

**Cyngor Sir Caerfyrddin
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO
PLANNING COMMITTEE**

**Adroddiad Pennaeth Lle a
Chynaliadwyedd
Lle a Seilwaith**

**Report of the Head of Place
and Sustainability
Place and Infrastructure**

04/06/2024

**I'W BENDERFYNU
FOR DECISION**

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:	04.06.2024
REPORT OF:	HEAD OF PLACE AND SUSTAINABILITY

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
PL/06309	Variation of Condition 2 (to W/02132) to amend plans to include revised access ramp and amendments to dwelling at Plot adjacent to Hollybrook, Ffynnonrain, Carmarthen, SA33 6EE

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/06309
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Application Type	Removal/variation of conditions
Proposal	Variation of Condition 2 (to W/02132) to amend plans to include revised access ramp and amendments to dwelling
Location	Plot adjacent to Hollybrook, Ffynnonddrain, Carmarthen, SA33 6EE

Applicant(s)	Mr Anthony Sapsted
Agent	Verte Architects - Mr Paul Richards
Officer	Helen Rice
Ward	Trelech
Date of validation	27/10/2023

Reason for Committee

This application is being report to the Planning Committee following receipt of three or more objections from third parties and a call-in request by Councillor Jean Lewis.

The application was first reported to the Planning Committee on 28 March 2024 when Members resolved to undertake a site visit.

Site

The application site lies within the hamlet of Ffynnonddrain, approximately 2km north of Carmarthen Town Centre. Ffynnonddrain comprises a group of dwellings situated along the classified public highway which leads from Trevaughan to the south and up towards Cynwyl Elfed to the north. A further unclassified single track road known as Castell Howell Road links Ffynnonddrain with the larger village of Trevaughan situated to the west.

The application site is located to the rear of the main group of dwellings within Ffynnonddrain and is situated off Castell Howell Road where the land rises steeply up towards Trevaughan. The rectangular shaped plot borders 5no. residential properties along its eastern boundary, agricultural fields to the north, a single bungalow to the west (known as Hollybrook) and the unclassified road to the south. The site rises from east - west and south - north and thus is situated in an elevated position above the adjoining properties to the east. The site currently

comprises an incomplete residential dwelling with associated building materials storage and paraphernalia situated within its wider grounds. The building is set back from the road behind a mound of earth.

Proposal

In order to set out the proposal, it is necessary to explain the back history which has led to the submission of the application.

The site was granted planning permission for the erection of a bungalow with basement garage/workroom in 1998. After planning permission was originally granted for the dwelling in 1998, the applicant submitted a series of amendments to the proposal in 1999/2000, which at that time were not required to be the subject of a formal application and was rather dealt with through the exchange of plans and letters between the applicant/developer and the Local Planning Authority. Such amendments were duly considered by the allocated case officer having regard to relevant policies in force at that time. These included re-siting of the dwelling due to land conditions, increase in height of the basement level by 1m and adjustments to window positions. The planning permission as amended was soon implemented with the property built up to the basement level before works ceased and the site remained part built for approximately 20 years until works recommenced to build the upper ground floor above basement level in the summer of 2023.

Following recommencement of works, the Local Planning Authority received a number of queries from local residents concerning the scale of the development. During enforcement investigations, a review of the original planning application file was undertaken to fully establish the suite of plans which comprised the approved planning permission as amended by the subsequent minor amendment determinations to enable comparison of the scheme as approved and as built. It became apparent that there were discrepancies between what had been approved and that which was being developed on the site. This primarily concerned the proposed access ramp leading up to the upper ground floor and discrepancies in relation to the height, width and depth of the dwelling. Following discussions, the applicant elected to submit this application to vary the approved plans to reflect the building as now built.

As such, this application **only relates to the differences** between what was originally approved (as amended) in comparison to that which has been developed. These differences can be summarised as follows:

- Increase in overall height of 1m
- Increase in depth of 1m
- Approximately 30cm closer to the eastern boundary
- Installation of meandering access ramp up the earth mound and up to the upper ground floor

In addition, during the course of the application, the applicant has confirmed that they would install a privacy screen along the eastern elevation of the access ramp to coincide with the position of windows and access doors and have already installed obscured glazing in all of the windows (with exception of one serving a bedroom) on the eastern side elevation that faces onto the rear gardens of adjacent properties.

Planning Site History

The following are the relevant planning permissions relating to the site :

W/02132 - Amended elevations to former approved scheme for one bungalow with basement garage/workroom - Full Granted 17/11/1998

W/00571 - Construction of a bungalow over double garage workroom/storeroom - Full Granted 07/03/1997

D4/24201 - Siting of two dwellings - Outline Granted 16/12/1993

D4/19393 - Siting of two dwellings - Outline Granted 25/07/1990

D4/2389 - Siting of two bungalows - Refused 08/06/1977

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces

SP5 Housing

GP1 Sustainability and High Quality Design

GP2 Development Limits

H2 Housing within Development Limits

TR3 Highways in Developments- Design Considerations

Carmarthenshire Supplementary Planning Guidance

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Newchurch and Merthyr Community Council - No observations received to date.

Local Member(s) - Councillor Jean Lewis is a member of the Planning Committee and has commented that further to the objections raised by residents due to the applicant not following the original approved plan in terms of size, design, style, loss of privacy and its proximity to their houses, that the application would need to be considered by the Planning Committee and that she may ask for a site visit.

All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application was the subject of notification by way of site notice. 9 representations were received from 7 different households, objecting to the development on the following grounds:

- Total loss of privacy
- Loss of light
- Overshadowing
- Detrimental impact upon quality of life
- Presence of workmen working along the ramp/balcony made residents feel uncomfortable in their own rear gardens
- Windows, doors, ramp, walkway and conservatory overlooking private rear gardens of neighbouring residents and rear bedroom windows
- Impact of development on health and well being of residents
- Overbearing and overwhelming impact upon neighbouring residents
- Overdevelopment of the plot
- Dwelling towers above neighbouring properties
- Not in keeping with the existing buildings in the area and does not compliment the hamlet
- Adverse impact upon the residential amenity of the village of Ffynnonddrain and its residents.
- Loss of views
- Earth mound created along frontage has caused overspill of mud and stones into neighbouring properties.
- Earth mound is dangerously close to a piped watercourse which previously collapsed during building works and caused flooding in Castell Howell Lane and is also close to a sewage pipe.
- Dwelling is not in accordance with the original permission
- Proposal was not properly considered in terms of size, scale, privacy, proximity to neighbouring properties, character and appearance when originally granted planning permission
- Original proposal was for a bungalow not a three storey house
- Development has broken law rules and should be demolished
- Officers need to visit neighbours to assess impact
- Neighbours not informed of the development
- Dwelling is higher and situated further back in the plot than as originally approved
- Series of amendments made post previous planning permission that were not subject of adequate assessment by the Planning Officer at the time
- Previous assessment of the distance between the dwelling and neighbouring dwellings cited as 28m is incorrect and the distance is rather 23.4m.
- Details of previous Ombudsman file regarding the original permission and subsequent amendments is not available
- Previous developments have had to abide by height restrictions to blend in with the area

All representations can be viewed in full on our [website](#).

Appraisal

The main considerations relating to this application is the impact of the differences between that which was approved and that which has been built upon the residential amenity of neighbouring residents and the character and appearance of the area.

Principle of Development

The application site is entirely within the settlement limits of Ffynnonddrain and as such development of a dwelling is acceptable in principle subject to adherence with the LDP policy and any other material planning considerations.

Impact upon residential amenity

The majority of objections received by local residents relates to the development's impact upon their amenity, including loss of privacy and that the dwelling has an overbearing impact upon their rear gardens. The concerns raised are acknowledged and Officers visited the rear gardens of those properties that adjoin the depth of the dwelling, namely Rose Cottage, 3 and 4 Ffynnonddrain Cottage to enable a full assessment of the impact the changes from that which was approved and that which has been built upon residential amenity.

It is noted that a number of the objections received question why a development of this scale was allowed in the first place. A review of the original planning application dating back to 1998 file confirms that letters to adjoining neighbours notifying of the application were sent. The development description referred to a bungalow with basement garage workroom. At that time, those wishing to view the application plans would have been able to view the physical files within the Council Offices, they were not available to view online. No objections to the development were received. It is the case that further amendments were then agreed, which at the time, was dealt with through the exchange of letters which included reposition and increases in height. Whilst it is noted that upon commencement of works, neighbours raised concerns including to the local ombudsman, it was concluded that the decision had been duly assessed and considered against the relevant policies at that time. Therefore the planning permission as amended is lawful and represents the "fall back" position.

The assessment now being undertaken relates to the differences in terms of the dwelling's height, siting and depth in comparison to the approved, "fall back" position and whether these changes would have an unacceptable impact upon the residential amenity of the neighbours in comparison to that approved.

The dwelling, as approved, was to be set back by around 2.7m from the boundary with adjoining rear gardens. Whilst the dwelling as built is some 30cm closer to the boundary, it is not considered that this change amounts to a significant difference to that which was originally approved. It is nevertheless accepted that given the scale of the dwelling coupled with the local topography, the dwelling sits well above the neighbouring properties.

Assessment of the scheme as approved and as built confirms that the level of the upper ground floor and side ramp is comparable to that approved. However, the overall height of the roof, due to a change in pitch, has resulted in an increased eaves to pitch height of 1m. Whilst this will increase the bulk of the property, the increase relates to the roof apex rather than an increase in wall height immediately adjacent to the properties. As such, on balance, it is not considered that the increase in roof height of 1m results creates an unacceptable impact in terms of being overbearing in comparison to the approved position. With regards overshadowing, due to the orientation of the rear gardens and dwelling, the proposal would increase shadowing towards the end of the day however, the depth of the rear garden areas afforded to each adjoining dwelling is more than 20m and as such, it is not considered that the garden areas in their entirety would be affected.

Turning to loss of privacy, given that the level of the upper ground floor and ramp is comparable to that which was approved, there is no increased overlooking as a result of the changes. The distance window to windows is in excess of the generally accepted criteria of 21m. However, in acknowledging the concerns of neighbours and following a request by Officers, the applicants have agreed to install a privacy screen along the ramp length which coincides with the windows and door openings to mitigate issues of overlooking and improve the privacy to be afforded to neighbouring residents in comparison to the consented scheme, and the installation and subsequent maintenance of this screen could be the subject of a condition.

Some residents have raised objections in terms of loss of views, however, the loss of a view is not a material planning consideration.

Therefore, whilst the concerns raised by neighbours are fully acknowledged, following assessment of the changes between the approved "fall back" position and as built, it is not considered that the change in height and siting would result in an unacceptable impact upon residential amenity in comparison to the approved position. The proposal does offer improvements over the approved position through the installation of a privacy screen along the side access ramp. Therefore, on balance and having regard to the specific circumstances of the case, the changes subject of this application are considered to comply with Policy GP1 of the LDP.

Impact upon character and appearance of the area

A number of objectors have commented that by reason of its scale and design, the dwelling does not accord with the character and appearance of the area. The village is predominately characterised by traditional cottages, modest two storey dwellings and single storey bungalows.

The overall design and form of the dwelling has not changed from the original approval, it remains to be a bungalow with a basement garage/workshop. However, and as mentioned above, what has been approved in comparison to that built differs in terms of its overall height, depth and siting as well as proposals for the ramp meandering up the frontage of the property and to the upper ground floor rather than being concentrated on the side elevation.

It is acknowledged that this is a large property that is at an elevated position within the village. The increase in height from that approved in comparison to that built further adds to the scale of the dwelling, however, this primarily relates to the pitch of the roof rather than the main mass of the dwelling. It is therefore not considered that the increase in height creates a significantly different impact to that which was approved.

Turning to the access ramp, due to the split level nature of the property, an access ramp meeting building regulation standards is required to enable level access into the upper ground floor as the only other alternative access is the approved external staircase or an internal staircase from the basement up to the upper ground floor. Whilst originally the access ramp was to be located on the side of the dwelling, it became apparent that this was not achievable due to site constraints and the required levels to meet with updated building regulations. As such, the applicant now intends to utilise the mound to the front of the dwelling and create a meandering pathway that gradually rises in line with building regulation standards up to the upper ground floor and along the length of the building providing access via the side door.

The mound itself has been in situ since works to build the basement level commenced and as such in excess of 20 years. The path way has already been partially laid out along with tree and shrub planting along the route, with a steel framework built to take the path from the mound and create the level route up and along the side boundary of the dwelling. Whilst the ramp arrangement differs significantly from the approved position, the mound has the effect of screening the lower basement elevation from the adjoining highway whereas as approved the full height of the dwelling would have been visible coupled with the steel structure to support the ramp. Therefore, on balance, it is considered that the dwelling as built whilst larger in height provides some improvement in the form of screening in comparison to the original approval.

Other Matters

Whilst referred to above, a number of the objectors raise concerns regarding the original approval back in 1998 and the subsequent amendments. The consideration of the scheme was the subject of review at that time and it was concluded that the decision was lawful. As such, it is not within the remit of this application to consider the previous consented scheme.

Planning Obligations

There is no requirement for a Section 106 Agreement.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

Having regard to the specific circumstances in this case, particularly that the application only relates to the differences between the dwelling as approved and as now built, on balance it is considered that the changes do not amount to an create an unacceptable impact upon the residential amenity or character and appearance of the area in comparison to the approved dwelling. Whilst larger in terms of height and depth with a differing access ramp route, it is considered that the application improves upon the original scheme through installation of a privacy screen and landscaping works that inadvertently reduces views of the full scale of the southern elevation of the property. The application is therefore considered to comply with Policy GP1 of the LDP and is recommended for approval subject to the below conditions:

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

The development shall be carried out in accordance with the following approved plans and documents:

- Location Plan received 25 July 2023
- Block Plan [013] received 3 November 2023
- Proposed "As Built" Elevations [2103-B031B] received 1 March 2024
- Proposed Elevations with Ramp and Planting [2103 B 030] received 17 July 2023
- Basement & Ground Floor Plan received 20 October 1998

Reason: For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014

Condition 2

Within 2 months of the date of this permission or prior to the first beneficial occupation of the dwelling, whichever is the sooner, a 1.8m privacy screen shall be installed along the eastern boundary of the access ramp in accordance with the details included on the As Built Elevations drawing hereby approved. The privacy screen shall thereafter be maintained and remain in this position in perpetuity.

Reason: To ensure the timely provision of the proposed privacy screen in the interests of protecting the amenities of neighbouring residents in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

Condition 3

The garage shall be used for domestic purposes only and not for any business, trade or commercial business.

Reason: In the interests of highway safety and amenity and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014

Condition 4

The property shall be used as a single dwellinghouse and for no other purpose (including any other purpose in class C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason: To prevent any separate use on the site and to ensure that the proposed development does not prejudice the amenities of neighbouring residents.

Condition 5

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, amending and re-enacting that Order), no development of the types described in Schedule 2, Part 1, Classes A, B, C, D

and E other than that hereby approved, shall be carried out without the written permission of the Local Planning Authority.

Reason: To exert control over the future development of the site to ensure that the character and appearance is maintained and to accord with policy GP1 of the Carmarthenshire Local Development Plan 2014

Notes / Informatives

Note 1

Please note that this consent 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 consent 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 the 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 other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Note 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).