

Application Number: DM/2019/01186

Proposal: Addition of conservatory to plot 2 of granted permission DC/2015/01588

Address: 34 Maryport Street, Usk, NP15 1AE

Applicant: Mr Michael Farkas

Plans: All Existing Plans 1034(03)15 Rev E - , Location Plan 1034(01)15 - , All Proposed Plans 1034 (06)16 Rev. B - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Lowri Hughson-Smith
Date Valid: 02.08.2019

This application was initially reported to Planning Committee 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. The application was initially reported to Delegated Panel following an objection from Usk Town Council.

A concurrent application (DM/2019/00938) at the same site was reported to Delegated Panel that also has an objection from the Usk Town Council. Application DM/2019/00938 relates to rear elevation changes which are closely linked to this application for a conservatory, therefore, it is appropriate the applications be considered together. Application DM/2019/00938 has also been referred to Committee.

At October's committee, this application (for permission for a conservatory to plot B of the approved dwelling) was considered along with the application for the variation of the design rear extension of the approved scheme (application reference: DM/2019/00938). Members raised concerns with both applications and moved to refuse both applications.

The concerns of members are summarised as follows:

- The Conservatory would adversely affect the windows on no. 36 Maryport Street resulting in an adverse impact on the amenity of this property; 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 has considered the issues raised by the committee and provide an updated plan whereby the rear elevation reverts back to the approved scheme with the conservatory attached. This plan is submitted to accompany planning application DM/2019/01186 in relation to the application seeking permission for the conservatory only.

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. This is discussed further in report for application DM/2019/01186.

The conservatory as proposed would, once the dwelling was completed, benefit from permitted development rights. The conservatory is small scale, one storey and has minimal impact on the adjacent properties.

The applicant has submitted late representations in the form of a set of photographs which indicate 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 conservatory would affect a non-habitable window; and
- The eaves of the proposed amended rear elevation will match the eaves heights of no. 36.

If Members are minded to approve the application for the conservatory, it is recommended that the following conditions are 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 which 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.

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 proposed conservatory will limit light to the windows of no. 36 Maryport Street resulting in an adverse impact on that property. This is contrary to Policy EP1 of the adopted Monmouthshire County Council Local Development Plan 2011-2021.

PREVIOUS REPORT

1.0 APPLICATION DETAILS

1.1 This is a full application for a single storey extension to a dwelling currently under construction. Planning permission was previously granted at appeal for the conversion of the building to provide two dwellings (a 3 bedroom and 2 bedroom) and this would be facilitated by a two-storey rear extension, application reference DC/2015/01588. The proposed conservatory is a single storey extension which measures as follows:

- o Depth: 4m
- o Width: 3.7m
- o Height: 2.5m

1.2 The proposed materials include rendered walls to match main dwelling, glazing to the rear elevation and a lantern light in the roof. The roof will be steel coloured grey to appear similar to a traditional lead finish.

1.3 The building is not listed but is near to a Grade II listed building, no. 32 Maryport Street, is within the Usk Conservation Area (Policy HE1) and in an Archaeologically Sensitive Area (ASA).

1.4 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).

Site History

1.5 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.

1.6 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.

1.7 In parallel to this application, a Variation of Condition application has been submitted to alter the appearance of the rear elevations of both Plot A and Plot B, reference number DM/2019/00938. Application DM/2019/00938 is being reported to delegated panel at the same time as this application to enable the changes to be viewed at the same time as the proposed conservatory since the proposals are intimately linked.

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

Development Management Policies

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

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 should be sought.

Glamorgan Gwent Archaeological Trust

5.2 No objection subject to a condition.

Usk Town Council

5.3 The town council recommended the application be refused.

Usk Civic Society

5.4 Civic Society objects to this application on the following grounds:

- o The proposed extension will further detract from the residential amenity of that property.
- o The distance between the south wall of the conservatory and the boundary fence of 36 has not been supplied but is unlikely to be more than some two metres. It is therefore likely to be visible over the 1.5m boundary fence and further to reduce the natural daylight available to 36.
- o The extension is overdevelopment and has an oppressive impact neighbours;
- o Permitted development rights were recommended to be removed by officers in the previous application for 2no. dwellings. Since the decision for the original permission was issued by the Inspector permitted development rights were not removed. It is the Usk Civic Society's view that the recommendation of the officers to remove permitted development rights indicate the development as originally approved was the maximum extent and that anything further was likely to be excessive.

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 (as approved under application) 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

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 conservatory is located to the rear of the dwelling and, therefore, results in no alterations to the main façade on Maryport Street. Maryport Street is the important views or vistas in the context of the Conservation Area and since this will remain unchanged the character of the area will be preserved. The introduction of the conservatory will result in minor changes to the appearance of the rear elevation, but this will not be widely visible from the key vantage points. These changes are not considered harmful and, overall, will preserve the conservation area.

6.6 The proposed extension does not directly affect the listed building given it is separated by Plot A. Plot A also has an extant permission for a conservatory which is 2m larger in depth than the extension sought in this application, approved under application DM/2019/00256. It was not considered the conservatory in application DM/2019/00256 had an adverse impact on the listed building. Given the separation of the dwelling from the listed building, the extant permission for a larger conservatory on Plot together with the modest scale of the proposed extension, the setting of the listed building will be preserved in accordance with Planning Policy Wales 10.

6.7 The Heritage Officer has reviewed the and raised concerns regarding the scale of the proposals and its design. Whilst these concerns are acknowledged, a conservatory of similar size, form and proportions has been approved on the adjacent plot. Furthermore, the conservatory is to the rear of the building, modest in scale and its impact on the conservation area will not be perceivable. A refusal of the application in terms of its impact on the conservation area is not considered to be substantiated considering the nature of the proposals and the planning history.

6.8 Considering the changes to the building are concentrated to the rear of the building which are not visible from public vantage points it is concluded the proposals will preserve the conservation area, have a limited visual impact and does not adversely affect the design of the existing building facade, in accordance with Planning Policy Wales 10, Policy HE1 and DES1.

Area of Archaeological Sensitivity

6.9 The site is located in an area of archaeological sensitivity. The application for the adjacent conservatory on Plot (approved under application DM/2019/00256) was accompanied by an Archaeological Evaluation which concludes that the surviving archaeological resource is significant but could be fully excavated and preserved by record in order to mitigate the impact of the proposed development.

6.10 GGAT have commented on the application stating that archaeological mitigation will be required and recommended that a condition be imposed which requires a written scheme of historic environment mitigation and an informative attached advising that the archaeological mitigation would should be carried out to the appropriate standard. The recommended condition and informative have been imposed.

6.11 The proposed development, subject to the relevant condition, will ensure any potential archaeological resource is protected and the development is acceptable in terms of its potential impact on archaeological resource in accordance with the requirements of Planning Policy Wales 10.

Residential Amenity

6.12 The most affected dwelling is no. 36 attached to the site to the south. Other dwelling which could be affected is the new dwelling to the north and no. 32 Maryport Street beyond. The impact on these dwellings will be discussed in turn below.

No. 36 Maryport Street

6.13 The single storey extension has no side windows and offset from the common boundary with no. 36 Maryport Street by approximately 2.7m. Given the lack of windows, there is no opportunities of for overlooking as a result of the proposed extension.

6.14 In terms of possible over bearing, the common boundary is currently demarcated by fence approximately 1.5m fence in height which is located almost immediately in front of the 3no. lower ground floor windows on the side elevation of no. 36, largely obscuring them. The single storey extension, given its offset from the boundary and limited height would not result in an overbearing relationship which is worse than the current situation. Furthermore, the applicant could, under permitted development rights, provide a fence up to 2m which would further obscure the windows of no. 36.

6.15 On balance, the positioning of the extension is considered acceptable.

Plot A to North

6.16 The proposed extension will be adjacent to the already approved conservatory in relation to the attached plot to the north, albeit reduced in depth. There is no overlooking opportunities and the proposed extension would not be overbearing. The relationship on the attached plot to the north is acceptable.

No. 32 Maryport Street

6.17 The proposed extension will have no impact on the amenity of no. 32 Maryport Street given it would be separated by the already approved conservatory extension on the adjacent plot, under planning application DM/2019/00256.

6.18 Notwithstanding the above, the permitted development rights have not been removed from Plot A or Plot B. As such, the applicant could build this extension without planning permission once the property is occupied. The property is not yet occupied hence permission is required since permitted development rights do not exist yet. It is not reasonable to recommend refusal for the application considering the permitted development rights.

6.19 The proposed extension, owing to its modest scale, height and limited openings, will not have an adverse impact on neighbour amenity and accords with Policy EP1.

Flood Risk

6.20 The site is in a C1 flood zone which is a high-risk flood zone served by flood defences. The original application for the 2no. dwelling, reference DC/2015/01588, was supported by an FCA which was assessed by NRW. NRW concluded the development was acceptable subject to the finished floor levels being set no lower than 17.3m above ordnance datum. To ensure the proposed extension is also acceptable in flood risk terms a condition will be imposed to ensure the proposed floor level is no lower than 17.3m AOD.

6.21 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 TAN 15 and Policy SD3.

Biodiversity

6.22 The property is currently under construction and internal is basically 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 unlikely to result in an adverse impact on biodiversity. The proposed development is considered to accord with Policy NE1.

6.23 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

6.24 The addition of a conservatory does not require additional parking requirements and, therefore, the proposal will have not impact on highway safety in accordance with Policy MV1.

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

6.25 The Usk Civic Society raised the following concerns which will be addressed in turn below:

The addition of further built form, at a height of over 2 metres, with a solid wall facing towards the kitchen window of 36 Maryport Street, will further detract from the residential amenity of that property

6.26 As discussed above, the common boundary at the site is a fence at least 1.5m in height immediately adjacent to the 3no. lower ground windows at no. 36 largely obscuring them. The proposed extension will be 2.5m in height and offset from the boundary which is not considered to have an impact which is significantly worse than the existing situation. Notwithstanding this, the applicant could under permitted development rights construct a fence to a maximum of 2m and therefore the implementation of

The distance between the south wall of the conservatory and the boundary fence of 36 has not been supplied but is unlikely to be more than some two metres. It is therefore likely to be visible over the 1.5m boundary fence and further to reduce the natural daylight available to 36.

6.27 The proposed conservatory will be partially visible but given the position of the fence of the offset of the conservatory it is not considered harmful.

The extension is overdevelopment and has an oppressive impact neighbours

6.28 The proposed development, as discussed above, would fall under permitted development if the dwelling was occupied. The Inspector, who allowed the original permission, did not consider it necessary to remove permitted development rights indicating the proposed development including its permitted development rights was suitable for the plot.

Permitted development rights were recommended to be removed by officers in the previous application for 2no. dwellings.

6.29 Since the decision for the original permission was issued by the Inspector permitted development rights were not removed. It is the Usk Civic Society's view that the recommendation of the officers to remove permitted development rights indicate the development as originally approved was the maximum extent and that anything further was likely to be excessive.

6.30 As mentioned by the Civic Society, the permitted development rights have not been removed and this was a decision made by the Inspector which is binding on the Local Planning Authority.

6.31 Notwithstanding this, the removal of permitted development rights is not a blanket restriction preventing the applicant or future occupiers from extending or altering the dwelling at all. The restriction of permitted development rights requires all works proposed to the dwelling to gain express planning permission. As such, control in terms of any additional development site lies with the Local Planning Authority.

6.32 It is for the Local Planning Authority to consider each application on its own merits and whether there is an adverse impact in planning terms. The proposed garage subject to the application has been considered thoroughly in the context of material planning considerations and concluded the impact of the development is acceptable and in accordance with the Local Development Plan.

Well-Being of Future Generations (Wales) Act 2015

6.34 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

6.35 The proposed conservatory is most in scale and located to the rear of the property resulting in minimal changes which are visible from public vantage points. The proposals successfully preserved the conservation area and has an acceptable visual impact, in accordance with policy HE1 and DES1.

6.36 The impact on neighbouring properties has been fully assessed and there is no adverse impact as a result of the proposals in accordance with Policy EP1.

6.37 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.

6.38 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.

5 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

6 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.

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

INFORMATIVES

1 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an MCIfA level accredited Member.