

**ADRODDIAD PENNAETH
CYNLLUNIO, CYFARWYDDIAETH YR
AMGYLCHEDD**

**REPORT OF THE HEAD OF
PLANNING,
DIRECTORATE OF ENVIRONMENT**

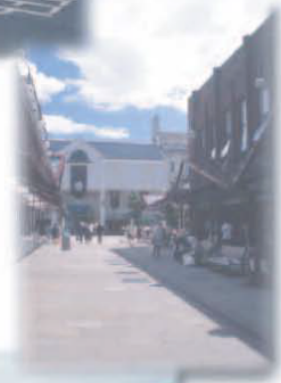
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 23 AWST 2018
ON 23 AUGUST 2018**

**I'W BENDERFYNU
FOR DECISION**

***Ardal
Dwyrain/
Area East***



Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.

In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.

COMMITTEE:	PLANNING COMMITTEE
DATE:	23RD AUGUST 2018
REPORT OF:	HEAD OF PLANNING

INDEX - A REA EAST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
E/37292	Erection of a detached garage with apex roof at 125 Saron Road, Saron, Ammanford, SA18 3LH

APPLICATIONS RECOMMENDED FOR APPROVAL
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Application No	E/37292
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Application Type	Full Planning
Proposal & Location	ERECTION OF A DETACHED GARAGE WITH APEX ROOF AT 125 SARON ROAD, SARON, AMMANFORD, SA18 3LH

Applicant(s)	MR ANDREW MASKELL, 125 SARON ROAD, SARON, AMMANFORD, SA18 3LH
Case Officer	Andrew Francis
Ward	Saron
Date of validation	24/05/2018

CONSULTATIONS

Llandybie Community Council – Offers no objection, instead advises that Planning Officers need to satisfy themselves that all reasons for previous refusals have been addressed in the current application.

Local Members - County Councillor K Davies has not commented to date. County Councillor C Harries has raised queries and objections to the proposal. The points of objection are summarised as follows:

- The proximity of the proposed garage would mean excess rainwater would fall on the neighbours land and/or the guttering would be hanging over the neighbour's land.
- The wall is positioned outside the neighbouring front door which prevents adequate light entering the property.
- The foundations of the wall are arguably not sound. It is built on a small wall which was not built to withstand the weight of the wall which has been built or the one proposed. Its integrity probably needs an urgent inspection to see if it is structurally sound.
- The garage has been refused by the LPA on four previous occasions and the applicant has lost two appeals to the Planning Inspectorate. Why hasn't enforcement action been taken against the wall?

Neighbours/Public - Two neighbour consultation letters were sent out as a result of the consultation process, with one letter of objection having been received in reply. The grounds of objection refer to;

- The overbearing nature of the existing wall is horrendous, but the possibility of an even higher wall and garage is horrendous.
- The proposed roof plan will result in excess rainwater and snow will, regardless of guttering systems, will find its way onto the neighbouring access path and the gutters will overhang.
- The loss of light will lead to mould growth on the lower aspects of the neighbour's house and the proposed building itself.
- Inability to move furniture and large items in and out of the main doorway.
- The outer wall of the planned garage has been erected on a small wall originally built to support the pathway. Cracks are now appearing along the path and along the bottom of the house. Any further weight could cause collapse. This could be catastrophic as the main sewerage pipe for 2 properties runs underneath it.

RELEVANT PLANNING HISTORY

E/34372 -	Erection of attached garage to side elevation with pitched roof - single storey. Full Planning Refused	10 November 2016
E/29807	Erection of attached side elevation garage with pitched roof. Full Planning Refused Appeal Dismissed	17 July 2014 25 February 2015
E/28383	Erection of attached side elevation garage with pitched roof Full Planning Refused Appeal Dismissed	8 July 2013 28 January 2014
E/26365	Side Elevation Garage with Pitched Roof Full Planning Refused	31 July 2012
E/00781	Two Storey Extension Full Planning Permission	11 December 2001

APPRAISAL

THE SITE

The application site is a semi-detached house located immediately at the rear of the footway along the eastern flank of Saron Road, opposite the Cefn-crug residential cul-de-sac. The modest two-storey dwelling of rendered elevations with a natural slate roof covering has a large two storey, flat roof, rear extension that projects 1.3m beyond the side elevation of the house, in front of which is an off-road parking area.

THE PROPOSAL

The application details the provision of a new single storey garage to be constructed offset towards the rear of the north eastern side of the existing extension. The applicant has made several attempts at applying for a garage directly adjacent to the side of his dwellinghouse which have all been refused. The initially refused garage was proposed to have a pitched roof with a central ridge running parallel to the front elevation. This created a tall facade immediately in front of the front door of the adjacent dwelling which was deemed unacceptable, a view which was backed by a Planning Inspector. However, discussions during that application stated that if the proposed garage were to have a simple lean to roof off the side of the existing dwelling, this would have been previously acceptable. However, when this was submitted, the application was again refused at Planning Committee under reference E/29807 and also refused at appeal.

This current application seeks to remedy the issues highlighted in the previous appeal by moving the garage rearwards on the plot by approximately 5 metres. This brings the front of the garage behind the front door of the neighbour's dwelling, and will allow for the existing boundary wall to be taken down. Both will improve the amount of light and sense of space felt by the neighbours at the front door. The proposed garage extension measures 8.46 metres in length by 3.77 metres in width. Whilst it would present an eaves height at its lowest level on the land associated with 125 Saron Road at 2.4 metres in height, due to the drop in height between 125 Saron Road and 127 Saron Road, the Eaves height would appear as 3.4 metres. The roof is to be pitched as there is no longer a wall to tie a lean to roof to. The overall height of the garage measures 4.4 metres.

Externally, the walls are to be rendered and the roof is to be finished in fibre cement slates.

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

Two neighbour consultation letters were sent out as a result of the consultation process, with one letter of objection having been received in reply. County Councillor C. Harries has also objected to the proposal. The grounds are summarised and are discussed as follows:

- The overbearing nature of the existing wall is horrendous, but the possibility of an even higher wall and garage is horrendous.

With regard to this point, the previous applications argued that the front wall directly in front of the neighbouring dwelling's front door, which is set lower would indeed cause harm to the amenity of the neighbours. This is despite the permitted development fall-back position which the applicant has demonstrated by building a wall on the boundary with the benefit of permitted development.

The proposed garage will be a significant improvement on both the previous application and the current situation as the proposed structure will be moved behind the line of the neighbour's front door and the applicant will take down the existing boundary wall. This means the neighbour will have much more daylight entering the dwelling through the front door opening and, as more light is penetrating the pathway, less mould will build up.

The applicant could, if refused retain the boundary wall, and in fact make it taller as it is not yet at the full two metre height allowed by permitted development. As such, it is felt that the proposed building offers an improved scenario.

- The proposed roof plan will result in excess rainwater and snow will, regardless of guttering systems, will find its way onto the neighbouring access path and the gutters will overhang.

With regard to this point, it is the responsibility of the applicant to ensure that the proposed garage and guttering system proposed is adequate and maintained to be adequate, to ensure that no rainwater should fall upon the neighbour's land.

- The loss of light will lead to mould growth on the lower aspects of the neighbour's house and the proposed building itself.

As discussed in the first point above, the proposal will actually allow more light than the current situation as the boundary wall will be removed and the garage will be set back behind the neighbour's front door. As such, this will be an improvement upon the current levels of light received.

- Inability to move furniture and large items in and out of the main doorway.

It would appear that the neighbours are objecting to plans that resemble a previous application as the current proposal allows much more space around the front door area than the existing situation with the boundary breezeblock wall would allow. If the garage was to be moved back behind the neighbour's main door line, there would be much more space available for bulky items to enter the house in this location.

- The outer wall of the planned garage has been erected on a small wall originally built to support the pathway. Cracks are now appearing along the path and along the bottom of the house. Any further weight could cause collapse. This could be catastrophic as the main sewerage pipe for 2 properties runs underneath it.

It will be the responsibility of the applicant to ensure that any construction works are carried out safely and the applicant would be liable to any remedial costs should the work damage any neighbouring land. Typically, this is considered under the Party Wall Act etc.

- The garage has been refused by the LPA on four previous occasions and the applicant has lost two appeals to the Planning Inspectorate. Why hasn't enforcement action been taken against the wall?

With regard to this final point, as alluded to above, the existing breezeblock wall that has been built by the applicant is permitted development – the applicant can build a boundary wall up to 2 metres in height on the boundary without planning permission. As such, this wall cannot be enforced against.

CONCLUSION

In light of the above, the proposed detached garage is now considered to be an acceptable form of development. It is subordinate to the existing dwelling and is of a size and design that complements the character of the existing dwellinghouse, whilst retaining adequate amenity space to serve the dwelling.

Despite the objections, the proposed garage would improve the current levels of amenity and privacy of the occupiers of the neighbouring dwelling in particular, as the wall that has been built under permitted development will be removed. As such, given this fact, it is considered that the proposal complies with policy GP6 and the objections cannot be sustained. As such, the proposal 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 plans received on 17 May 2018:
 - 1:1250 scale Location Plan;
 - 1:100 scale Proposed Elevations, Garage, Floor Plan and Section.
- 3 The garage hereby approved shall be used for the domestic and ancillary needs of the occupiers of 125 Saron Road, Saron, Ammanford only. It shall not be used for any trade, business or commercial purposes.

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.
- 3 In the interest of residential amenity

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development accords with Policy GP6 of the LDP in that the garage 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.