

**Application Number:** DM/2024/00845

**Proposal:** Proposed rear extension and front porch extension.

**Address:** 4 Tanglewood Close, Abergavenny, NP7 5RJ

**Applicant:** Sue Lenthall

**Plans:** Floor Plans - Proposed BR001 - , Elevations - Existing BR002 - , Floor Plans - Proposed BR003 A - , Elevations - Proposed BR004 B - , Site Plan BR005 A - , Other WINTER SOLSTICE STUDY - , Green Infrastructure Appraisal - , Other SUMMER SOLSTICE STUDY

**RECOMMENDATION: Refuse**

Case Officer: Alice King Date  
Valid: 09.07.2024

**This application is presented to Planning Committee following referral from the Council's Delegation Panel.**

**1.0 APPLICATION DETAILS**

1.1 Site Description

This application relates to an end of terraced dwelling located within Tanglewood Close, which is within the Park ward of Abergavenny. The original permission for these dwellings removed permitted development rights in relation to extensions, alterations and enclosures. Whilst the application is not within the Conservation Area, it sits 16m from the boundary of it. The site is also within the River Usk sensitive phosphorus catchment area.

1.2 Value Added

The applicant has provided plans that would see a bat box installed to the eastern elevation. This enhancement is considered to provide for the biodiversity net gain policy as required under PPW12.

1.3 Proposal Description

Planning permission is sought for a proposed two-storey rear extension and front porch extension.

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

| <b>Reference Number</b> | <b>Description</b>   | <b>Decision</b>       | <b>Decision Date</b> |
|-------------------------|--|-----------------------|----------------------|
| DM/2024/00845           | Proposed rear extension and front porch extension.                     | Pending Consideration |                      |
| DC/2012/01080           | Change area of unused land to garden curtilage and relocation of fence | Approved              | 27.03.2013           |

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

#### **Strategic Policies**

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
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

### **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 12**

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

**MCC Heritage:** No objection.

**HENEB:** unlikely to be an archaeological restraint to the proposed development and there is no requirement for archaeological mitigation.

SEWBRc Search Results - No significant ecological record identified.

#### 5.2 Neighbour Notification

- A site notice was placed near the development site, neighbours within close proximity were also consulted via a neighbour letter. No comments have been received during consultation period.

#### 5.3 Local Member Representations

County Councillor Tudor Thomas – please refer to Delegated Panel as I feel the issue of the oppressive nature of the planned development raised by the MCC planning officer is in doubt and should be reviewed by the Panel.

## **6.0 EVALUATION**

### **6.1 Good Design/ Place making**

Rear Extension:

Due to the location of the application site and its relationship with the existing dwelling, the proposed development would offer limited views within the public realm. The proposed design is not considered to result in any unacceptable visual impact that would be harmful to the amenity or character of the wider area.

The ridge height is 1.2m lower than the existing dwelling which assists the extension as appearing as a secondary and subordinate element. It is considered that the proposal does respect the existing form, scale, siting, massing and layout of its setting and any neighbouring quality buildings.

However, the rear extension proposal fails to comply with criterion d) of the Monmouthshire Local Development Plan (LDP) that states that developments will be required to maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties. This proposal is deemed to cause considerable harm to the amenity of the neighbouring properties by virtue of its siting and orientation and thus cannot be recommended for approval.

Porch:

Due to the nature of the proposed development, the porch would be visible within the public realm but the proposed design is not considered to result in any unacceptable visual impact that would be harmful to the amenity or character of the area. The porch is in-keeping with the appearance of the host dwelling and details such as windows and materials will match the host dwelling. Overall, this element of the proposal is considered to acceptable and comply with Policy DES1 of the adopted LDP.

### **6.2 Historic Environment**

The site is located in close proximity to Abergavenny Pen y Fal Conservation Area. It is not considered that the scheme has a detrimental impact on the setting of the conservation area, nor on views into or out of the Conservation Area.

### **6.3 Impact on Residential Amenity**

Rear Extension:

The extension fails to maintain reasonable levels of amenity for occupiers of neighbouring properties as the first storey is deemed to be unacceptable due to the impact on the property to the east (no. 3). The amenity of this dwelling will be significantly harmed by the proposed two-storey extension by being overbearing, blocking already very limited sunlight and adversely impacting the enjoyment of the use of the rear garden of no. 3. It should be noted that the gardens of Tanglewood Close are small – no. 3 has a garden area of approximately 30m<sup>2</sup>. As this is the only private amenity space for that property, it is considered that disrupting the already limited light to this area would be unacceptable.

It is noted that the applicant submitted amended plans to meet the 45-degree line test. Whilst the 45-degree angles are being met, due to the context of the site (as described above) it is not considered that this would overcome the imposing and overbearing nature of a two-storey extension in such close proximity to the boundary with no. 3.

Thus, it is not considered that this adverse impact could be mitigated by applying a reasonable planning condition and for the reasons detailed the proposal would cause unacceptable demonstrable harm to neighbour amenity.

Porch:

The scale of the proposal and its relationship with neighbouring properties is considered acceptable. It is considered that the proposal would not be overbearing or generally un-neighbourly which would justify concern. The proposed porch is not considered to result in any unacceptable impact upon the living conditions of neighbouring occupiers, and thus would not conflict with LDP Policies DES1 or EP1.

## **6.4 Green Infrastructure**

Chapter 6 of Planning Policy Wales (PPW) 12 highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement which will need to be informed by a GI assessment of the site will describe how green infrastructure will be incorporated into the proposal and how the step wise approach to protecting biodiversity, habitats and GI onsite will be managed. A step wise approach considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach then seeks to manage any harm that may occur by (a) avoiding, (b) minimising, (c) mitigation / restoration.

There are no known or identified key wildlife habitats in the vicinity of the property with the south and west of the property being of a very urban nature. To the east are mature trees which would be unaffected by the proposals. There is an existing small conservatory type lean-to extension which opens onto an existing hard landscaped patio area with narrow planted borders; this is where the proposed two-storey extension is to be built. Overall, the green infrastructure within the site will largely be unaffected by the proposals.

## **6.5 Biodiversity**

The roof is tight and when conducting the site visit it was confirmed that the roof was in good condition. It is also in an area where there are high levels of light spill given the high density of properties and the highly urban environment. Therefore, on balance, it is considered that a bat survey is not required for the application.

PPW 12 sets out that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. It is clear that planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced wellbeing.

The applicant has provided plans that would see a bat box installed to the eastern elevation. This enhancement is considered to provide for the biodiversity net gain policy as set out in PPW12.

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site, the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new nutrient standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of nutrient within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (v4 issued 28th June 2024). It is considered that this development is unlikely to increase nutrient inputs.

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

6.6.1 No comments to note.

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

6.7.1 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.

## **6.8 Conclusion**

On the basis of the above the two-storey rear extension proposed would not comply with criterion d) of Policy DES1 or Policy EP1 of the Monmouthshire LDP and thus is recommended for refusal on these grounds.

The porch to the principal elevation is considered to respect the existing size, scale, form, massing and materials of the host dwelling and on these grounds this element is recommended for approval.

## **7.0 RECOMMENDATION: SPLIT DECISION**

### **Reasons for Refusal:**

1 By virtue of its scale and mass relative to the boundary with the adjoining property to the north, the proposed two-storey rear extension would fail to maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties. The development is therefore contrary to Policies DES1 d) and EP1 of the adopted Monmouthshire Local Development Plan.

### **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 No development in respect of the construction of the porch hereby approved shall commence until details of ecological enhancement have been submitted to and approved in writing by the Local Planning Authority. The approved means of ecological enhancement shall be implemented in full within 3 months of the porch being brought into beneficial use and retained as such in perpetuity.

REASON: To provide ecological enhancement and ensure compliance with PPW 12, the Environment (Wales) Act 2016 and LDP policy NE1.