

**Application Number:** DM/2019/01214

**Proposal:** The demolition of the existing corrugated arched tin shed and replacement by a two storey residential dwelling

**Address:** Land Adjacent To 13 Fosterville Crescent, Abergavenny

**Applicant:** Mr. Mike Giles

**Plans:** Location Plan Location Plan - , Heritage Statement Heritage Impact Assessment - , Design and Access Statement Design, Access and Planning Statement - , All Drawings/Plans MG - 01 - ,

## **RECOMMENDATION: REFUSE**

Case Officer: Ms. Kate Bingham  
Date Valid: 29.07.2019

### **1.0 APPLICATION DETAILS**

This application was presented to Planning Committee on 3rd March 2020 with a recommendation for approval. This was not accepted by Members who were concerned about the size of the plot and the resulting appearance of the dwelling.

The application is therefore represented for refusal for the following reason:

1. By virtue of the small and narrow plot size, the proposed development is considered to be of incongruous form and design and will not therefore preserve or enhance the character and appearance of the Abergavenny Conservation Area and will be harmful to visual amenity. This is contrary to Local Development Plan Policies HE1 and DES1.

## **PREVIOUS REPORT**

**This application is presented to Committee at the request of the Council's Delegation Panel who met on the site on 15th January 2020**

### **1.0 APPLICATION DETAILS**

1.1 This application seeks to remove an existing concrete block and corrugated iron building and replace it with a two-bedroom dwelling. The site occupies a parcel of land between the Edwardian semi-detached property, number 13 Fosterville Crescent and the more modern dwelling occupying the corner plot, number 14. The site is long and narrow, stretching the distance between Fosterville Crescent and Belmont Crescent. The site is situated within the Development Boundary as designated by the Local Development Plan. As such, the principle of a new dwelling is acceptable subject to other relevant policies and material considerations. Notably, the site is also within the Abergavenny Conservation Area and so will be expected to preserve or enhance the character and appearance of that designated area.

1.2 The existing structure is in a somewhat dilapidated state and is currently used for storage only. However, the existing access remains and the area in front of the garage building has been used for parking.

1.3 The dimensions of the existing structure from existing ground level are:

Floor area - 54.7m<sup>2</sup>

Height to eaves - 2.14 metres  
Height to curved ridge - 3.37 metres

1.4 The dimensions of the proposed dwelling from excavated ground level:

Floor area - 75.4m<sup>2</sup>

Height to eaves from DPC (min 150mm above ground level) - 3.67 metres  
Height to ridgeline from DPC (min 150mm above ground level) - 5.76 metres

1.5 The proposal has been amended since it was submitted following discussions with officers and has sought to address design concerns.

1.6 There is a concurrent Conservation Area Consent submitted for the demolition of the existing garage which is recommended for approval. There are no other constraints such as flood zones or other designations.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2011/00946	Demolition of corrugated iron workshop/garage and erection of new single storey dwelling.	Refused	19.12.2012
DC/2016/01239	Demolish existing garage in anticipation of erection of dwelling.		Withdrawn 11.01.2017
DC/2016/01374	Demolish existing garage in anticipation of erection of dwelling.		Withdrawn 08.12.2016
DC/2016/01004	Demolition of an existing workshop and garage and them erection of a mews type house.		Withdrawn 23.11.2018

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision S4  
LDP Affordable Housing Provision  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design  
S12 LDP Efficient Resource Use and Flood Risk

#### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
HE1 LDP Development in Conservation Areas DES1  
LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
SD4 LDP Sustainable Drainage  
EP5 LDP Foul Sewage Disposal

### **4.0 NATIONAL PLANNING POLICY Planning**

#### **Policy Wales (PPW) Edition 10**

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.

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**

#### **5.1 Consultation Replies**

**Abergavenny Town Council** - Object on the following grounds:

This proposed building does not conform with LDP Policies DES1 and HE1. The materials are not appropriate to the setting. The size and shape of the plot does not lend itself to a residential property and consequently the design being proposed offers poor quality accommodation. The ground floor is partially sunken creating a dark ground floor space and accessibility to and around the property and garden are poor. The restricted size and shape of the building i.e. long and narrow restricts design opportunities. At the minimum this application should be considered by the delegated panel.

**Dwr Cymru- Welsh Water** - Advise that development will be subject to SAB approval. Suggest condition requiring a drainage plan prior to commencement of development.

**MCC Heritage** - No objection to demolition or replacement.

**MCC Highways** - Objection withdrawn following the submission of additional information in relation to the existing access.

**MCC SuDS Approval Body** -Please be advised that we believe your proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

### Neighbour Notification

Four representations received. Object on the following grounds:

#### Structural Issues

1. The plan requires the excavation of a significant volume of earth from the existing site. The effects on the existing boundary wall and the adjacent properties have not been considered. No evidence has been submitted regarding the risk of structural failure.
2. The proposed excavation may increase the risk of flooding with either ground water or sewage and cause a nuisance to the adjacent properties.
3. During building works on 12 Fosterville Crescent extensive spring activity was discovered. An existing extension was removed and rebuilt. During the works a 24 hour pump was required to reduce flooding to the foundations as they were dug and rebuilt. This naturally occurring spring activity is also present at Number 11 and therefore I would assume it to be an issue for the proposed site also.
4. The retaining walls required for the subterranean building will need to be deep and extensive to prevent the land on either side collapsing onto the proposed building. I am very concerned how this excavation could affect the free movement of subterranean water in the vicinity of number 12 and 13 and the long term effect on our foundations. Number 12 and 13 are semi-detached and approximately 3metres from the proposed new dwelling.
5. This current proposal does not acknowledge that both water and gas mains run through the site.
6. There is an absence of any detail relating to any retaining structure along the boundary of 14 and 13 Fosterville Cres. At the Delegated Panel site meeting with officers and some Members there was a suggestion that these were not matters for planning but for Building Regulation approval. However it would appear that retaining walls over 2m high do require planning permission. Such walls may escape the provisions of Building Regulations altogether. Accordingly I would ask you to reject the present application on the basis of insufficient information which is crucial to the ability to use the site in the way proposed. However if you are minded to approve the application I would ask that you include condition(s) to control the construction and design of any retaining walls

#### Design

7. The proposed development is within the Conservation Area. I agree that the demolition of the existing corrugated arched tin shed would enhance the area but consider that the proposed development would not be in keeping with the area. It is suggested that the proposed structure would appear "secondary and supplementary as a garden outbuilding to 13 Fosterville Crescent". There are no other examples of secondary structures, such as coach houses, within the Crescent.
8. The proposed infill is planned to be squeezed into a narrow gap and will have a detrimental effect on the architectural layout of the Crescent and the houses were designed to be well spaced.
9. The proposed new dwelling, by virtue of its scale and design, will not preserve or enhance the character and appearance of the Abergavenny Conservation Area, contrary to Policy CH1 of the Monmouthshire Adopted Unitary Development Plan.

#### Residential Amenity

10. The final elevation of the proposed structure is higher than the existing structure and will reduce the light on the southern aspect of number 13 Fosterville Crescent.
11. The proposed new dwelling, by virtue of its scale and design, would be out of keeping with the surrounding street scene, which is characterised by large dwellings and plots and a high degree of spaciousness and privacy. The proposed development would therefore be contrary to Policy H3 of the Monmouthshire Adopted Unitary Development Plan.

#### Highways

12. The existing properties have limited on-road parking and this is exacerbated by commuters and other Abergavenny visitors, seeking to avoid paying for parking in the Town. A new building will only increase the congestion. The regular refuse and recycling lorries already struggle to manoeuvre in the crowded crescent.

#### Other

13. I urge the planning committee to refer to a letter from Simon and Chelsey Buttler dated 31/05/2012 in relation to DC/2011/00946 and DC/2011/00955. Many of the points raised in that

letter still apply to the current application.

14. The current application has been notified by a small notice put in place during a time when many residents are away. We have not received any written notification, and are concerned that the residents of Belmont Crescent, to the rear of the site, will not be aware of the new proposal.

### 5.3 Other Representations

Abergavenny & District Civic Society - We are aware of previous unsatisfactory proposals for a house on this very narrow plot in the Conservation Area, and we note that it seems that the applicant has been given pre-application advice that any successful proposal must at least be for a building that appears subservient to No 13.

We agree with that advice and note that the latest proposal attempts to satisfy these requirements by excavating the site to accommodate a gabled two-storey building. That may cause drainage problems. In terms of LDP policy HE1, the demolition of the existing building will enhance the Conservation Area, but the new building's elevation to the road is extensively glazed and therefore visually insubstantial as a neighbour to the massive No 13. Detailing such as slim brick mullions, a truncated hip roof and/or more substantial barge boards might help.

We wonder if the 'proposed landscaping/retaining structure' at the front of the house main steps to counter ponding, conflicting with the DAS accessibility provision. Compliance with disabled access requirement will require close control - the side access way appears to be only about 650mm wide.

However, our overriding concern is that this home is squeezed between a retaining wall and a hedge or shrubs. Accordingly, the extensive ground floor side windows will admit little light and provide little outlook, perhaps acceptable for bedrooms but not for living areas. We object on the basis that this will not be a satisfactory home, inconsistent with PPW10 (p20) by being unlikely to promote physical and mental health and well-being. LDP policy DES1 requires 'high quality sustainable design' and in our view this does not meet that requirement.

It may be that a satisfactory small dwelling could be designed here, perhaps single-storeyed with a light-admitting courtyard between two corridor-linked sections, but the site is quite probably unsuitable for residential use. Of course, there may at some time be a possibility of using this site as an access to a new house in the extensive garden of No 14.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

The site is within the development boundary of the town of Abergavenny within which new residential development is acceptable in principle under Policy H1 of the Local Development Plan (LDP) pending an appropriate design that must be justified in a Heritage Impact Assessment (HIA) as part of the Conservation Area Consent needed for demolition.

Under Policy S4 of the LDP and the supporting SPG, a financial contribution of £3809 will be required towards the provision of affordable housing in the local area. This will not be payable if the dwelling is a self-build.

#### 6.1.2 Good Design/ Place making

The existing building significantly detracts from the Conservation setting. Its replacement with a new building will positively enhance the quality of the area.

The status of the existing building is ancillary to the larger dwellings surrounding it and the proposed replacement continues this hierarchy. In this respect it is considered that the traditional but basic detailing is appropriate in this case as it reflects the scale and status of the proposed new dwelling and avoids creating a 'mini-domestic' building. Using the massing of a traditional cart shed and ancillary status materials, such as the timber cladding further adds to the ancillary

character of the proposed dwelling.

Glazed openings are on the wall spaces rather than in the roof as the roof is the most visible area of the building and multiple rooflights would not be in keeping with the character and appearance of the surrounding roofscape. Instead, natural light will be gained from large glazed areas on each gable end. These windows should be recessed from the external walls (this is conditioned).

As one of the most visible elements of the building, the natural slate roof proposed is the most effective choice in terms of reaching a level of quality while respecting the status of the lower building rather than the tile of the main house. Windows are to be powder coated aluminium windows and doors. The lower parts of the walls are to be red brick.

It is considered that the character of the proposed building will reflect dwellings in the vicinity in regard to finished external materials; the new build proposed is considered to achieve a habitable dwelling which will still be visually subservient to adjoining properties.

Supplementing the planted areas that exist on neighbouring gardens with indigenous species planting within the site's curtilage will assist in assimilating the building into the landscape. It will also have ecological benefit.

A previous application on the site for a small dwelling to replace the existing garage was refused in 2012 for the following two reasons:

1. The proposed new dwelling, by virtue of its scale and design, would be out of keeping with the surrounding street scene, which is characterised by large dwellings and plots and a high degree of spaciousness and privacy. The proposed development would therefore be contrary to Policy H3 of the Monmouthshire Adopted Unitary Development Plan.
2. The proposed new dwelling, by virtue of its scale and design, will not preserve or enhance the character and appearance of the Abergavenny Conservation Area, contrary to Policy CH1 of the Monmouthshire Adopted Unitary Development Plan.

This previous application proposed a building that was similar in design to the existing garage having a curved corrugated galvanised steel sheet roof and a large front window designed with shutters so that the building continued to look like a garage. However, these shutters would have to remain open most of the time in order to achieve any natural light. This current application uses a more imaginative design that utilises the natural gradient of the site while setting the building down by excavating the land so that more windows on the side elevations can be included. The current design also proposes the use of higher quality materials than the previous refusal and a more traditional roof pitch.

Since the refusal the applicant has come in for pre-application planning advice on three occasions and the current design has responded to advice from the Council's Heritage Officer. As such, it is now considered that the current proposal has overcome the previous reasons for refusal.

On balance therefore, it is considered that the proposed new dwelling will be in keeping with the area and will not harm visual amenity. It would enhance the character of the Conservation Area. The proposed development therefore complies with LDP Policies DES1 and HE1.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

LDP Policy EP1 requires development to have regard to the privacy, amenity and health of occupiers of neighbouring properties. The presence of high brick/stone boundaries and neighbouring vegetation along with an excavated footprint for the new dwelling ensures all established privacy and amenity of neighbouring occupiers is retained. Only a single roof light is proposed within the roof which will serve a bathroom. As such there will be no overlooking from this opening and overall, the proposed development is considered to meet the requirements of LDP Policy EP1.

## **6.2 Active and Social Places**

### **6.2.1 Sustainable transport issues**

The site is within the town of Abergavenny which is well served by employment opportunities and services as well as public transport. This site is especially close to the main railway station. As such the location of the proposed new dwelling is considered to be high up within the Sustainable Transport Hierarchy and conforms with the principles and objectives of PPW10.

### **6.2.2 Access / Highway Safety**

The proposed dwelling will utilise an existing access onto the public highway, albeit with an altered gradient. The proposed dwelling will have two bedrooms and two parking spaces are provided to the front which meets the Monmouthshire Parking Standards. There is no space on the site within which to turn in order to allow vehicles to enter or leave in a forward gear. Visibility to the right and forward, due to the gradient, is also below normal standards which has generated an objection from MCC Highways. However, following the submission of additional information in relation to the existing access arrangements provided by the applicant in response to this objection, Highways have had the opportunity to consider the additional information and review the previous highway comments. This has included the consideration of previous applications for the site, the existing highway environment, the impact the proposal would have on the existing on-street parking situation and whether the proposal would be detrimental to highway safety.

It is noted that the existing properties in Fosterville Crescent have varying degrees of off-site parking provision ranging from zero to a rear parking court in one case. Generally, the older properties rely on on-street parking whilst newer properties have simple drive access with no turning provision. The proposed site benefits from existing vehicular access via a substantial iron gate that appears to have been used on a commercial basis for a number of years. The site therefore benefits from an existing means of access and the application proposal indicates that the access is to be retained and improved should the proposal proceed.

The road is a Crescent meaning that it does not lead to any other properties and therefore only residents and visitors to the Crescent use the road by vehicle or on foot. On this basis, it is not heavily trafficked. Furthermore, due to the bends in the road, speeds are generally below the 30mph limit that is imposed. Based on the low vehicle/pedestrian movements, the speed of the traffic and the fact that the access is existing, it is not considered that it would be reasonable to refuse the application on highway grounds as the proposal would not be detrimental to highway safety or increase parking stress on Fosterville Crescent. On this basis, the development is considered to meet the requirement of LDP Policy MV1.

## **6.3 Productive and Enterprising Places**

### **6.3.1 Sustainability**

The dwelling will be primarily orientated in a south-west to north-east direction and it is considered there will be solar gain for those primary habitable rooms facing south-west. Energy efficient methods will be incorporated within the structure and such details will be provided at the Building Control stage.

The dwelling will be orientated to fit the site and designed in harmony with the locality. Passive solar energy will be ensured and direct sunlight will be available to all primary glazed elevations. Because of the glazing areas, the house will be lit both naturally and with energy efficient light fittings for night-time use. There will be high levels of insulation and highly efficient glazing. This coupled with potential solar panels installed within the curtilage on for example the southward facing stepped garden area and possibly incorporating an air source heat pump, will provide the central heating and hot water system.

The main construction frame material will be timber. This timber will be FSA sourced from sustainable managed forests and sourced as locally as possible. There is potential for the main insulation materials to be recyclable mineral wool, which will be positioned inside the timber framing. Roof tiles will be of natural slate to reflect the character of the locality. Elevations will be of brickwork (colour/finish to be agreed). Soffits/ fascias, window frames, doors and rainwater goods will be of aluminium.



All materials resulting from excavation will either be reused on site for garden re-profiling/ planting purposes or sorted for reuse and/or recycling locally.

## **6.4 Distinctive & Natural Places**

### **6.4.1 Historic Environment**

The site is located within the Abergavenny Conservation Area and therefore any impact of the proposed development should preserve and enhance the Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. The existing garage is not traditional in materials or building design and its demolition is not objected to by MCC Heritage or any local residents or other interested parties.

The proposed new building is relatively modest in scale and will have the height of a single storey building, similar to the existing but will have two floors. This will be achieved by utilising the natural slope of the site and setting the building down by excavating the land.

By virtue of the fact that this is the redevelopment of a site with a more appropriate building it is concluded the proposals will not result in a significant impact on the Conservation Area thus ensuring the setting is enhanced. Furthermore, the Heritage Officer has raised no objection to the application.

The proposal is therefore considered to meet the requirements of the relevant Planning (Listed Buildings and Conservation Areas) Act 1990 Act and the development in the context of the Conservation Area is acceptable.

### **6.4.2 Biodiversity**

The existing building was assessed for its potential as a habitat for bats. However, given that it is constructed of metal sheeting and concrete block and its past industrial use, which is unfavourable to bats, it was judged to be of low potential for bats and therefore no further action is required.

### **6.4.3 Water (including foul drainage / SuDS)**

A rainwater harvesting system will be installed and used within the dwelling, garden and for ancillary uses (car washing etc.) as grey water supply. Any excess water will be directed to new soakaways on site and with the requirements of an endorsed sustainable drainage system (SuDS). The existing access arrangements from the adopted road will remain. The current concrete surface will be removed and land re-profiled with a permeable surface resulting in natural percolation into the earth with no run-off. Foul water will be directly into the mains sewer along Fosterville Crescent. Any scheme for disposal of surface water will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Therefore, it is not considered necessary to impose a separate drainage condition as suggested by Dwr Cymru-Welsh Water.

## **6.5 Response to the Representations of Third Parties and the Town Council**

6.5.1 The issue of potential flooding as a result of excavation works is a matter for the developer to overcome. Surface water drainage will be covered by the requisite SAB approval.

6.5.2 The structural integrity of the whole development, including the retaining walls will be covered by the Building Regulations that are in place to make sure that all new buildings are safe. Any wall retaining land over that is over 1.5m in height requires a Building Regulations application which would have to include full details of the construction and materials to be used and all calculations. The Party Wall Act may also apply.

6.5.3 Residential amenity is covered in Paragraph 6.1.3 above.

6.5.4 A neighbour commented that the current application has been notified by a small notice put in place during a time when many residents are away. The planning notice was posted on the site as required by legislation. Unfortunately the timing of the application is not within the control of the planning department. Letters were also sent to neighbouring occupiers.

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

6.6.1 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' wellbeing objectives set out in section 8 of the WBFG Act.

## **7.0 RECOMMENDATION: APPROVE**

### Section 106 Heads of Terms

A financial contribution of £3809 will be required towards the provision of affordable housing in the local area. This will not be payable if the dwelling is a self-build.

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 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.

4 Prior to commencement of development, a plan showing provision within the site for the parking of a minimum of two cars shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved drawings and a minimum of two car parking spaces shall be retained thereafter.

REASON: To ensure provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H 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: To ensure a satisfactory form of any future development in accordance with LDP Policies DES1 and HE1.

### **INFORMATIVES**

0 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view

Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)  
This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

0 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.