

**Application Number:** DM/2021/00724

**Proposal:** Proposed new build detached dwelling to side of No. 2 Ifton Road

**Address:** Ty Newydd, 2 Ifton Road, Rogiet, NP26 3SS

**Applicant:** Mr Royston Downing

**Plans:** All Proposed Plans 20-200 - , Site Plan 90-101 - , Block Plan 90-202 - ,

## **RECOMMENDATION: REFUSE**

Case Officer: Mrs Helen Hinton

Date Valid: 27.04.2021

**This application is presented to Planning Committee following a resolution to refuse the proposal by Committee in September 2021. This application is now re-presented with reasons for refusal for endorsement by Planning Committee**

This application was reported to Planning Committee on the 7<sup>th</sup> September 2021 with a recommendation from officers to approve the proposed development. Members raised concerns over the proposals and recommended that the application be refused on the grounds that the proposed dwelling would result in over development of the plot and that it would be detrimental to the amenity of neighbouring properties.

Therefore the application is re-presented to Planning Committee seeking the endorsement of the reasons for refusal as set out below.

### Reasons for Refusal:

1. The proposal, by virtue of the scale and proportion of the proposed dwelling in relation to the existing plot and adjacent built form, represents an over intensive use of the site and would result in a detrimental overbearing impact and incongruous appearance in the street scene contrary to Policy DES1 criteria a), b) and c), of the Monmouthshire Local Development Plan (LDP) and Supplementary Planning Guidance Infill Development 2019.
2. The proposal, by virtue of the proposed scale of development and the relatively small plot, would result in an unacceptable and adverse impact on existing neighbour amenity contrary to Policies DES1 criterion d) and EP1 of the Monmouthshire LDP.

## **PREVIOUS REPORT**

### 1.0 Site Description

The application site forms part of the residential curtilage that adjoins the southern (side) elevation of Ty Newydd, 2 Ifton Road, Rogiet. The host property is a detached, two storey dwelling finished externally with rendered elevations with timber/ uPVC panel inserts at first floor level, white uPVC windows and doors and tile clad roof. Off street parking is provided on a driveway adjacent to the western (front) elevation of an extension that adjoins the northern (side) elevation, approved under M07949 in 2003. The boundaries of the site are defined by a combination of block walls and timber fences supplemented by landscaping. The property is level with the dwellings that surround the site.

The host dwelling is positioned within an established residential area on the eastern side of Ifton Road, approximately 30m to the south of its junction with Caldicot Road (B4245). The area demonstrates a variety of property types set in plots of varying size. The site as a whole is located within the development boundary of Rogiet as identified by the proposals map of the Monmouthshire

Local Development Plan and is outside of the defined phosphate sensitive area.

### 1.1 Proposal Description

The application seeks full planning permission for the development of a detached, two storey, two-bedroom dwelling to the south of Ty Newydd.

The proposed dwelling would measure approximately 5.7m wide, 8m deep with a hipped roof with a maximum height of 7m falling to 5.25m at eaves level. Externally the dwelling would be finished with rendered elevations, a concrete tiled roof, with uPVC and aluminium framed windows and composite doors. A small array of solar panels would be installed on the southern roof plane. Two parking spaces would be provided to the west (front) of the dwelling with a 6m wide, 5m deep area of amenity space provided to the east (rear). A 0.45m-0.63m gap would be maintained between the northern and southern boundaries of the site.

### 2.0 RELEVANT PLANNING HISTORY (if any)

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2021/00724	Proposed new build detached dwelling to side of No. 2 Ifton Road	Pending Determination	
DC/1982/01162	Demolish Garage & Rebuild APP_TYP 01 = Full DEV_TYP 06 = Garage MAP_REF = 346264188019	Approved	27.01.1983
M07949	2 Storey Extension Directly Over Existing Garage.	Approved	23.01.2003
DC/1982/00415	C/U To Hairdressing Salon APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346269188019	Approved	14.07.1982
DC/1984/00391	C/U Into Two Flats APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 342650188020	Approved	14.06.1984
DC/1974/00423	C/U To 2 Flats APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346270188020	Approved	14.05.1975
DC/1980/00999	C/U For Motor Vehicle Repair APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346269188027	Refused	12.11.1980

DC/1989/01183	Change Of Use From Hairdressing Salon To Single Bed Studio Flat.	Refused	08.12.1989
DC/1990/00695	Change Of Use From Hairdressing Salon To Video Shop.	Refused	06.08.1990
DC/1990/00052	Non-illuminated Sign.		09.07.1990
DC/1990/00048	To Use Existing Front Room Ground Floor As A Video Shop.	Refused	03.05.1990

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
SD1 LDP Renewable Energy  
SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
EP5 LDP Foul Sewage Disposal  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations

#### **Supplementary Planning Guidance**

Affordable Housing SPG July 2019:  
<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:  
<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Renewable Energy and Energy Efficiency SPG March 2016:  
<http://www.monmouthshire.gov.uk/renewable-energy-energy-efficiency-supplementary-planning-guidance>

Monmouthshire Parking Standards (January 2013)  
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework, which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

#### **Planning Policy Wales (PPW) Edition 11**

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

## **Technical Advice Notes**

Technical Advice Note (TAN) 24- The Historic Environment

### **5.0 REPRESENTATIONS**

#### 5.1 Consultation Replies

**Rogiet Community Council** – Raise an objection:

\* The plot is very narrow. The proposed dwelling would sit very close to the neighbouring properties, causing problems with maintenance in future.

\* The junction of Ifton Road (one way off Caldicot Road) with Caldicot Road has poor visibility and is narrow. A further dwelling within such close proximity, and the additional traffic generated would exacerbate highway safety issues

\* Neighbour objections regarding sewer access from the proposed property are noted.

**MCC Highways** – No objection.

**Dwr Cymru/ Welsh Water** – SAB consent will be required for the disposal of surface water generated. Conditions recommended with regards to surface water disposal and advisory notes provided with regards to the application process for connecting to the sewer system.

**Glamorgan Gwent Archaeological Trust** – No archaeological objection to the positive determination of this application.

SEWBRc Search Results - No significant ecological record identified.

#### 5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. Two letters of representation have been received and are summarised as follows:

Concerns regarding another property using pre -937 sewerage drains. The system has caused us problems in the past. When Ifton Road was built, the sewerage was put in place but since then some of the properties have been converted into flats with more families using outdated pipework. Care must be taken so that the development does not impact on us and our neighbours in the future.

The development will generate increased overlooking, loss of privacy and encroachment on our home and garden because of an increased number of windows in the rear elevation.

An additional dwelling will generate increased noise and disturbance.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

The plot is located within the Development boundary of Rogiet as identified by the proposals map of the LDP. Policies S1 and H1 presume in favour of new residential development in such Severnside settlement locations, subject to detailed planning considerations. Ifton Road is within walking distance of shops, a primary school, public transport and other local facilities. As such it is considered that this is a sustainable location for a new dwelling and accords with the LDP strategy for new housing development to be concentrated in existing towns. The principle of a new residential dwelling in this location is therefore acceptable in policy terms.

### **6.2 Sustainability**

#### **6.2.1 Good Design, Placemaking and Landscape**

The application site forms part of the wider Rogiet settlement with Ifton Road and the wider area containing a variety of property types and designs. It is considered that the proposed dwelling has been designed to be in keeping with the architectural style and character of the surrounding properties. It is of a similar height, scale and layout and would make use of external materials in keeping with the host property and wider area.

Although the provision of the proposed front facing gable and ridge line that runs east to west, rather than being parallel to Ifton Road, would be different to the majority of dwellings in the wider area, front facing gables features are evident in the wider street scene. Being mindful of the scale of development, it is considered that the variation in design would not be so out of keeping to have a significant adverse impact that would warrant refusal of the application.

Although concerns were initially raised about potential overdevelopment of the plot, a concern that has been echoed by the Community Council in relation to the limited maintenance gaps around the property, it is noted that there are a variety of properties, plot sizes and densities evident in the street scene. Although tight, given the urban context it is considered that sufficient areas of amenity space would be retained to the front and rear of the dwelling to help off-set the proposal and the density indicated would not be so detrimental to warrant refusal of the application. Whilst it is acknowledged that the gap between the development and adjacent dwellings is modest, the practical implications of maintaining the proposed dwelling are not a material consideration.

On the basis of the above, it is considered that the design, size, scale, position of the proposed dwelling and the density of development evident in the area makes the development acceptable in design terms and compliant with the requirements of LDP policies S13, S17, EP1 and DES1.

#### **6.2.2 Green Infrastructure and Biodiversity**

The site the subject of the application forms part of the residential curtilage of Ty Newydd. Although the works would result in the loss of some areas of ornamental planting, the works would not have a significantly detrimental impact on the green infrastructure value or provision within the area.

Given the existing maintained, managed status of the land, its close positioning to the existing dwelling and the lack of connection to the dwelling, it is considered that the development would not have a detrimental impact on the ecological value of the site or wider area. No ecological surveys have been sought or submitted as part of the application.

In line with Welsh Government guidance, each application for planning permission, irrespective of scale, must now provide ecological mitigation and enhancement. Although these details have not been indicated as part of the application, it is considered that the provision could be adequately secured by condition.

Subject to the provision of such conditions, the application is considered compliant with LDP policies S13, GI1 and NE1.

### **6.3 Historic Environment**

The application site is located within an Archaeologically Sensitive Area of the Levels. Following consultation, Glamorgan Gwent Archaeological Trust (GGAT) have identified that the application site will have already been disturbed from the residential development of the area, associated services, landscaping and subsequent extension to the property. It is also noted that archaeological mitigation was not required for other properties within the immediate area for similar developments, and no archaeological deposits were recovered or noted from these. It is therefore, considered that the ground has already been extensively disturbed from previous development and due to the current information within the Historic Environment Record, it is unlikely that archaeological remains will be encountered during the proposed development. As a result, it is considered unlikely that there is an archaeological restraint to this proposed development and GGAT have no archaeological objection to the positive determination of this application.

Based on the consultation response received, the application is considered compliant with TAN 24.

### **6.4 Impact on Amenity**

As a result of its position within an established residential area, there are existing residential properties on all sides of the site.

Guidance provided within the Infill Supplementary Planning Guidance indicates that a distance of 21m should be maintained between directly facing habitable room windows with a distance of 10m maintained between first floor rear windows and the side boundary with neighbouring properties.

Based on the plans submitted, the development would maintain a minimum distance of 21m with windows in the dwellings to the west (front) of the site. However a distance of 5m would be maintained between the eastern (rear) elevation and the residential curtilage boundary of the property to the rear. This is the same distance maintained by the existing dwelling to the same boundary. The host dwelling already benefits from a number of windows in the eastern (rear) elevation that overlook the neighbour's property. Concerns with regards to increased overlooking and loss of privacy to the dwelling and amenity space have been raised by the neighbour.

The plans submitted detail that the eastern (rear) elevation of the proposed dwelling would contain a set of bi-fold doors at ground floor level and two windows at first floor level, one serving a bathroom (so obscure glazed) and one serving a bedroom. It would be possible for the applicant to provide a 2m fence along the eastern boundary to reduce opportunities for overlooking from the ground floor windows. This would not however prevent an impact from the first floor windows.

Given the limited size of the plot, the provision of a further dwelling on site with windows in the rear elevation, would generate increased overlooking. However, it must be acknowledged that because of the urban context and the density of development, the neighbour's garden and property is already overlooked to some degree by at least two other dwellings. The applicant however, has agreed to make alterations to feature a high level bedroom window with a roof light to avoid any direct overlooking of the neighbour's attractive amenity area.

An amended plan showing this change will be presented to Members at the meeting.

Further concerns have also been raised with regards to increased noise and nuisance generation. Given the use and scale of the development proposed, it is considered that the any noise generated would be domestic in nature and would not be so significant to warrant refusal of the application.

The proposed dwelling would be positioned directly in front of windows and doors serving the single storey dwelling to the south. The existing windows in the northern elevation of the adjacent property are already screened by an overhanging roof and the boundary fence of the application site, which extends up to the eaves of the building. Additional windows and roof lights are provided in other elevations and the southern roof plane of the property. As a result of the existing arrangement, it is considered that the development would not have an increased detrimental impact on the amenity of that dwelling. Following direct neighbour notification, no response has been received from the occupiers of the property.

Based on the above, whilst it is acknowledged that the development would generate increased overlooking it is considered that the additional impact generated would not be so detrimental to warrant refusal of the application or to sustain an appeal. The proposal is therefore considered compliant with LDP policies S13, S17 EP1 and DES1.

## **6.5 Highways**

### **6.5.1 Sustainable Transport Hierarchy**

This plot is located within the established residential area of Rogiet. It is approximately 400 metres from a primary school, community facilities and shops. The wider area benefits from a frequent bus service which links to Chepstow bus and train stations. The site is therefore considered to be a sustainable location for new housing development.

### **6.5.2 Access / Highway Safety/ Parking**

The site layout plan submitted indicates that the dwelling would benefit from a driveway to the west capable of accommodating two off street parking spaces. The existing provision for the original dwelling would remain unaffected. The adopted MCC Parking Guideline requires that one car parking space be provided for each bedroom up to a maximum provision of three spaces. Given the proposal is for a two bed dwelling the proposal accords with the adopted standards.

As part of their response, the Community Council have raised concerns with regards to highway safety noting that Ifton Road is narrow with limited visibility and the site is in close proximity to the junction with Caldicot Road.

At the time of inspection, it was noted that Ifton Road is one way as it passes the site, with traffic entering from Caldicot Road. The provision of a gated driveway serving 3 Ifton Road, opposite the application site prevents on street parking in this location. Whilst it is acknowledged that the highway is narrow, with on street parking to the south reducing visibility, it is considered that the limited width helps reduce traffic speeds past the site.

Following consultation the Council's Highways Engineer has raised no objection to the proposal noting:

"The proposed number of car parking spaces for the new dwelling accords with the Council's supplementary parking guidance, the depth and width of the parking spaces accord with current guidelines.

The highway authority offers no objection to the proposal, the means of access is considered acceptable and the need to reverse in or out of the parking forecourt can be accommodated on the adjacent highway."

Whilst the development of a further dwelling would increase the number of vehicle movements through the junction with Caldicot Road and along Ifton Road, given the scale of the development it



is considered that the number of movements generated and the driveway's position 30m to the south of the junction would not be so detrimental to the highway safety and free flow of traffic on the wider highway network to warrant refusal of the application.

Based on the above, the application is considered to comply with the requirements of LDP policies S16 and MV1 of the LDP.

## **6.6 Affordable Housing**

Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Single dwellings are required to make a financial contribution to this and the amount will depend on the size and location of the proposed dwelling. In this case the financial contribution required for a dwelling of the size indicated would be £3,434.65 that would be secured through a section 106 legal agreement.

The applicant has confirmed that they would be willing to enter into an agreement to provide the sum.

The proposal is therefore considered compliant with LDP Policy S4.

## **6.7 Drainage**

### **6.7.1 Foul and surface water drainage**

The site is located outside of any designated Phosphate Sensitive Area (PSA). As result there is potential for the applicant to connect to the public sewerage system, subject to appropriate consents being granted by Dwr Cymru/Welsh Water.

A member of the public has raised concerns regarding the capacity of the existing sewerage system to accommodate the development and has requested that consideration be given to an alternative form of foul water disposal. As part of their consultation response, Dwr Cymru/ Welsh Water have not identified that there is an issue with regards to capacity in the system. As the area is served by a public sewerage system and is outside of a PSA, Natural Resources Wales will not support the provision of a private treatment plant on site. Such provision is also unlikely to achieve building regulations approval because of its likely proximity to other dwellings and buildings.

As of 7th January 2020, all new dwellings are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) approval independently of the planning application.

Although Dwr Cymru/ Welsh Water have requested that a condition be imposed that prevents surface water from the development from entering into the public system, this may be in breach of the SuDS application. As such matters are more appropriately dealt with by other legislation beyond planning control, the condition is not supported in this instance.

On the basis of the above, the application is considered compliant with LDP policies S12, S13, SD4 and EP5.

## **6.8 Planning Obligations**

The provision of a commuted sum of £3,434.65 to be used for the development of affordable housing within the area.

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

Following consultation, Rogiet Community Council have raised an objection to the application based on overdevelopment, highway safety and concerns with regards to capacity within the sewerage system to accommodate the development.

Following direct neighbour notification and the erection of a site notice 2 representations have been received which raise concerns with regards to the capacity of the sewerage system and impacts of the development on the amenity arising from increased overlooking and noise generation/disturbance.

These matters have been addressed in the preceding sections.

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

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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

## **6.11 Conclusion**

It is considered that the proposed dwelling is of a form, scale and design appropriate for the site and the development would not have an adverse impact on the character and appearance of the area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic. Subject to the imposition of conditions to secure details with regards to ecological mitigation, the application is considered compliant with the policies of the LDP and is recommended for approval subject to conditions and the applicant entering into a Section 106 agreement to provide a commuted sum to be used for the development of affordable housing within the County.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

A commuted sum of £3,434.65 to be used for the development of affordable housing within the area.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

### **Conditions or Reasons for Refusal:**

- 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 Prior to the commencement of development details of biodiversity and ecological mitigation and enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be retained as such thereafter.

REASON: In the interests of the ecological and biodiversity value of the site in compliance with LDP policy NE1.

4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: In the interests of the character and appearance of the area and residential amenity, in compliance with LDP policies DES1 and EP1.

5 Before the approved development is first occupied the access and parking areas shall be constructed in accordance with the approved plan.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

6 Prior to installation details and samples of the proposed external finishes shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

## **INFORMATIVES**

1 The applicant will need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

