

Application No	E/35434
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Application Type	Full Planning
Proposal & Location	SECOND STOREY EXTENSION ABOVE EXISTING GROUND FLOOR REAR EXTENSION AT 3 CAEFFYNNON, LLANDYBIE, AMMANFORD, SA18 2TH

Applicant(s)	ENGLAND & MAINWARING, 3 CAEFFYNNON, LLANDYBIE, AMMANFORD, SA18 2TH
Agent	DAVIES RICHARDS DESIGN LTD - GARETH RICHARDS, 42 RHOSMAEN STREET, LLANDEILO, SA19 6HD
Case Officer	Andrew Francis
Ward	Llandybie
Date of validation	24/04/2017

CONSULTATIONS

Llandybie Community Council – No objections to the proposal but make the following observations:

- The design of the proposed first floor extension should be amended so that the new window serving the new landing (opposite the new bathroom) and overlooking the rear garden area serving No 5 Caeffynnon should be either reduced in dimensions or omitted and a sun pipe installed in the ceiling of the landing in lieu,
- All new windows serving the first floor extension to the side elevations overlooking dwelling Nos 1 and 5 should be glazed with obscure glass

Local Member - County Councillor W R A has not commented formally on the proposals. County Councillor D Nicholas wants the Committee to be aware that he has spoken to the applicant and wants to convey that the applicant has three growing triplets and his current living conditions are becoming cramped so the extension is considered to be the best option. As his Local Member, and with both parties in mind, Cllr Nicholas should reflect the applicant's view so the Committee has balance from both sides. Former County Councillor A W Jones raised concerns that the size of the originally proposed extension would have an adverse impact on

the neighbouring properties. As a result he asked that the property be considered by the Planning Committee.

Neighbours/Public – Three neighbour consultation letters were sent out to advertise the application. One letter of objection has been received as a result. The points of objection are summarised as follows:

- The proposal will be built on top of the existing single storey extension (double length) with a high pitch roof. This will prevent natural sunlight from entering the neighbouring properties. As well as blocking light to the windows of the houses, it will block light to the gardens causing the lawns to die and moss to grow. The darker houses may cause damp in the houses which is damaging to health. The single storey extension affects light already.
- The extension will have two windows overlooking a neighbouring property at right angles. One will be adjacent to a bedroom window and could potentially look in.
- As the proposed extension would be directly onto a boundary, how would work be carried out? Work was allowed from the adjacent property for the single storey extension, which wasn't built to spec, what if the new one isn't?
- The access to the rear of the adjacent house is adjacent to the side next to the proposed extension. This would tower over it.
- What happens if the roof cannot cope with the water that falls onto it and it overflows onto the neighbouring properties?

RELEVANT PLANNING HISTORY

E/16440 Demolish Outbuilding and Garage;
 Erect New Garage, Rear Extension
 and Convert Roof Space
 Full Permission Granted

25 July 2007

APPRAISAL

THE SITE

The application site is addressed 3 Caeffynnon, Llandybie. This is a fairly large traditional gable fronted detached dwelling situated in a residential area on the eastern flank of the Caeffynnon site road. The dwelling occupies a flat broadly rectangular plot. The plot has near neighbours to both sides and to the rear. The application dwelling has a fairly recently built single storey rear extension

THE PROPOSAL

The originally proposed two-storey rear extension extended some 6.7 metres off the original rear wall of the dwelling with a full gable roof, built above the existing single storey extension. However, following concerns raised by the former Local

Member and following a site visit by the case officer, amended plans were sought to reduce the overall length of the proposal elevation of the dwelling to a maximum two storey length of 6 metres and to provide a hipped roof to reduce the height and mass of the proposal as much as possible.

The proposal seeks to provide a new bedroom and bathroom on the first floor. Externally, the finish of the proposed extension is to match that of the existing dwelling.

PLANNING POLICY

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development Plan (LDP) adopted in December 2014.

Policy GP6 is relevant and in this instance requires that any extension should be subordinate and compatible to the size, type and character of the existing dwelling; the materials should complement that of the existing dwelling; should not lead to inadequate parking, utility, amenity or vehicle turning areas and the local environment; the use of the proposed extension is compatible with the existing dwelling and the amenities of the occupiers of neighbouring buildings should not be adversely affected.

THIRD PARTY REPRESENTATIONS

Three neighbour consultation letters were sent out to advertise the application. One letter of objection has been received as a result. The points of objection are summarised and discussed as follows:

- The proposal will be built on top of the existing single storey extension (double length) with a high pitch roof. This will prevent natural sunlight from entering the neighbouring properties. As well as blocking light to the windows of the houses, it will block light to the gardens causing the lawns to die and moss to grow. The darker houses may cause damp in the houses which is damaging to health. The single storey extension affects light already.

Following the submission of amended plans, the proposed extension has been reduced as far as possible in length and the roof has been hipped in order to reduce the height of part of the proposed extension. Even so, given the layout of the dwellings in this area, there will inevitably be some affect upon the current levels of light enjoyed by the neighbours, particularly, those in 5 Caeffynnon. In order to consider this issue further, the LPA must first consider the fall-back position of permitted development which the applicants could build without requiring a planning application. In this instance, they could build a two storey extension with a maximum rear projection of 3 metres. In this case, such a rear extension would also negatively affect the windows on the side of the existing dwelling in the same way as the proposed extension.

With regard to the rear courtyard and rear facing bay window of No. 5, there would again potentially be some affect, particularly dependent upon the time of day and the

seasons, being worse in the afternoons in the autumn to spring months. The proposed extension would work to affect the rear bay window earlier in the day and into the summer months also.

With regard to the above, the question then becomes does this issue become so detrimental to the neighbour's amenity, in order to refuse the application? For cases where issues of light are involved, there are specific guidelines referring to daylight and sunlight.

With regards to daylight and in particular shadowing, there is a 45 degree rule for developments that are sited perpendicular to existing developments and windows in particular. This rule seeks to quantify the effect of a shadow by seeing if a potentially affected window would be affected by the development at a 45 degree line drawn down from the highest point of the proposed development at the midpoint of the window at a height of 1.5 metres. In this instance, the 45 degree line is just below the 1.5 metre point and as such, is just below the point of significance.

With regards to the issue of sunlight, the proposed 6 metre rear extension would begin to affect the sunlight from approximately 11:30am – 12pm, with the hipped roof allowing an extra 30-45 minutes of sunlight. As mentioned above, in the middle of summer, as when this test was carried out, the sun is so high in the sky that it would rise above the proposed extension. However, in the autumn, winter and spring months the sun would be lower and the light from the sun would be more easily lost to this window.

With further consideration of the above point, the applicants could, with some minor changes, build a 3 metre long two storey rear extension onto the rear of their property with the benefit of Permitted Development. In this instance, the Permitted Development extension would begin to affect the sunlight at around 3pm casting a shadow for the bay window. With regard to this, the consideration is therefore ultimately can a refusal be defended when the proposal would lose approximately 3 hours of sunlight over the permitted development fall back position, whilst the daylight calculations show that the shadowing is not significant enough at the midpoint of the window to fail that specific test.

As such, taking the above into account, the issues of loss of light aren't considered to be significant enough in this instance to warrant refusal of this application.

- The extension will have two windows overlooking a neighbouring property at right angles. One will be adjacent to a bedroom window and could potentially look in.

With regard to this comment, the window shown in this location is a bathroom window and is to be obscure glazed.

- As the proposed extension would be directly onto a boundary, how would work be carried out? Work was allowed from the adjacent property for the single storey extension, which wasn't built to spec, what if the new one is not?

This is a fairly typical concern that isn't dealt with under planning law, rather by the Party Wall Act etc. 1996. It is up to the two neighbours to agree terms that are satisfactory to allow the work to progress. With regard to the issue of the proposal being built to spec, the Authority will have the opportunity to monitor the extension. If it does not comply with any approved plans, the applicants face potential enforcement action.

- The access to the rear of the adjacent house is adjacent to the side next to the proposed extension. This would tower over it.

Similar to the first point above, the size of the proposed extension is fairly typical of two storey rear extensions, with the amended plans seeking to reduce its mass as much as possible. It is now considered to be an acceptable size.

- What happens if the roof cannot cope with the water that falls onto it and it overflows onto the neighbouring properties?

The design of the modern roof would take into account the surface water needs and would provide adequate guttering to serve the extension. If in the future there was a fault, it would be up to each party to resolve the matter.

CONCLUSION

Further to the above discussion, in considering the plans submitted, the amended design is acceptable, the finish matching that of the existing dwelling. The plot is large enough to accommodate the size of the proposed extension. The scale and design are subordinate and fits acceptably with the character of the existing dwelling.

As discussed above, whilst the proposal may have some affect upon the residential amenity of the neighbouring dwellings, it is not considered that this would be significant enough to warrant that this application should be refused. The proposal would not harm the general residential amenity of the area nor significantly harm the amenity or privacy of the occupiers of the neighbouring dwellings, whilst the application site is large enough to accommodate the proposed extension without losing significant amounts of amenity space and utility space.

Given the above, on balance it is considered that the proposed development is acceptable in terms of the requirements of the above-mentioned policies and is recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved amended plans received on 19 May 2017:

- The 1:50, 1:100, 1:500 and 1:1250 scale Existing and Proposed Floor Plans and Elevations, Block and Location Plans (1485-01 A)

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.

SUMMARY REASONS FOR APPROVAL

In accordance with Article 3 of the Town and Country Planning (General Development Procedure) (Wales) (Amendment) Order 2004, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan (comprising the Carmarthenshire Unitary Development Plan 2006) and material considerations do not indicate otherwise. The policies, which refer, are as follows:

- The proposed development accords with Policy GP6 of the LDP in that the extension represents an acceptable form of development which is appropriate to the character and appearance of the host building and surrounding area and will not have an unacceptable impact upon the residential amenity of nearby properties.

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 if 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.

