators beneath the windows which would preclude the opening being made into doors without major alteration to the building in the future.

The site slopes towards the paddock at the rear so the rear of the house is elevated compared with the ground levels. It is noted that ground levels have been lowered around the house and it is shown on the plans that these will be restored so that a terraced rear garden is provided. The levels are such that the extension is high compared with the neighbouring properties despite the fact that it is single storey.

The proposal includes a 6m extension of the garden outside the settlement limits of the village. This would bring the garden in line with the adjacent property.

PLANNING POLICY

In the context of the current development control policy framework, the site lies within the Pen y Mynydd settlement development limits as defined in the Carmarthenshire Local Development Plan (LDP) adopted 10 December 2014.

Policy GP1 Sustainability and High Quality Design states:

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;

- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste;
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 November 2016 and TAN12: Design (2016)).

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 provides the following guidance.

Paragraph 4.11.1 states: "Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings".

Paragraph 4.11.2 states: "Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design:"

Paragraph 4.11.3 states: “The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent which are material considerations.”

Paragraph 4.11.4 states: “Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).”

Paragraph 4.11.8 states: “Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.”

Paragraph 4.11.9 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.”

Paragraph 2.2 of Technical Advice Note 12 Design (March 2016) states:

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) states:

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

THIRD PARTY REPRESENTATIONS

The garden extension encroaches beyond the LDP settlement limits by approximately 6m. This is a significant reduction in the area previously sought under S/34809, and is in line with the adjacent property. It is acknowledged that this is an encroachment into open

countryside which would allow a small garden to the rear of the dwelling. On balance however, it is considered to be a modest area and unlikely to have a significant and unacceptable impact on the open countryside as does not protrude beyond that of the adjacent property to the South West. This land was formerly within settlement development limits, however it was excluded in the Local Development Plan as attempts to develop it had failed on highway safety grounds.

It is evident that the properties along Heol Ddu have encroached into this area over the years without planning permission, so the modest addition to form a garden area is not unreasonable.

There is concern that the height is overbearing despite removal of the balcony screens previously refused. The retrospective nature of the application allows this to be assessed. Whilst the height is greater than you would expect from a single storey extension due to the ground levels, it is subordinate to the main body of the house and is not considered to be overly dominant. The applicant has removed the 1.8m screens originally sought under S/34809, which is considered to have overcome the reason for the refusal.

The original alternative scheme that was refused under S/34809 included a balcony/roof terrace with 1.8m screens either side. The balcony/roof terrace has however been removed from this submission and any use of the roof as a roof terrace would be unauthorised. The formation of a balcony would require planning permission so the merits can be considered if at any time the applicant wishes to apply. This scheme originally had Juliette balcony type balustrades in front of patio doors which would allow them to open the doors and enjoy the view but without being able to walk out onto the roof. Committee however expressed concern and as a result, the Juliette balconies have also been removed and the openings have been amended to form windows. Privacy is not therefore considered to be affected because the view from inside the bedrooms would be no greater than if the applicant stood in the window of the approved scheme.

Notwithstanding any encroachment that has taken place into the land to the rear from other properties, the spatial character of Heol Ddu is for houses with modest rear gardens. The proportion of house to plot as proposed is not therefore likely to adversely impact the spatial character of the area. It should be noted that the applicant also owns the paddock to the rear with the intention of grazing a horse, so the amenity space available is more than the formal garden area. There are however safeguards to ensure that nothing is built on the Paddock as it is below the 5ha threshold that would allow agricultural permitted development.

There is a concern that the proposal would cause loss of sunlight/daylight through overshadowing. It is noted that the site is to the north west of No.17 so would have no impact, however it is to the South West of No. 15 so would have an impact in the evening. It should however be noted that in the greatest part, the additional floor space would be to the south of the main part of the building, so would have limited impact on the neighbouring dwelling which is not considered likely to be unacceptable.

The scheme shows parking alongside the house, with a parking/turning area to the front. There is however concern that the formation of the parking spaces to the side of the house would result in the damage or loss of a hedge along the boundary with the neighbouring property which is said to be in third party ownership. The grant of planning permission would not over-ride the ownership of the hedge, and if any damage is made to the adjacent property, separate legislation in the form of the Party Wall Act would apply.

CONCLUSIONS

After careful consideration of the site and surrounding environs, it is considered that the house as amended fits into the street scene and is unlikely to have an unacceptable adverse impact on neighbouring properties. Whilst the additional rear section is in line with neighbouring garden areas, the Juliette balconies have been removed so it is not considered likely to result in the loss or privacy or amenity to neighbouring properties. The formation of a balcony or roof terrace would require planning permission, however as an additional safeguard, a condition has been added to preclude the use of the flat roof as a balcony, roof terrace or similar amenity area.

It is noted that if the applicant had built the original scheme, they could have built a 4m single storey rear extension with 4m ridge and 3m eaves without planning permission subject to the provisions of the General Development Order as amended in 2013. The additional 300mm length and additional 1m eave height (the maximum height is in accordance with permitted development rights) as built are not considered to have an unacceptable adverse impact on neighbouring properties compared with what could have been built.

On balance, the proposal is considered to be in accordance with the above policies and therefore an acceptable form of development.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 10 February 2017.
- 2 The development hereby permitted is defined on the following schedule of plans:-
 - 1:500 scale Block Plan dated 9 February 2017;
 - 1:100 scale Proposed side elevation dated 9th February 2017;
 - 1:50, 1:100 & 1:200 scale Existing and Proposed Elevations, Site Plan and Proposed Floor Plans dated 19th May 2017.
- 3 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only.
- 4 The flat roof shall not be used as a balcony, roof terrace or similar amenity area.
- 5 The two first floor windows on the rear elevation shall be non-opening up to 800mm from the internal first floor level and shall be permanently retained in that condition.

REASONS

- 1 To comply with Section 73A of the Town and Country Planning Act (as amended).
- 2 In the interests of visual amenities.
- 3 In the interests of highway safety.
- 4 In the interests of privacy and amenity.
- 5 In the interests of safety.

NOTES

- 1 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).