

Application Number: DM/2019/00938

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

Address: 34 Maryport Street, Usk, 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 E (upper floor plan only, all others superseded) - E, 1034(02)15 - , 1034(04)15 - ,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 was reported to Planning Committee last month following it being referred by Delegated 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.

At October's committee, this application for the changes to the rear elevation of the approved dwelling was considered along with the application for the conservatory (DM/2019/01186) Members raised concerns in relation to both applications and moved to refuse the applications. The issues raised by members can be summarised as follows:

- The Conservatory would adversely affect a kitchen window on no. 36 Maryport Street; and
- The changes proposed to the rear elevation of the dwelling would result in a change in roof structure to the approved scheme which would bring the two-storey element of the extension closer to no. 36 which is considered to adversely affect its amenity; and
- Design of the mono-pitch roof harms visual amenity.

The applicant does not wish to alter the proposals subject to the Variation of Condition application and this proposal remains the mono-pitch design as presented at the last committee. The applicant does not wish to alter the rear extension as proposed since he considers the proposal does not affect no. 36 and has submitted later representations in the form photographs to explain his position. The photographs submitted show the following:

- The large window on the site of no. 36 is obscured;
- The two-storey rear extension as approved only affects the obscured window and stops short of the other windows on the side elevation of no. 36;
- Two of the lower ground floor windows of no. 36 affected by the development are non-habitable; and
- The eaves of the proposed amended rear elevation will match the eaves heights of no. 36.

These photographs demonstrate that there would be a limited impact on the amenity of no. 36 given most affected windows are non-habitable and one is obscured.

If Members are minded to approve the application for the conservatory, it is recommended that the following condition is added to the consent to remove Part A of domestic permitted development rights. This condition is considered necessary since the resultant dwelling is significantly larger than was approved at appeal and, therefore, restrictions are required to limited further enlargement that may be harmful to neighbouring amenity.

Additional Condition:

“Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A 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 without the express permission of the local planning authority.

REASON: Additional extensions could have an adverse impact on residential amenity and would be contrary to LDP Policy EP1.”

If Members are still minded to refuse the application, the following reason for refusal is suggested:

1. The monopitch rear extension represents poor design and an unsympathetic addition to the property which would adversely affect the appearance of the property and be detrimental to the amenity of no. 36 Maryport Street. This is contrary to Policy DES1 and Policy EP1 of the adopted Monmouthshire County Council Local Development Plan 2011-2021.

PREVIOUS REPORT

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 to variation of 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 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 is being reported to delegated 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 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 plot attached to no. 36A Maryport Street). There are no changes to the scale of the development and there are no changes 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 the 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 rooflight.

Plot B

1.9 The changes to plot B include:

- o Removal of the pitched roof and provision of a mono pitch instead;
- o Additional glazing on rear elevation at upper floor with a Juliette balcony and lower level;
- o Removal of an upper floor window.

1.20 The proposed materials include render 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.		
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

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

Heritage Officer

5.1 The Heritage Officer 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 is more appropriate.

Glamorgan Gwent Archaeological Trust

5.2 No objection.

Usk Town Council

5.3 The town council recommended the application be refused.

Usk Civic Society

5.4 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

Neighbour Notification

5.5 No responses received.

Local Member Representations

5.6 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 and/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 at this location is preserved.

6.6 The rear of the property will change from a traditional design to a modern mono-pitched 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, however, the mono-pitched roof 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 have an adverse impact and, therefore, ensure the setting of the listed building will be preserved in accordance with Planning Policy Wales 10.

6.8 The Heritage officer has reviewed the and raised concerns regarding to 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 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 a refusal of the application in terms of its impact on the conservation area could to 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 not visible from public vantage points together with scale of the overall development

remaining the same as approved, it is concluded the proposals will preserve the conservation area, have 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 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 mono-pitched roof will slightly increase the massing of the development along the boundary on no. 36 Maryport street but considering the approved scheme this change is considered minor and does not materially change the impact on no. 36 to that as approved. The change 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 impact on the adjacent dwellings.

6.15 At upper floor level, the windows on Plot A 1 will be reconfigured and slightly larger in size but no additional windows proposed. Plot B will have increase glazing at the Juliette balcony but the upper floor window as proposed will be removed. The rooflight will remain but be marginally larger. The enlargements of the windows on both plots is minor and will not alter the impact as approved to an extent which would be harmful on neighbouring amenity.

6.16 The proposed amendments to the rear of Plot A and B are not considered to have an impact any worse than as approved in 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, 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 unlikely 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 addition of a conservatory does 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 not 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 double 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 refer plot 1 which in respect of this report is Plot B)

Maryport Street

6.26 The floorspace 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 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.

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 policy 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 floor 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 compliance 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.