

PLANNING (SITE VISITS) SUB COMMITTEE

11TH DECEMBER 2012

ENVIRONMENT SERVICES

REPORT OF THE HEAD OF PLANNING – G. WHITE

PART 1 – Doc.Code: PSVS111212-REP-EN-GW

SECTION A – MATTERS FOR DECISION

1. PLANNING APPLICATION RECOMMENDED FOR APPROVAL

<u>ITEM 1. 1</u>	
<u>APPLICATION NO:</u> P/2010/455	<u>DATE:</u> 09/03/2011
PROPOSAL: CONSTRUCTION OF 2NO. DETACHED DORMER BUNGALOWS	
LOCATION: PLOT 1 (FORMERLY KNOWN AS THE BEECHES), THE OAKS, CIMLA, NEATH SA11 3RR	
APPLICANT:	Mr. S.Rogers
TYPE:	Full Plans
WARD:	Cimla

BACKGROUND INFORMATION

Background Information

The application was called to Committee by Cllr Warman because of concerns over the possible effects on the amenities of the neighbouring property.

Planning History:

89/0731 – Residential Development of Bwlch Road: Approved – 10/05/90
08/0208 – 2 (4 bed) Detached dwellings: Withdrawn – 03/10/08
03//0229 – Revised road layout: Approved
03/1231 – Amendment to turning head: Approved
07/0566 – Agree Cond. 5 Highway Improvements
09/0093 – Two detached dwellings: Refused
APP/Y6930/A/09/2111290: Appeal: Upheld

Publicity and Responses if applicable:

Statutory Consultees:

Environment Agency: No objections

Biodiversity Unit: No objections

Footpaths and Rights of Way: No objections

Head of Engineering and Transport (Highways): No objections

Neath Town Council: No response received

Welsh Water: No objections

Number of properties consulted: 4

Number of replies received: 7

The letters of objections have been addressed towards the end of the appraisal.

Description of Site and its Surroundings:

The application site is irregular in shape and forms part of a larger site that received Outline permission for 18 dwellings in 1990. Subsequently, the site known as The Oaks has been developed out with a spine road and self built plots. This plot is one of the last remaining. The site has a frontage of approximately 24m on to the highway that serves the Oaks and has a maximum depth of approximately 26m. Due to the cleared nature of the site, the site is devoid of any significant vegetation and has mixed levels. Its northern boundaries are currently open, while its eastern boundary is then defined by a mature hedgerow. Its remaining southern boundary is in part defined by a post and wire fence, although this has in parts collapsed.

Site History

The site has been the subject of one previously submitted planning application for 2 residential dwellings which was refused. In summary the grounds for refusal were as follows:

- Unacceptable overbearing and overshadowing impact on 79 Bwlch Road
- Detrimental impact on windows and private amenity space of 79 Bwlch Road
- Cramped form of development resulting in overdevelopment and restricted areas of private amenity space for the future occupiers.
- Introduction of dominant and imposing elements facing Bwlch Road to the detriment of the character and appearance of the street.

Following this decision the applicant then lodged and appeal with the Planning Inspectorate. The Inspector concluded that there would be no detrimental impact upon the character and appearance of the area and that the amenities of the future occupiers would be adequately served. The Inspectorate did however uphold the Councils view that the two large detached dwellinghouses would be virtue of their scale, and close proximity to an existing bungalow to the rear of the site have an unacceptable overbearing and overshadowing impact on this neighbouring property.

Brief description of proposal:

The application seeks full planning permission for the construction of two detached dwellings. The developer proposes to construct two dormer dormer bungalows (Ridge height 6.4m, width 9.6m, maximum depths 8.3m). Access to each property will be via separate driveways off the main highway. The front element of the plots will be enclosed with a brick wall as will the remaining boundaries but will be stepped as required by the sites topography, together with integral fencing.

Material Considerations:

The site lies within the defined settlement limits for the area, as set out within the Neath Port Talbot Unitary Development Plan. Policy H3 allows for infill and windfall development.

Policy Context:**Neath Port Talbot Unitary Development Plan****Policy GC1 New buildings/structures and changes of use****Policy H3 Infill and windfall development****Policy T1 Location, layout and accessibility of new development.**

In the context of the current development plan policy framework, the site is located within the H3 settlement limits defined in the Neath Port Talbot Unitary Development Plan. Therefore, the principal of residential development is generally acceptable, provided there are no highway, amenity or service objections.

Visual Amenity:

The properties in the vicinity of the immediate area are a mixture of differing designs. Therefore it is felt that the design of the proposed dwelling houses will not result in the introduction of structures which will be out of keeping with the existing streetscene on The Oaks Estate. This proposal plans to incorporate house types which have less massing than those that were refused under the previous application and given that at the subsequent application appeal the Inspector concluded that the spacing of that proposal would not be out of keeping with nearby development it is considered that this current much less cramped scheme will constitute a development that will not adversely affect the character and appearance of the surrounding area. The revised house types have a reduced height of 700mm and reduced depth of 1m, as well as increased separation distances. Therefore, it is considered that there will be no adverse affect on visual amenity.

Residential Amenity:

In light of the above comments in relation to cramped form of development it is considered that the amenity levels available to the future occupiers is at an acceptable level. The privacy of the future occupiers is also protected by the boundary treatment whereby brick walling and integral fencing will be provided to ensure the privacy of both the applicant property and that of existing neighbouring properties is protected. With regard to the amenities of the existing residents, the two bungalows are not considered to adversely overshadow or overbear the existing neighbouring property Number 79. The submitted plans indicate

that the proposed properties will be located a minimum distance of 12m away. It must be noted that these are the minimum separation distance, the majority of the massing is located further away. Furthermore the application plot itself is separated by a vehicular access lane. There is no adverse affect in terms of the overlooking of private space or conflict between distance allowable between habitable room windows. This is evident as the rear dormer serves a bathroom on both plots and a condition will be attached to any permission granted that the glass is obscured whilst a roof light is the only other source of light in the roofscape. All ground floor windows are obscured behind a boundary wall/fence. A further condition will be added removing the permitted development right for external alterations and dormer windows and for the retention of the wall/fence to further ensure existing residents privacy. The amenity of the existing bungalow is further protected by the existing hedgerow along the boundary. By virtue of the siting and massing levels of the proposal whereby the applicant has been mindful to have a separation distance between plots of 4m the proposal will not reduce the amount of daylight reaching the neighbouring bungalow where it can be considered to be having an oppressive effect. It is therefore considered that there will be no significant adverse affect on residential amenity.

Highway Safety (e.g. Parking and Access):

The Head of Engineering and Transport (Highways) offers no objections subject to the imposition of suitable conditions. This conditions were mainly concerned with road surfacing and the parking layout. The section did however request the submission of a further scheme detailing a parking layout. That being said the details they required have already been provided on the submitted plans, therefore for this reason the Local Planning Authority considered it unreasonable to condition further information to be submitted and agreed with regard to off-street parking.

Ecology (including trees & protected species):

There are no ecological issues present on the application site which would warrant the refusal of this planning application. A response has been received from the Environment Agency who offered no adverse comments, whilst the Biodiversity Unit do not feel the need to offer any.

Others (including objections):

Seven letters of objection have been received, their issues will be

summarised below:

- The plot is on a elevated position and would result in a loss of amenities, furthermore there is only a lane separated the proposal from existing properties
- Construction of such a large dwelling is not in keeping with surrounding area
- Plot is in elevated position and would result in a loss of amenities.
- Loss of privacy due to windows looking directly into my bedroom.
- Proposal out of keeping in such a rural location.
- The position of the windows look directly into my bedroom, bathroom kitchen.

The above issues have already been addressed in the appraisal

- The construction of properties at a height of 8100mm and 6875mm above my property of 4309mm would result in a loss of amenities and view to my properties.

This has been assessed in the residential amenity section of the appraisal. The siting and positioning of the plots, together with their separation distances from the complainant property, means that any impacts in terms of overshadowing/ overbearing are not significant. Right to a view is not as such a material planning consideration.

- Concern of gas water and electrical mains location.

Welsh water raised no objection to the proposal. The location of services would not raise any issues such that consent could be withheld.

- The plans are drawn in such a way that it makes it look that the bungalow is a long way away from the proposed plots.

The Planning Authority are satisfied that the submitted plans are accurate and true reflection of what is on site.

- Concerns that the applicant has encroached on council owned land.

The Planning Authority are satisfied that the plans submitted are

acceptable for the purpose of validation. The applicant has certified that the land is all in their control.

- Concerns over the visibility on Bwlch Road.

The highways department have no concerns over this proposal.

Conclusion:

It is considered that the proposed development site would accord with Policy H3 of the Neath Port Talbot Unitary Development Plan, as infill residential development within the defined settlement limits. There is no adverse affect on residential and visual amenity nor will the development have a negative affect on highway and pedestrian safety. The proposal therefore complies with Policies GC1, H3, ENV17 and T1 of the Neath Port Talbot Unitary Development.

RECOMMENDATION: Approval with Conditions

CONDITIONS;

(1)The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages or outbuildings shall be erected (other than those expressly authorised by this permission).

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be

granted for garages or outbuildings having regard to the particular layout and design of the estate.

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed.

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for additional windows, having regard to the particular layout and design of the estate.

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alteration to any building forming part of the development hereby permitted (including the erection of a detached garage) without the prior grant of planning permission in that behalf.

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the estate.

(5) Prior to the commencement of work on site details of the proposed means of enclosure to all property boundaries shall be submitted to and agreed in writing with the Local Planning Authority. The agreed means of enclosure shall be erected prior to the occupation of the associated development and retained as such thereafter.

Reason

In the interests of the visual amenity of the area and the amenities of the occupiers of proposed and existing dwellings.

(6) Foul water and surface discharges shall be drained separately from site

Reason

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage

(7) Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason

To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(8) The parking layout shall be carried out in accordance with approved plan CIM102R. Prior to the first use of the dwelling the parking areas/drives shall be surfaced in porous material, or provision must be made to direct run-off water from any hard surface to a permeable porous area or surface within the curtilage of the dwelling and must be maintained and retained as such thereafter.

Reason

In the interest of highway safety.

(9) Prior to the occupation of each dwelling a vehicular footway crossing shall be provided to Highway Authority specification.

Reason

In the interest of highway safety

(10) No surface water from within the curtilage of the dwelling shall be allowed to flow out onto the public highway drainage system.

Reason

In the interest of highway safety

(11) The slab levels of the proposed plots shall be completed in accordance with the levels shown on approved plan S102EC4.

Reason

In the interest of residential and visual amenity.

(12) Prior to the first occupation of the dwellinghouses hereby approved, the windows in the rear elevations serving the bathrooms shall be obscurely glazed and retained as such thereafter.

Reason

In the interest of residential amenity

REASON 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.

It is considered that the proposed development site would accord with Policy H3 of the Neath Port Talbot Unitary Development Plan, as infill residential development within the defined settlement limits. There is no adverse affect on residential and visual amenity nor will the development have a negative affect on highway and pedestrian safety. The proposal therefore complies with Policies GC1, H3, ENV17 and T1 of the Neath Port Talbot Unitary Development.