

Application No	S/38295
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Application Type	Full Planning
Proposal & Location	CONSTRUCTION OF NEW HOUSE WITH INTEGRAL GARAGE AT PLOT 3, HEOL BRONALLT, FFOREST, LLANELLI, SA4 7TE

Applicant(s)	MR NEIL EBORN, 48 CLAYTON DRIVE, PONTARDULAIS, SWANSEA, SA4 8AD
Agent	ROBERT HIGGINS ARCHITECT - MR ROBERT HIGGINS, 105 PENYBANC ROAD, PENYBANC, AMMANFORD, SA18 3QP
Case Officer	Zoe James
Ward	Hendy
Date of validation	15/01/2019

CONSULTATIONS

Head of Transport – Has raised concerns regarding visibility and parking as one of the car parking spaces is positioned within 2.4m of the edge of the carriageway. Also noted that the car parking spaces were below standard size. A revised plan has been received which repositions and increases the size of the proposed the parking spaces. Highways have now confirmed no objection subject to a condition regarding visibility splays.

Llanelli Rural Council - No observations received to date.

Local Member - Councillor Gareth Thomas is a member of the Planning Committee and has requested that the application be brought to the Planning Committee and that a site visit is undertaken in order for members to view the location and any impact of the development on surrounding properties.

Dwr Cymru/Welsh Water – No objection subject to a condition restricting surface water drainage discharging to the public sewerage network.

Sustainable Drainage Approval Body – Raises concerns regarding siting of a soakaway at the site due to the sloping nature and proximity of the neighbour's house at the lower end. Recommends that on-site infiltration tests in accordance with BRE365 are undertaken to ensure no detrimental impact on the lower neighbour's property. The agent has been informed of the response.

Public Rights of Way – Initially commented stating that no regard has been given to the existence of Footpath 34/43 and if planning permission is to be granted, conditions are

required. However, have since confirmed that the route of Footpath 34/43 was incorrectly mapped and abuts the application site.

Llanelli Ramblers – Initially objected on basis that application impacts on Footpath 34/43 and no regard has been given to use of the Public Right of Way. Further to the correction to the alignment of the public right of way advised by the PRow team, the initial objection submitted on behalf of Llanelli Ramblers has now been withdrawn. The withdrawal is subject to the conditions requested by the PRow team (in their comments 11/02/19) being fulfilled.

Neighbours/Public - The application has been publicised by the posting of two Site Notices. Please note that 2 no. responses have been received from 2 no. properties raising material planning considerations as follows:-

- privacy/amenity/overbearing;
- proposal does not take account of public footpath;
- query regarding land ownership; and
- increased traffic causing safety issues.

RELEVANT PLANNING HISTORY

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

S/37293	Construction of new house with integral garage. Full Planning refused	12 July 2018
D5/16775	Residential development Full planning permission	16 March 1995
D5/15196	Residential development 37 detached dwellings Reserved Matters granted	18 March 1993
D5/11875	Residential development Outline planning permission	23 October 1989
D5/11616	Construct 8 semi-detached and 4 detached houses Approved	26 June 1989
D5/5740	Construction of detached houses Refused	25 June 1981
D5/5237	Residential Outline planning refused	11 September 1980
D5/949	Residential development Outline planning permission	31 July 1975

APPRAISAL

THE SITE

The application site consists of a rectangular parcel of land fronting the western side of Bronallt Road within the village of Hendy. The site is bordered by Public Right of Way

footpath no. 34/43 and then no. 53 Bronallt Road to the south, existing property Y Winllan is to the north west and a vacant parcel of land, part of which has recently been granted outline planning permission at Planning Committee subject to completion of a Section 106 agreement for 2 dwellings (reference. S/36098). The Coed y Bronallt estate is situated to the north west of the site and is characterised by large detached houses and Bronallt Road comprises a mix of large detached houses as well as former local authority semi-detached properties.

The site consists of a grassed overgrown area which has an unkempt appearance and has previously been subject of two enforcement notices served regarding untidy land. The levels of the site fall towards its western boundary. The Y Winllan property within the Coed y Bronallt estate to the rear is set at a lower level than the site.

THE PROPOSAL

The application seeks full planning permission for a detached dwelling with integral garage, alongside new access, driveway and parking spaces to the front and private garden space to the rear. This application follows a previous application (reference. S/37923) at the site which was refused under officer delegated powers due to concerns regarding its harmful impact on the residential amenity of the occupiers of the neighbouring dwelling of 'Y Winllan' by way of loss of privacy and overbearance.

The present application has not altered from the previously submitted scheme and comprises a three storey property built into the land which appears two storey when viewed from Bronallt Road.

At ground floor level, the property comprises an integral garage, study, bathroom, snug, dining/living room and large open plan kitchen which runs along the rear elevation of the property. A semi-circular stairwell is proposed beyond the main wall of the rear elevation in the north western corner of the property. The stairwell has no fenestration and provides access to the lower floor. There is also an internal staircase within the centre of dwelling which provides access to the first floor. At first floor, four bedrooms are proposed, each of which has its own en-suite. Bedrooms 1 and 2 overlook the rear garden (three windows) whilst bedroom nos. 3 and 4 face Bronallt Road. The lower ground floor includes a lounge, lobby, shower room, utility room and bin store with access to the rear garden from the living room via bi-folding doors or the bin store on the south elevation.

The application has been accompanied by cross sectional drawings taken through the site which show the proposed finished levels of the development in relation to existing properties to the east and west. Whilst the proposed dwelling has been built into the land, the topography and elevated position results in the dwelling having a direct elevated outlook towards the rear elevation and private garden area of the existing property, Y Winllan to the rear. The positioning of the stairwell to the north west of the property seeks to reduce views from the kitchen and lounge yet this does not overcome the concerns regarding overlooking.

A 1.8m high close boarded timber fence is also shown on the plans along the north and western boundary.

The application is accompanied by a draft Unilateral Undertaking and completed Certificate of Title indicating the applicant intends to comply with the requirements for a contribution towards affordable housing in line with Policy AH1.

PLANNING POLICY

In the context of the Authority's current Development Plan the site is within the defined development limits of Hendy as contained in the adopted Local Development Plan (LDP). It is not the subject of any designation or allocation in the Plan and therefore appears as white land. Reference is drawn to the following policies of the Plan:-

Policy SP1 Sustainable Places and Spaces promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy GP1 Sustainability and High Quality Design is a general policy which promotes sustainability and high quality design, and seeks to ensure that development 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. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy GP2 Development Limits requires that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP3 Planning Obligations states that the Council will, where necessary seek developers to enter into planning obligations to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites.

Policy H2 Housing within Development Limits permits proposals for smaller housing developments on unallocated sites within the development limits of a defined settlement provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 Affordable Housing states a contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub-market areas.

Policy GP4 Infrastructure and New Development states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy TR3 Highways in Developments – Design Considerations relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EP2 Pollution states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land. Policy EP3 Sustainable Drainage requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

Policy EQ4 Biodiversity relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

THIRD PARTY REPRESENTATIONS

Two letters of objection have been received from neighbouring residents who raise concerns regarding the impact of the proposal on their residential amenity. Concerns are raised by a neighbour located to the west regarding loss of privacy and overbearance as a result of the proposed development and notes that only a property which sits at similar height to their property would address this concern. The objection also refers to the existing footpath being well used and inaccuracies regarding the red line plan. It is noteworthy that previously the neighbour commented on the earlier application at the site, yet did not raise such strong concerns or objections regarding the proposal.

The second objection refers to loss of views as a result of the development and concerns over increase in traffic resulting in highway safety issues.

Highway/pedestrian safety has been carefully considered. There was initial concern from Highways regarding visibility and parking for the proposed development. One of the proposed car parking spaces was situated within 2.4m of the nearside edge of the carriageway. The comments also highlighted that the size of the parking spaces fall below the 2.6m x 4.8m standards.

Revised plans have since been submitted with one of the spaces relocated and the parking spaces increased in size to the above standards. Highways have responded stating that should the application be approved, a condition will be imposed requiring 2.4m x 4.3m visibility splays to be implemented and retained thereafter. On this basis, the Head of Transport has no objection.

Turning to the objection regarding loss of privacy and overbearance on adjacent dwelling 'Y Winllan', it is pertinent to note that the previous application (reference. S/37293) for the same scale development at the site was refused on this basis. As before, it is considered that the new dwelling would have a direct elevated outlook towards the rear elevation and private garden area of this existing property at close quarters to the detriment of the privacy and enjoyment of its occupiers. Moreover, the scale and massing of the new dwelling combined with its proximity and elevated position above 'Y Winllan' would mean it would appear as an overly dominant and overbearing feature from this existing property. It is considered that the proposed development therefore fails to conform to criteria within Policy GP1 (Sustainability and High Quality Design) and Policy H2 (Housing within Development Limits).

In terms of loss of views as Committee Members will be aware this is not a material planning consideration. As per highways comments, the proposed development is not considered to have an impact on highway safety grounds subject to a condition regarding visibility.

The agent has submitted revised plans amending the red line area of the application site which accords with the Certificate of Title completed by the applicant's solicitor. On this basis, it is considered that the concern regarding land ownership has been addressed.

CONCLUSION

After careful consideration of the site and surrounding environs, the proposal is considered not to be acceptable given its impact on the amenity of adjacent residential dwellings. Whilst the proposal complies with a number of policies within the Local Development Plan (LDP) given the site's location within the Development Limits in Hendy, the proposed dwelling fails to comply with the relevant criteria within LDP Policies GP1 and H2, by reason of its siting, size and scale.

Given the sloping nature of the site, accompanied by the scale and massing of the proposed dwelling, it is considered to result in unacceptable harm to the residential amenity of the occupiers of the neighbouring dwelling 'Y Winllan' due to loss of privacy and overbearance. Despite attempts to reduce overlooking through proposed fencing and positioning of the stairwell on the rear elevation, the new dwelling would have a direct elevated outlook towards the rear elevation and private garden of the existing property at close quarters resulting in a detrimental impact on the privacy and enjoyment of its residents. Given the proximity and site topography, alongside the scale and massing of the proposed dwelling would result in it appearing as an overly dominant and overbearing feature from the existing property. Furthermore, as raised by the Sustainable Drainage Approval Body, there are concerns regarding the proposed use of a soakaway due to the sloping nature of the site and the proximity of the neighbour's house at the lower end. Therefore, it is recommended that on-site infiltration tests are undertaken in accordance with BRE365. In advance of the tests being carried out, it is not possible to ensure no detrimental impact on the neighbouring dwelling 'Y Winllan'. The applicant has verbally advised that soakaways are not proposed for the scheme and therefore the concerns raised by the Sustainable Drainage Approval Body are not relevant. The applicant advised that revised plans are being submitted detailing the drainage measures proposed, these have not been received as yet.

The proposal includes adequate parking facilities so no concerns are raised regarding highway safety, subject to imposition of suitable condition. As previously identified, a draft Unilateral Undertaking has been submitted by the applicant's solicitor regarding a commuted payment to contribute towards the provision of affordable housing in the locality as part of the proposal. As such, the proposal complies with the requirements regarding affordable housing within LDP Policy AH1 (Affordable Housing).

On balance, whilst an infill opportunity within the village, the proposal results in unacceptable harm to the residential amenity of neighbouring occupiers and therefore it is recommended that the application be refused for the following reasons.

RECOMMENDATION – REFUSAL

REASONS

- 1 The proposal is contrary to Policy GP1 “Sustainability and High Quality Design” of the Carmarthenshire Local Development Plan:-

Policy GP1 Sustainability and High Quality Design

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 7 and TAN12: Design (2014)).

In that:-

- it would be unacceptably harmful to the residential amenity of the occupiers of the neighbouring dwelling of 'Y Winllan' by way of loss of privacy and overbearance. The new dwelling would have a direct elevated outlook towards the rear elevation and private garden area of this existing property at close quarters to the detriment of the privacy and enjoyment of its occupiers. Moreover, the scale and massing of the new dwelling combined with its proximity and elevated position above 'Y Winllan' would mean it would appear as an overly dominant and overbearing feature from this existing property.
- Without undertaking on-site infiltration tests it is not possible to ensure that satisfactory disposal of surface water can be achieved and that the proposed soakaway will not result in a detrimental impact on the property 'Y Winllan' to the lower end.

- 2 The proposal is contrary to Policy H2 "Housing within Development Limits" of the Carmarthenshire Local Development Plan (December 2014):-

Policy H2 Housing within Development Limits

- a. **Proposals for housing developments on unallocated sites within the development limits of a defined settlement (Policy SP3) will, where they are not subject to the provisions of Part B below, be permitted, provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.**
- b. **Housing developments of five or more dwellings in a Tier 4 settlement listed as not containing any key facilities or services (see paragraph 6.2.56 below) will not be permitted, except where they contribute to the provision of affordable housing to meet identified local need (as defined within the Glossary of Terms), and provided that:**
 - i. **They are of a scale in keeping with the character of the settlement;**
 - ii. **The benefits of initial affordability are retained in perpetuity for all subsequent occupants;**
 - iii. **They are of a size, scale, and design compatible with affordable dwellings and available to low or moderate income groups.**

In that it would be unacceptably harmful to the residential amenity of the occupiers of the neighbouring dwelling of 'Y Winllan' by way of loss of privacy and overbearance. The new dwelling would have a direct elevated outlook towards the rear elevation and private garden area of this existing property at close quarters to the detriment of

the privacy and enjoyment of its occupiers. Moreover, the scale and massing of the new dwelling combined with its proximity and elevated position above 'Y Winllan' would mean it would appear as an overly dominant and overbearing feature from this existing property.

- 3 The proposal is contrary to Policy EP3 "Sustainable Drainage" of the Carmarthenshire Local Development Plan (December 2014):-

Policy EP3 Sustainable Drainage

Proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated.

The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.

In that it is not possible to ensure that satisfactory disposal of surface water can be achieved and that the proposed soakaway will not result in a detrimental impact on the property 'Y Winllan' to the lower end without undertaking on-site infiltration tests.