

**Application Number:** DM/2021/01376

**Proposal:** Proposed two storey rear extension with associated works

**Address:** 2 Cae Capel, Great Oak, Bryngwyn, Usk

**Applicant:** Ms Carmen Jackson

**Plans:** All Proposed Plans 1423-3 - D, All Proposed Plans 1423-1 - , Bat Survey Preliminary Ecological Appraisal (Bats) - V1, Block Plan - , Location Plan - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Helen Etherington

Date Valid: 16.08.2021

**The application is presented to Planning Committee having been referred by the Members of the Council's Delegation Panel. The application had been referred to the Panel at the request of the local ward member on the grounds of visual impact and loss of amenity impacting on the neighbouring property**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The dwelling is a 2 storey semi-detached house in the rural settlement of Great Oak. The dwelling is not listed nor within a Conservation Area or the Wye Valley Area of Outstanding Natural Beauty.

#### 1.2 Value Added

Biodiversity enhancement was secured in the form of woodstone nest box on the north elevation. The proposed rooflight on the extension for the bedroom has been made obscure glazed. Reference lines added to plan to illustrate 45degree lines, as per BRE Guidance.

#### 1.3 Proposal Description

The proposal is for a 2 storey rear extension and will involve the demolition of two existing single storey extensions. The new extension will come 6m out from the rear of the existing dwelling and be 5.6m wide. The first floor will be within the roof space and there will be two dormers to the west elevation of the roof which will be dual pitched. The height of the roof will be 3m to the eaves and 6.7m to the ridge.

The materials proposed are render for the walls and concrete tiles to match the existing dwelling. The windows will be white UPVC.

There will be 2 dormers will be 0.77m from the edge of the roof eaves and 1.32m from the roof edge. They will be 1.5m wide and have dual pitched roofs which will be 1.2m to the eaves and 2.17m to the ridge.

Please note: all dimensions are taken from the plans provided using the IDOX online measuring tool.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2021/01376	Proposed two storey rear extension with associated works	Pending Consideration	
13689	Overhead Telegraphic Lines APP_TYP 08 = Deemed Permission DEV_TYP 09 = Power Lines MAP_REF = 338619209801		12.11.1980

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

#### **Strategic Policies**

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

#### **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

### **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.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Llanarth Community Council** - have resolved to offer no objections to this application and note the existing extension at No 1 that has set a precedent but would like Monmouthshire County Council to consider the existing regulations regarding light

**MCC Heritage Officer** - The proposal is outside of Llanarth Conservation Area. No adverse heritage comments

**Natural Resources Wales** – Phosphates; we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC. Ecology - no bat roost was present, no evidence of bats internally or externally and that no further surveys are required and an NRW licence is deemed not necessary.

**MCC Biodiversity Officer** - no objection subject to conditions - An internal and external inspection of the building was undertaken on 13th August 2019. No evidence was found internally, and no potential roost features were identified externally therefore, the building was assessed as having negligible potential for roosting bats. No vegetation removal has been proposed as part of the extension. If any external lighting is proposed we require the details to include: lighting type, location, positioning (height) and specification, it also needs to ensure dark corridors are maintained for wildlife along the north and west hedgerows.

SEWBRc Search Results - Red alerts for various species of bats and slow worms within 130m of the site.

## 5.2 Neighbour Notification

Objections received from 3 of the neighbouring properties in relation to phosphates, the block plan, character of the extension, overbearing and overlooking impact, the rooflights and removal of permitted development.

Additional comments received from immediate neighbour in relation to loss of light, details of the 45 degree line shown on the revised plans, boundary fence, extension design and extension at no. 1.

Follow up comments received from immediate neighbour in light of draft officer report.

All comments can be read in full online via:

<https://planningonline.monmouthshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QXPX6QKY00U00>

The response to the issues raised are detailed in paragraph 6.7 below.

## 5.3 Local Member Representations

County Councillor Jones - requested that the application be presented to Delegation Panel on the grounds of visual impact and loss of amenity impacting on the neighbouring property.

## 6.0 EVALUATION

### 6.1 Good Design/ Place making

6.1.1 The design of the proposed rear extension is considered acceptable. The extension removes 2 smaller existing extensions however remains subservient to the existing dwelling with a lower roof ridge. The design and materials are in keeping with the existing property and area. Though visible from Box Bush Lane it is deemed that its impact on the street scene is acceptable. There is enough space to the rear of the existing property to accommodate this size extension.

6.1.2 The design of the extension to the dwelling is considered to be in keeping with other similar extensions in the area and will not detract from the appearance of the dwelling in its semi-rural setting. The proposal in accords with criterion (c) of Policy DES1 which requires developments to

respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings.

## **6.2 Historic Environment**

6.2.1 Not applicable as the dwelling is not listed or within the curtilage of a listed building and there are no site of historic or archaeological significance visible from the site. Though the dwelling is not within the Llanarth Conservation Area it is close to the boundary. The new extension would not have any serious adverse effect on any significant views into or out of the Conservation Area and is therefore compliant with Policy HE1.

## **6.3 Impact on Residential Amenity**

6.3.1 The proposed extension is not considered to have an unacceptable overbearing impact given its scale and form, with the first floor within the dual pitched roof.

6.3.2 The extension incorporates the first floor within the roof space which is in keeping with the original dwelling which also provides its first floor accommodation within the roofspace. In this case the 45 degree line, as shown on the plans, from roof ridge would not adversely affect the amenity of the immediate neighbour (number 4). The 45 degree line from the wall would cause some impact though this would be limited as the wall facing No 4 is only 3m in height with the roof then sloping away. Given this it is felt that the impact from the extension will not be sufficient to adversely affect the amenity of the neighbouring property.

6.3.3 With regards to any loss of natural sunlight on the neighbouring properties it is acknowledged there will be some effect at certain times of the year. However, the proposed extension would be positioned to the North facing rear elevation – owing to this orientation light to this elevation is already limited. Therefore as noted whilst there would be an impact on the adjoining property (No 4), it is not considered that the proposal would fail to maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties

6.3.4 The extension will be 2.8m from the boundary of the neighbouring semi-detached dwelling. The only windows above first floor level will be roof lights which will be at 1.7m above the floor level so any overlooking caused by the rooflights will be minimal. The rooflight window for the bedroom will be obscure glazed and a condition will be added to the consent to ensure this is retained as such. The additional rooflight on the existing roof slope according to the submitted plans will be 1.9m above floor level and over 10m from the rear boundary so no overlooking is anticipated from its installation. The dormer windows on the first floor overlook the road which is obscured from view by a high hedge. There are no windows proposed on the rear elevation of the extension. It is therefore deemed that the proposed extension will not adversely impact the amenity of the area.

## **6.4 Access / Highway Safety**

6.4.1 There are no changes proposed to either the highway or parking at the site therefore the proposal will have no adverse effect on the parking amenity of the area. Whilst the proposed would see one additional bedroom provided it is not considered that this would be likely to create significant and unacceptable additional traffic growth in relation to the capacity of the existing road network and / or fails to provide a safe and easy access for road users will not be permitted. The development would not therefore be in conflict with Policy MV1.

## **6.5 Biodiversity**

6.5.1 The submitted bat survey/ preliminary assessment found no evidence of bats within the building or roof voids. The building was deemed to be well maintained with no potential for bat roosts. Though the survey has not indicated the presence of bats given the site's location an informative to cover if bats are found during buildings works will be added to the consent. In addition a condition restricting the installation of external lighting will also be applied to the consent to safeguard bat foraging routes.

6.5.2 An amended elevation plan showing biodiversity enhancement in the form of a woodstone nest box was submitted in order to satisfy the requirement for every development to show some form of biodiversity net benefit. As the proposed Woodstone Barcelona nest box was deemed unsuitable it is recommended that a 1SP Schwegler Sparrow Terrace (or similar long wearing provision) is positioned on the north elevation. The box needs to be positioned high up under the eaves. The installation and retention of these enhancements will be conditioned on the consent.

## **6.6 Wye River and Usk River catchment area**

6.6.1 The proposal does increase the number of toilets and bedrooms by one however the development is unlikely to increase the amount of phosphorus entering the catchment. Therefore, NRW are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC.

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

6.7.1 The Community Council supported the application. The representations from the neighbours in relation to phosphates, design and character, neighbour amenity and overlooking have been addressed in the report. The other issues raised were in relation to the application form not being available online and the removal of permitted development. The application form was put online as soon as we received the representation and it is not common practice to remove permitted development from dwellings as a result of a householder extension.

Additional comments were received from the immediate neighbour and those in relation to loss of light, design and character and neighbour amenity have been addressed in the report. The currently installed fence is not part of the proposal being permitted development and therefore not requiring householder planning consent. The extension at 1 Cae Capel though of a different scale has set a precedent that extensions of this type are acceptable.

Summary of actions following neighbour's letter dated 25 October:

- Paragraph 1.2 Value Added - amended word 'line' to 'lines' so it is clearer there are 2 45 degree lines
  - Paragraph 1.3 Proposal Description - All dimensions have been double checked and amended as required. A note has been added explaining where the measurements were taken from.
  - All dimensions that are not shown on the plans were measured using the IDOX Public Access online measuring tool available online via: DM/2021/01376 | Proposed two storey rear extension with associated works. | 2 Cae Capel Great Oak Bryngwyn Usk Monmouthshire NP15 2AQ
  - Paragraph 5.1 Consultation replies -
    - Llanarth Community Council - reference to daylight has been added to paragraph 6.3
    - Heritage - reference to the proximity to the Conservation Area is stated in 6.2 Historic Environment
    - Biodiversity - the lighting condition was omitted in error and has now been added to the report. The Biodiversity Officer has deemed that the report is sufficient to satisfy the necessary Habitat Regulations relating to protected species. No further information or reports are required. Dark corridors will be addressed in the lighting plan if one is required and this will need to be approved by the Local Planning Authority (see condition 5)
  - Paragraph 5.2 Neighbour notifications - a note has been added with a web link where the full comments can be viewed.
  - Paragraph 6.1 Good Design / Place Making - reference has been added to view of property from Box Bush Lane. Other references to visual impact are addressed in paragraph 6.3 Residential Amenity.
  - Paragraph 6.3 Residential Amenity - The reason for the conclusion in the first paragraph is further expanded in paragraphs 6.3.2 onwards. The 50% additional volume guidance is for extensions in the open countryside which come under Policy H6. Great Oak is recognised in the Local Development Plan as a minor village so this policy does not apply. Extensions can therefore be acceptable over 50% volume.
- Paragraph 6.3.2 has been amended to remove reference to 'single storey extension'. The 2 'hand drawn' diagrams used in the letter are taken from the Infill Development Supplementary Planning Guidance (Nov 2019) which is for new build residential units however consideration has been given in the report to the 45degree line. In addition the online measuring tool referred to above

was used to measure the 25degree line as well. It was found that the roof of the development was not above this line and therefore complied.

Overshadowing - a paragraph has been added to the report to address the daylight implications of the development - see paragraph 6.3.3. Given the scale of the development a full lighting assessment is not required. The diagram provided was produced by the neighbour and does not form part of the applicant's submission.

- Paragraph 6.4 Access/Highway Safety - given the scale of development control over construction traffic and development, in the form a construction transport management plan, was not deemed necessary. Any issues with highway safety during the development would need to be referred the Police.

- Paragraph 6.6 Wye River and Usk River Catchment area - wording has been amended to reflect the comments made by Natural Resources Wales.

- Paragraph 6.7 Response to the representatives of Third Parties and/or Community Town Council - the report has been amended to note that the community council supported the application.

- With regard to the removal of Permitted Development Rights (Part 1) via condition, Welsh Government Circular 016/2014 *The Use of Planning Conditions for Development Management* sets out advice on such matters. The Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) are designed to give or confirm a freedom from detailed control which will be acceptable in the great majority of cases. The advice in the circular is clear that save in exceptional circumstances, conditions should not be imposed which restrict either permitted development rights granted by development orders or future changes of use which the Use Classes Order would otherwise allow. It is not considered that there is any evidence that further works carried out under Part 1 would have a serious adverse effect on amenity or the environment. Therefore having regard to the 6 tests for conditions, as set out in the aforementioned Circular, the use of such a condition would not be necessary or reasonable in all other respects.

- Paragraph 6.9 Conclusion - due cognisance of all objections raised have been address either in the report or in this paragraph. The conclusion is the opinion of the Local Planning Authority in relation to the proposed development based on all the relevant documents/drawings.

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

6.8.1 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.

## **6.9 Conclusion**

6.9.1 Having regard to all material planning considerations as well as relevant local and national planning policy the proposal is considered to be acceptable subject to the conditions set out below.

## **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 Notwithstanding the approved plans the ecological enhancement in the form of a bird box on the north elevations on the Proposal Drawings (drawing no 1423-3, revision D) shall be changed to a 1SP Schwegler Sparrow Terrace (or similar long wearing provision) and shall be positioned high up under the eaves. The ecological enhancement shall be implemented in full within 1 month of completion of the extension and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the building commencing.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

4 The window of the rooflight in the east roof slope for the master bedroom shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

5 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed until a detailed lighting plan which includes low level PIR lighting and allows dark corridors for bats has been agreed in writing with the LPA.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

## **INFORMATIVES**

1 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

2 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.