

**Application Number:** DM/2019/01032

**Proposal:** Domestic garage on previously approved site

**Address:** Hillcrest, 14 Lansdown Road ,Abergavenny, NP7 6AN

**Applicant:** Mr. Jan Milsom

**Plans:** Location Plan PL.02 - , Site Plan JMDEV.03/CON.14 - , Elevations - Proposed PL.102 - , Landscaping Plan 18/649/03 Rev. D - , Tree Protection Plan 18/649/02 Rev. D - , Tree Survey Rev. C - , Other Materials Sch Photographs V2 - , Other Discharge of Ecological Conditions April 2019 - , Other Materials Schedule V2 - ,

## **RECOMMENDATION: Approve**

Case Officer: Ms. Lowri Hughson-Smith  
Date Valid: 08.07.2019

This application is presented to planning committee following a request from the local member on the grounds that the proposed garage represents an overdevelopment.

### **1.0 APPLICATION DETAILS**

1.1 The application site is a parcel of land adjacent to no.14 Lansdown Road, which was previously part of the garden of this property. The site was subject of an outline planning application submitted in January 2017 for the development of 2no. detached dwellings with all matters reserved except access (application reference number: DC/2016/01050). The application was approved 28th June 2017 subject to 6no. conditions.

1.2 A later full application was submitted for a similar development of 2no. dwellings, albeit at reduced in scale to those approved in the outline application (application reference: DM/2019/01283). The full application was approved at planning committee subject to conditions and the permission was issued in February 2019.

1.3 This application seeks permission for a detached garage to serve plot B of the approved scheme. Plot B is the approved dwelling located further away from Lansdown Road. The garage has the following dimensions:

- o Width: 4.2m
- o Depth: 6.6m
- o Height: 4.152m (to ridge) and 2.418m (to eaves)

1.4 The floor area of the garage would be approximately 27.72m<sup>2</sup>.

1.5 The proposed materials will match the materials approved for the main house as agreed under Discharge of Condition application DM/2019/00438 including:

- o Natural slate roof, dark grey
- o Ridge tile, slate black
- o Render, sterling white
- o Windows, hardwood, painted cream
- o Garage door, hardwood, green/grey

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00438	Discharge of condition 8 (external materials) relating to DM/2018/01283	Approved	25.06.2019
DM/2019/01030	Minor amendments to windows with reduction in sizes.	Pending Consideration	

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S17 LDP Place Making and Design  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
GI1 LDP Green Infrastructure

### **4.0 NATIONAL PLANNING POLICY**

#### **Planning Policy Wales (PPW) Edition 10**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

##### **Abergavenny Town Council**

Recommended the application be refused on the basis that the application is considered to be overdevelopment and contrary to a condition agreed by Planning Committee that no further development should occur on site.

##### **Tree Officer**

No adverse comments subject to conditions.

##### **Biodiversity Officer**

The Biodiversity Officer raised a holding objected to the application due to the site plan submitted not reflecting the planting plan approved in respect of application DM/2019/01283. An updated planting plan was received which indicated the planting plan as approved could be implemented.

The Biodiversity Officer requested that the submitted information in respect to reptile mitigation is conditioned.

##### **Environmental Health**

No objection.

##### **Abergavenny District Civic Society**

The Society objects to the application on the basis it represents an intensification of the development on site. They consider the approved development is overdevelopment and that the proposal of the garage seeks to overcome the condition that was imposed which removed permitted development.

The Society also raised concerns in terms of the impact of the garage on a retained sycamore tree.

## 5.2 Neighbour Notification

2no. neighbours have raised objections to the application. The objections can be summarised as follows:

- o The garage represents over development of plot;
- o Additional enlargements or further development on site should not be considered by the Council following the imposition of the condition removing permitted development rights;
- o Had the garage been included on the original proposal it would not have been approved;
- o The scale of the build now proposed is out of all proportion to the existing properties in the road; and
- o The developer has not been open.

## Local Councillor Representations

The local councillor objected to the proposal on the following grounds:

- o The garage represents over development of plot;
- o The garage will have an adverse impact on the character of Lansdown Road; and
- o A condition was included in the original permission to limit development. The inclusion of the garage is against this condition.

## **6.0 EVALUATION**

### **Strategic & Spatial Choices**

6.1 The site is located in Abergavenny whereby development is acceptable in principle, subject to material planning considerations. The pertinent material planning considerations in relation to this application are considered to be as follows and are discussed in detail below:

- o Impact on Amenity/ Promoting Healthier Places
- o Impact on Character of the Area:
- o Visual Impact;
- o Impact on Trees/Landscaping Considerations
- o Biodiversity Considerations; and
- o Highway Safety.

6.2 Prior to concluding the report, objections raised by the Local Councillor, consultees and local residents will be addressed.

### Impact on Amenity/ Promoting Healthier Places

6.3 Policy EP1 requires new development to ensure the amenity of existing properties are protected. Given the location of the application site, bounded by existing properties on all sides, the protection of neighbouring amenity is an important consideration to the acceptability of the development. The existing properties which are likely to be most affected are:

- o No. 14 Lansdown
- o No. 10 Lansdown Road;
- o No. 11 Lansdown Road;
- o 49-53 Highfield Crescent; and
- o Future occupiers.

### No. 10 Lansdown Road

6.4 No. 10 Lansdown Road is a detached property to the south east of the application site.

6.5 Plot B is located in the vicinity of the garden area of no. 10 and the proposed garage is located 2m from the common boundary and 25m from the property itself. Whilst the garage is located a minimal distance from the common boundary it has a restricted height and scale of approximately 2.4m to eaves and overall ridge height of 4.1m, with the ridge being approximately 5m away from the boundary. It will not, therefore, have an over bearing or dominating impact on the neighbouring property.

6.6 The garage does not provide habitable accommodation which would result in adverse overlooking. Notwithstanding this, the garage does not include any windows to the side elevations which directly overlook no. 10. Furthermore, no. 10 has a large garden and the proposed garage would have a minimal impact on a small proportion of the garden which is not harmful or would reduce its amenity.

6.7 The modest scale of the garage and its position offset from the boundary and property of no. 10 ensures no harmful impact on the amenity of no. 10 and its associated rear garden.

#### No. 14 Lansdown

6.8 No. 14 Lansdown Road is a detached property to the north west of the application site.

6.9 The proposed garage is located approximately 25m away from the common boundary and separated by the approved house (on plot B). There would be no perceivable impact on No. 14 over and above the approved scheme for 2no. dwellings.

6.10 The impact on no. 14 is acceptable.

#### Other Properties Lansdown Road

6.11 No. 11 Lansdown Road is the next closest property along Lansdown Road to the development site and is approximately 80m away from the proposed garage. There is no adverse impact likely on no. 11 or any other properties along Lansdown Road given the ample separation distance.

#### No. 49-53 Highfield Crescent

6.12 The proposed garage is located approximately 12.5m from the rear boundaries of no. 49-53 Highfield Crescent and at least a further 14.5m away from the properties, providing an overall separation distance of 27m. Given the ample separation distances proposed, the amenity of the dwellings along Highfield Crescent will not be adversely affected.

#### Amenity of Future Occupiers

6.13 The proposed garage is to be located approximately 7m from plot B, on an area that was approved to be garden area. The proposals will reduce the amenity space by only by a small amount and is located a sufficient distance from the property to ensure amenity is not negatively affected.

6.14 It can be concluded that the impact on existing neighbours and future occupiers is acceptable and in full accordance with Policy EP1 of the LDP.

#### Impact on Character of Lansdown Road

6.15 The character of Lansdown Road was an important consideration in respect of the already approved scheme for 2no. dwellings and continues to be a key consideration in assessing this application.

6.16 The section of Lansdown Road, where the site is located, is less dense with large dwellings set in generous plots and most have detached garages or outbuildings.

6.17 The development of two dwellings on the site was deemed to have an acceptable impact on the character of Lansdown Road under application DM/2019/01283. This application seeks to include a garage on plot B and it is relevant to consider whether the addition of the garage would have a harmful impact of the area's character on its own or in combination with the approved development.

6.18 The garage, as discussed above, is small scale, simple in design and located discreetly on site, set 80m from the public vantage points along Lansdown Road. The garage itself is a typical detached garage you would expect to see in an urban setting and is not unacceptable.

6.19 The proposed garage would be associated with Plot B (as approved) and, therefore, will increase the built form within that plot. Plot B has an overall area of approximately 800m<sup>2</sup> with a garden area of 308m<sup>2</sup>; which is extremely spacious for a detached dwelling within an urban area. The garage has a modest floor space of approximately 28m<sup>2</sup>, which would take up a minimal amount of the overall plot (less than 5%) and reduce the garden area to around 280m<sup>2</sup>. The retained garden space is ample to serve the proposed dwelling and the overall change to the plot is insignificant in terms of the overall character of the development.

6.20 The introduction of the garage does not increase the density of the development which remains at 11 dwellings per hectare.

6.21 Plot B will continue to be a spacious plot with a large dwelling and garage similar to the surrounding urban grain.

6.22 It is concluded that the inclusion of the garage would not have a perceivable impact on the character of Lansdown Road over and above that of the approved scheme. The proposed garage accords with Policy DES1 and maintains the distinctive character of Lansdown Road.

#### Visual Impact

6.23 The proposed garage will be located adjacent to Plot B at the end of the driveway to the site.

6.24 It is acknowledged that the positioning of the garage would be more visible from Lansdown Road than Plot B, since Plot B is largely screened by plot A (as approved). Despite this, views of the garage would be limited by virtue of the modest scale of the garage, the gentle slope of the site downwards from Lansdown Road and the approved timber gates at the access of Plot B. Furthermore, the proposed garage is set back from the main streetscene by 80m resulting in it having an insignificant visual influence on the streetscene.

6.25 The introduction of a garage would have a negligible visible impact on Lansdown Road and deemed acceptable in accordance with Policy DES1 of the LDP.

#### Impact on Trees/Landscaping Considerations

6.26 The proposed garage will encroach on a small part of the root protection area (hereafter referred to as RPA) of a retained sycamore tree located in the south-eastern corner of the site.

6.27 The tree officer has assessed the proposals and raised no objection since the limited amount of RPA which is affected by the garage is unlikely to adversely affect the overall integrity of the tree. The Tree Officer has requested the arboricultural protection measures contained in the submitted tree report are conditioned, a condition to this effect is imposed. The proposed garage is not considered likely to result in harm to the retained tree.

6.28 It is acknowledged that the retained sycamore tree was indicated in the wrong position on the approved plans subject to application DM/2018/01283. This error has been corrected on the plans subject to this application and demonstrates that neither the approved scheme nor proposed garage will adversely affect the retained tree.

6.29 The landscaping scheme as approved in respect of application DM/2018/01283 will not be affected by the proposal, as discussed further below. The scheme landscaping scheme remains to be acceptable and is in accordance with Policy GI1. To ensure compliance with the planting plan a condition to secure it has been imposed.

#### Biodiversity

6.30 The approved application was supported by an ecology report which found potential for reptiles within areas of the garden due for development. Recommendations contained within the ecology report were conditioned to the permission. Following commencement of development the relevant biodiversity conditions were breached an amended Reptile Mitigation Strategy provided, the amended Reptile Mitigation Strategy accompanies this application.

6.31 The proposed garage is not considered to adversely impact on ecological features at the site and does not interfere with the developer's ability to meet the requirements of the submitted Reptile Mitigation Strategy.

6.32 The ecologist has reviewed the application and queried whether the approved landscaping plan could be implemented if the garage was approved. The applicant has provided a planting plan with the garage in situ and it can be confirmed the approved planting plan subject to application DM/2019/01283 will be unaffected by the proposals. This plan, along with the Reptile Mitigation Strategy, will be conditioned to ensure its implementation.

6.33 The proposed garage would not result in negative impacts on biodiversity and as such the proposal accords with LDP policy NE1.

#### Highway Safety

6.34 The proposed garage does not affect the access and the access arrangements as approved will be maintained.

6.35 The required parking provision, of 3no. spaces, will be maintained and accords with the Parking Standard Supplementary Planning Guidance.

6.36 The proposal will not have an adverse impact on highways or parking provision and is acceptable in accordance with Policy MV1.

### **Response to the Representations of Third Parties and/or Community/Town Council**

6.37 For completeness, the objections raised by the Town Council, Civic Society, Local Councillor and neighbours have been dealt with below in turn. The concerns raised by the relevant interested parties were similar and can be summarised as follows:

- o The garage represents over development of plot;
- o Additional enlargements or further development would not be considered by the Council following the imposition of the condition removing permitted development rights/A condition was included in the permission to limited development/The inclusion of the garage is against this condition
- o Had the garage been included on the original proposal it would not have been approved;
- o The scale of the build now proposed is out of all proportion to the existing properties in the road;
- o Accuracy of plans and location of retained tree; and
- o The developer has not been open.

The garage represents over development of plot;

6.38 The proposed garage would take up approximately 5% of the whole plot, retaining an ample private garden of approximately 280m<sup>2</sup>.

6.39 The introduction of a modestly sized detached garage on a large residential plot would not result in overdevelopment of the plot.

Additional enlargements or further development would not be considered by the Council following the imposition of the condition removing permitted development rights/A condition was included in the permission to limited development/The inclusion of the garage is against this condition.

6.40 A condition (condition 7) was imposed on planning permission DM/2019/01283 which removed permitted development rights. This condition was imposed by planning committee members to restrict uncontrolled development at the site which may be harmful to surrounding neighbours.

6.41 The removal of permitted development rights is not a blanket restriction preventing the applicant or future occupiers from extending or altering the dwelling at all. The restriction of permitted development rights requires all works proposed to the dwelling to gain express planning permission. As such, control in terms of any additional development site lies with the Local Planning Authority.

6.42 It is for the Local Planning Authority to consider each application on its own merits and whether there is an adverse impact in planning terms. The proposed garage subject to the application has been considered thoroughly in the context of material planning considerations and concluded the impact of the development is acceptable and in accordance with the Local Development Plan.

Had the garage been included on the original proposal it would not have been approved;

6.43 The garage was not included on the main application so was not considered at that stage. Given the garage is recommended for approval as part of this application it is likely that had the garage been included on the original application it would have been considered similarly.

The scale of the build now proposed is out of all proportion to the existing properties in the road

6.44 As discussed above in respect of 'Impact on Character', numerous properties along Lansdown Road are large detached dwellings set in large plots with detached garages. The proposal of a garage associated with plot B is not considered out of character or out of proportion with the existing urban grain. The introduction of the garage would not be perceivable from outside of the site limits.

Accuracy of plans and location of retained tree

6.45 The retained tree in the south-eastern corner of the site was indicated in the wrong position on the approved plans subject to application DM/2018/01283. This error has been corrected on the plans subject to this application and demonstrates that neither the approved scheme nor proposed garage will adversely affect the retained tree.

The developer has not been open

6.46 This is not a material planning consideration. Notwithstanding this, it is commonplace that further applications are submitted on development sites before, during and after the construction phase to add to or amend proposals.

## **6.5 Well-Being of Future Generations (Wales) Act 2015**

6.51 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation 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.

## **6.6 Conclusion**

6.6.1 The proposed garage is an appropriate scale in the context of the wider approved development and deemed to be acceptable in accordance with the Local Development Plan, particularly policies DES1, EP1, NE1, GI1 and MV1.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 This development shall be begun within 5 years from the date of this permission.

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

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 Works shall be carried out in strict accordance with the mitigation measures described in Section 5 Recommendations of the submitted report "14 Lansdown Road, Abergavenny, Monmouthshire - Ecological Assessment" dated January 2017 produced by Pure Ecology.

REASON: To ensure the protection of ecological features at the site in accordance with Policy NE1

4 All landscaping proposals as approved in Proposed Planting Plan, drawing number: 18/649/03, Rev. D shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area.

5 The development shall be carried out in full compliance with the Tree Survey, Arboricultural Impact Assessment and Method Statement, Rev. C.

REASON: To protect important landscape features within the site.