

Application Number: DM/2019/00938

Proposal: Variation of condition 2 (to amend the design of the rear of the property) relating to DC/2015/01588

Address: 34 Maryport, Street, Usk, Monmouthshire NP15 1AE

Applicant: Mr Michael Farkas

Plans: All Proposed Plans 1034 (06)16 Rev. B - , 1034(01)15 - , 1034(03)15 Rev. E (upper floor plan only, all others superseded) - E, 1034(02)15 - , 1034(04)15 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Lowri Hughson-Smith
Date Valid: 17.06.2019

This application is reported to Planning Committee following it being referred by the Council's planning application Delegation Panel. Members of the Panel requested the application be determined at full Planning Committee primarily due to the potential impact of the proposal on neighbouring properties.

The application was initially reported to the Delegation Panel following an objection from Usk Town Council.

A concurrent application (DM/2019/01186) for a proposed conservatory to the rear of Plot B the same site was being reported to Delegation Panel at the same time. Application DM/2019/01186 also received an objection from Usk Town Council and was reported to the Panel at the same time as this application since it is appropriate the applications be considered together. Application DM/2019/01186 has also been referred to Committee.

Since the Delegation Panel meeting the applicant has provided an updated plan which removes the proposed door on plot A, which is immediately adjacent to No. 32 Maryport Street, and seeks to retain it as a window as per the approved plan.

1.0 APPLICATION DETAILS

1.1 The application site is known as 34 Maryport Street or the Old Smithy. It is not listed but attached to a Grade II listed building (32 Maryport Street), it within the Usk Conservation Area (Policy HE1) and also an Archaeologically Sensitive Area (ASA). The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Floor Risk (TAN15) (July 2004).

1.2 This application seeks permission for the variation of a condition to the original application (reference number: DC/2015/01588) to enable the rear elevation of both plots to be amended. Prior to discussing the amendments subject to this application, a brief overview of the planning history is provided.

Site History

1.3 The site has an extensive planning history which commenced with the conversion of the whole building, known as the Old Smithy, into two separate residential dwellings. This application was refused by Monmouthshire County Council under application DC/2015/01588.

1.4 The permission was subsequently allowed at appeal. The development has commenced, and the developer has sought to make changes to the proposals during the construction phase. Earlier

this year, an application was submitted on the plot to the north of the site (hereafter referred to as Plot A) for the addition of a single storey conservatory, application reference DM/2019/00256. This application was approved in March 2019. The property subject to this application will be referred to as Plot B.

1.5 In parallel to this application, an application for a conservatory extension to the rear of Plot B, reference number DM/2019/01186. Application DM/2019/01186 was being reported to the delegation panel at the same time as this application to enable the changes to be viewed at the same time given, they are intimately linked.

Proposed Amendments

1.6 The approved rear elevation proposed a lean to roof to Plot A and a pitched roof on Plot B. The approved elevation included a Juliette balcony on Plot B, and windows at upper floor level and roof lights on both Plots.

1.7 The proposed amendments seek to amend the appearance of the rear elevation of both Plot A (to north of site and attached to no. 32 Maryport Street) and Plot B (to south of the plot attached to no. 36A Maryport Street). There are no changes to the scale of the development and there are no changes to the upper level floor plans, and these will remain as approved in application DC/2015/01588. The changes to each plot will be discussed in turn below.

Plot A

- 1.8 The changes to the rear of Plot A include:
- o Addition of a small gable to allow increased head height in the upper floor bedroom; and
 - o Upper floor bedroom window replaced with a larger roof light.

Plot B

- 1.9 The changes to plot B include:
- o Removal of the pitched roof and provision of a monopitch instead;
 - o Additional glazing on rear elevation at upper floor with a Juliette balcony and glazing at lower level;
 - o Removal of an upper floor window.

1.20 The proposed materials include a rendered finish and timber windows.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00256	Addition of a conservatory to the ground floor of plot 1. (Next door to 32 Maryport Street).	Approved	13.05.2019
DM/2019/00808	Non material amendments in relation to planning permission DC/2015/01588 - A reduction in massing of the roof and the creation of a light well.	Pending Consideration	
DM/2019/00938	Variation of condition 2 (we would like to amend the design of the rear of the property) relating to DC/2015/01588.	Pending Determination	

DM/2019/01186	Addition of conservatory to plot 2 of granted permission DC/2015/01588.	Pending Determination	
DC/2017/00093	Conversion with alterations and extension to former gallery to provide 1 no dwelling.	Withdrawn	
DC/2015/01588	Conversion with alterations and extensions to former gallery to provide 2 no. dwellings.	Refused	18.01.2017
DC/2017/01171	Discharge of conditions 3 and 4 from previous application DC/2015/01588 - materials and scheme of historic environment mitigation.	Approved	03.11.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

HE1 LDP Development in Conservation Areas
DES1 LDP General Design Considerations
SD3 LDP Flood Risk
MV1 LDP Proposed Developments and Highway Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

4.1 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.

4.2 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

Consultation Replies

Usk Town Council

The town council recommended the application be refused.

MCC Heritage Officer

The Conservation has reviewed the proposals and advised the design is not considered in keeping with the conservation area and advised a design more in keeping with the conservation area would be more appropriate.

Glamorgan Gwent Archaeological Trust

No objection.

Usk Civic Society

The Usk Civic Society objects to the application on the basis of the following:

- o The proposal will have an adverse impact on no. 32 Maryport Street's right to light;
- o The rearrangement of Plot 1 will result in the likelihood of substantial movement of the residents of Plot 1 creating noise generation and disturbance to no. 32 Maryport Street; and
- o The addition of a canopy further affects the impact on No. 32

5.2 Neighbour Notification

No responses received.

6.0 EVALUATION

Principle of Development

6.1 A conservatory extension to an existing domestic property is acceptable in principle subject to other detailed planning considerations.

6.2 In this case these material considerations are:

- o Impact on the Conservation Area/Visual Impact;
- o Residential Amenity
- o Flood Risk
- o Biodiversity
- o Highways

Historic Environment

6.3 The site is located in the Usk Conservation Area and attached to a Grade II listed building, known as 32 Maryport Street. Given the historic environment, the proposed development should preserve or enhance the setting of the Conservation Area in accordance with Policy HE1 and the listed building in accordance with Planning Policy Wales 10.

6.4 Policy HE1 requires development to preserve or enhance the area and its historic characteristics and meet the following criteria:

- a) preserve or enhance the character or appearance of the area and its landscape setting;
- b) have no serious adverse effect on significant views into and out of the Conservation Area;
- c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape;
- d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and
- e) pay special attention to the setting of the building and its open areas.

6.5 The proposed changes are concentrated to the rear of the dwelling and, therefore, results in no alterations to the main façade on Maryport Street. Maryport Street is an important vista in the conservation area and, therefore, the preservation of this façade will ensure important views and vistas along the street are protected and the overall historical character of the conservation area at this location is preserved.

6.6 The rear of the property will change from a traditional design to a modern monopitch appearance. Whilst the change will alter the proposed as approved, the change is of good design and not considered to be harmful. Furthermore, the discreet positioning of the changes on the rear elevation which is well enclosed and not visible from outside of the site confines will not result

in change to the character of conservation area thus ensuring its preservation, as mentioned above.

6.7 The proposed changes will be read alongside the rear of the adjacent listed building (no. 32 Maryport Street). The changes to Plot A, which is attached no. 32, are limited and not considered to be so different to the elevation as approved to result in an adverse impact on the listed building. The changes to Plot B are more significant, although the monopitch roof now proposed sets the massing of the rear extension away from no. 32 thus creating the illusion of it being set further from the listed building's setting. It is not considered the alterations to Plot B are harmful to the listed building or its setting. The design changes are not considered to have an adverse impact and, therefore, ensure the setting of the listed building will be preserved in accordance with the statutory duty and Planning Policy Wales 10.

6.8 The Heritage Officer has reviewed the proposal and raised concerns regarding the design of the proposals. Whilst these concerns are acknowledged, the proposed changes are limited to the appearance of the rear elevation and do not increase the scale of the approved development. Furthermore, the changes cannot be seen from Maryport Street and, therefore, the impact on the conservation area is minimal and overall the conservation area is preserved in accordance with Policy HE1. It is not considered that a refusal of the application in terms of its impact on the conservation area could be substantiated based on the proposed design.

6.9 On balance, due to the changes to the building being concentrated to the rear of the building which would not be visible from public vantage points, together with the scale of the overall development remaining the same as approved, it is concluded the proposals will preserve the conservation area, having a limited visual impact in accordance with Planning Policy Wales 10, Policy HET1 and DES1.

Archaeology

6.10 The site lies within an archaeologically sensitive area and therefore intrusive development works may have an impact on valuable archaeological remains.

6.11 The proposed development does not require any works which will involve intrusive ground works and, therefore, will not affect the potential archaeological resource. GGAT raised no objection to the application and did not recommend any mitigation measures.

6.12 The proposal accords with relevant planning policy, namely Chapter 6 of Planning Policy Wales.

Residential Amenity

6.13 The proposed changes do not increase the scale of the development. The monopitch roof will slightly increase the massing of the development along the boundary towards no. 36 Maryport Street but considering the approved scheme this change is considered minor and does not materially change the impact on no. 36 compared to that approved. The change of massing is considered to have a neutral impact on no. 36.

6.14 The changes will alter the configuration of the windows on the rear elevation. At lower ground floor level, the approved French doors would increase by a door width on each plot. Given this is at ground floor level, there are no anticipated impacts on the adjacent dwellings.

6.15 At upper floor level, the windows on Plot A will be reconfigured and slightly larger in size but no additional windows are proposed. Plot B will have increased glazing at the Juliette balcony but the upper floor window as proposed will be removed. The roof light will remain but be marginally larger. The enlargements of the windows on both plots would be minor and will not alter the impact as approved to an extent which would be harmful to neighbouring amenity.

6.16 The proposed amendments to the rear of Plots A and B are not considered to have an impact any worse than as approved under application DC/2015/01588 and, therefore, considered to be acceptable and in accordance with Policy EP1, as concluded in the 2015 application.

Flood Risk

6.17 The site is in a C1 flood zone which is a high-risk flood zone served by flood defences. The proposals result in no alterations to the footprint of the development as approved and, therefore, would have a neutral impact on flooding. Despite this, there is a need to ensure the floor levels of the property remain in accordance with the finished floor levels. The recommendation that the floor levels be no lower than 17.3m above ordnance datum as recommended in the FCA which supported application DC/2015/01588 and endorsed by NRW will be conditioned.

6.18 Considering the planning history and on the basis the development is limited in size and does not introduce a new use, the extension is considered to have a neutral impact in terms of flood risk and, subject to the condition securing the minimum floor levels, the development is in accordance with Policy SD3.

Biodiversity

6.19 The property is currently under construction and is a shell. Given the level of works being undertaken, there is unlikely to be any ecological features at the site. No further information in respect of bats is deemed necessary and the proposal is considered to accord with Policy NE1 and will be unlikely to result in an adverse impact on biodiversity.

6.20 An informative relating to bats will be attached to the planning permission to provide the applicant with advice on what to do should bats be discovered during works.

Highways

6.21 The changes proposed do not require additional parking requirements and, therefore, the proposal will have no impact on highway safety in accordance with Policy MV1.

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

Usk Town Council

6.23 Usk Town Council recommended refusal but no reasons were given.

Usk Civic Society

6.24 The Usk Civic Society objects to the application on the basis of the following:

The proposal will have an adverse impact on no. 32 Maryport Street's right to light

6.25 The scale of the development would not change from the scheme as approved and Plot A remains to have no two-storey extension thus preserving the light to no. 32. The impact on no. 32 is not considered to change from the proposals approved in application DC/2015/01588.

The rearrangement of Plot 1 will result in the likelihood of substantial movement of the residents of Plot 1 creating noise generation and disturbance to no. 32 (Note to reader the Civic Society refers to plot 1 which in respect of this report is Plot B)

Maryport Street

6.26 The floor space of Plot B does not change and there is unlikely to be an impact in terms of noise or disturbance any different to the approved scheme.

The addition of a canopy further affects the impact on No. 32

6.27 The canopy for Plot A has been approved under application DM/2019/00256 and not subject to this application.

Well-Being of Future Generations (Wales) Act 2015

6.28 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 WBFG Act.

Conclusion

6.29 The proposed changes are concentrated to the rear of the property resulting in minimal changes which are visible from public vantage points. The proposal would successfully preserve the conservation area and has an acceptable visual impact, in accordance with LDP policies HE1 and DES1.

6.30 The impact on neighbouring properties has been fully assessed and the impact is not considered to be materially different to that approved under application DC/2015/01588 and the proposals are in accordance with Policy EP1.

6.31 The proposals have an acceptable impact in terms of flood risk in accordance with Policy SD3 and will have a neutral impact on highway safety in accordance with Policy MV1.

6.32 The proposal is compliant with the Monmouthshire Local Development Plan and recommended for approval.

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 Finished floor levels shall be no lower than 17.3 metres above Ordnance Datum (AOD).

REASON: To prevent flooding in accordance with Technical Advice Note 15 and LDP Policy SD3,

4 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and 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.