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## Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 09/01/19

gan Hywel Wyn Jones BA (Hons) BTP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.02.19

## Appeal Decision

Site visit made on 09/01/19

by Hywel Wyn Jones BA (Hons) BTP  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 07.02.19

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**Appeal Ref: APP/E6840/A/18/3215360**

**Site address: 6 Caestory Avenue, Raglan, Usk, NP15 2EH**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Clare O’Keeffe against the decision of Monmouthshire County Council.
  - The application (ref: DC/2018/00096), dated 19 January 2018, was refused by notice dated 5 September 2018.
  - The development proposed is erection of a new detached dwelling house.
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### Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling house at 6 Caestory Avenue, Raglan, Usk, NP15 2EH in accordance with the terms of the application, ref: DC/2018/00096, dated 19 January 2018, subject to the conditions set out in the attached Schedule.

### Application for costs

2. An application for costs was made by Mrs Clare O’Keeffe against Monmouthshire County Council. This application is the subject of a separate Decision.

### Procedural and Preliminary Matters

3. During the course of the planning application amended drawings were submitted which revised the design of the dwelling and the route of the driveway. I have determined the appeal on the basis of these revised drawings as they were the plans considered by the Council in its determination of the planning application.
4. As pointed out in a letter from the Community Council, my visit confirmed that a high timber fence has recently been erected to the rear of No. 6 which encloses an area immediately behind the dwelling, separating it from the remainder of the property. A fence which has a more temporary appearance separates the rear portion of the property. A garage has been demolished and some vegetation cleared.

### Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.
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## Reasons

6. The appeal site encompasses the whole of No. 6 Caestory Avenue which has a particularly large back garden. At its rear, it adjoins the garden of No. 5 Ethley Drive and a public play area. The rear and side boundaries are mostly defined by high, dense hedgerows. The scheme proposes to subdivide the rear garden to retain an area to be used by No. 6 and to provide a shared access to the side of the dwelling with parking and turning facilities for No. 6. At the rear the proposed dwelling would be sited with amenity space and car parking and turning provision.
7. The houses closest to the site on Caestory Avenue are two-storey semi-detached dwellings with render painted walls and which, save for some minor alterations, have retained their original uniformity of appearance. However other dwellings along the street vary in terms of size, layout and materials. The variety of styles is also a feature of the dwellings to the rear of the site where there is a mix of single and two storey brick faced dwellings.
8. The proposed dwelling would be significantly set back from Caestory Avenue. Thus, whilst it would gain access onto this road, it would not be viewed as part of the street scene. Rather it would be seen in gaps between the street's houses, in a similar way to dwellings on other streets are viewed, notably the nearby dormer bungalows on The Willows.
9. The closest dwelling to the proposed house would be No. 5 Ethley Drive but its position and degree of separation, including the presence of mature boundary vegetation, means that the 2 properties would not appear as part of the same street scene. In this context the difference in the detailed design and materials of the proposal to its nearest neighbours would not appear out of place.
10. The proposed four-bedroomed dwelling would be sited in grounds that would be more spacious than is characteristic of the surroundings. It would include accommodation, of restricted headroom, within the roofspace but its overall height<sup>1</sup>, at some 8.3m, would be no taller than would be expected of modern two-storey houses, and would not appear materially different to the nearby Ethley Drive houses. The use of a lower projection has sought to reduce the potential mass of the building. The overall size of the main element of the dwelling would appear as broadly comparable to that of the nearby blocks of semi-detached houses on Caestory Avenue and the detached houses on Ethley Drive. Whilst the position of the dwelling away from any streets would not follow the prevailing pattern such an arrangement would not appear incongruous.
11. Within the site, close to the corner of the site adjacent to No. 4 and the public play area, there are several birch trees that have been assessed as of moderate quality. In recognition of their positive contribution to their surroundings, the scheme has been revised to realign the proposed driveway to reduce the trees lost to this accessway to one. The scheme also shows that one of the birch trees located on the boundary with the open play area would be lost to the proposed dwelling. The birch trees that are identified as remaining would suffer some root severance but the harm could be mitigated through careful construction work as identified in a specialist report. The scheme proposes to replace the lost trees with 2 new trees although it is acknowledged that their compensatory affect will take time to be realised. In the meantime, whilst the visual contribution of this group trees will be somewhat diminished by the loss of 2 trees, I consider that it will continue to make a positive contribution.

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<sup>1</sup> The revised drawings reduced the overall height of the dwelling by approximately 1.2m.

12. On the main issue I find that the proposed development would not harm the area's character or appearance. The scheme aligns with Policy S17 of the Monmouthshire Local Development Plan (LDP) in that it respects the character of the site and surroundings, and with the general design considerations set out in Policy DES1, including that the development is compatible with existing uses, respects its setting and does not lead to insensitive or inappropriate infilling. It does not conflict with Policy S13 which includes the aim of maintaining the character and quality of the landscape.

### ***Other Matters***

13. The openings on the upper storeys of the dwelling would give rise to a degree of overlooking of neighbouring rear gardens, notably the adjoining properties at Caestory Avenue and Ethley Drive. However, the siting of the dwelling and the orientation of the main windows, including the Juliette balcony<sup>2</sup>, ensure that the windows are sufficiently distant from these properties such that the overlooking would not unacceptably affect neighbours' privacy, nor would the building create an overbearing or overshadowing effect. I am also satisfied that the use of the proposed access drive is sufficiently separated from the habitable rooms of neighbours to avoid causing disturbance.
14. Local residents express concerns over the proposed access, which is located on the outside of a sharp bend on a relatively narrow, residential estate road. Whilst I appreciate the difficulties that on street parking causes at particular times I am satisfied that one additional dwelling would not materially alter conditions. Motorists can be expected to travel along this road with particular caution when forward visibility is restricted by parked cars. I concur with the Council's highways officer that the scheme is acceptable in this respect. I am also satisfied that there is adequate space within the site to accommodate the parking and turning of cars associated with the proposed and existing dwellings.
15. The scheme will result in the loss of some vegetation and I have noted the suggestion from a local resident that the trees may be used by bats but there is no survey before me to confirm their presence. However, in the event that bats are present the developer will need to obtain the necessary licence to disturb a European Protected Species. Based on the available evidence I am satisfied that the scheme would not be materially harmful to nature conservation interests. Having regard to Policy NE1 and criterion 3 of S13 of the LDP I concur with the Council that the scheme is acceptable in this respect.
16. I have considered all the other matters raised in objection, including the foul and surface water drainage provision. Taking into account the specialist consultation responses and given the scope to address certain concerns through the imposition of conditions, I find that none justify withholding permission for the scheme.

### ***Conditions***

17. I have considered the conditions suggested by the Council in the light of Circular 16-2014: The Use of Planning Conditions in Development Management. In addition to the standard conditions to control the commencement of works and to ensure that they are undertaken in accordance with the submitted details, I agree that it is necessary to ensure that those trees that are to be retained are protected from potential harm during construction. The Council suggests a condition to prevent surface water from

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<sup>2</sup> The balcony is shown to have a nominal projection too small to provide a useable platform.

being to the public sewerage system. To ensure that surface water is dealt with appropriately I have imposed a condition that aligns with the Circular.

18. I also consider that a condition is necessary to ensure that replacement trees for those to be lost are provided. I have considered the conditions suggested by the Community Council but, noting the comments of the officer in the planning committee report, I do not consider that they are necessary.

### **Conclusion**

19. For reasons I have already set out I have found the scheme acceptable in relation to all the matters raised in objection. I am also mindful that the scheme would contribute to the local supply of housing in a location which has good access to day-to-day services. Accordingly, I shall allow the appeal.
20. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

*Hywel Wyn Jones*

INSPECTOR

### **Schedule of Conditions**

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans, all prefixed P586: L\_001, L\_210 Rev C, L\_211 Rev C, A\_110 Rev C, L\_201 Rev C, L\_202 Rec C, A\_100 Rev C, L\_200 Rev B, A\_101 Rev C, L\_212 Rev C, L\_003 Rev B.
- 3) No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and retained in perpetuity.
- 4) The retained Birch trees shall be protected during construction in accordance with the recommendations in BS5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' by Cardiff Treescapes dated 19th March 2018 (Revised 8th May 2018).
- 5) No development shall take place until details of the supply size and position of 2 birch trees to replace those to be removed have been submitted to and approved in writing by the local planning authority. The approved planting shall be carried out during the first planting season immediately following occupation of the development. Any tree 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.