

**Application Number:** DM/2020/01328

**Proposal:** Construction of 2 semi-detached 2-bedroom houses in the garden of no. 73 Park Road, Caldicot

**Address:** 73 Park Road, Caldicot, NP26 4EL

**Applicant:** Mr Mike Williams

**Plans:** Location Plan P01 - , Site Plan P02 Rev A - Existing Site Plan, Site Plan P03 Rev A - Proposed Site Plan,

## **RECOMMENDATION: REFUSE**

Case Officer: Ms Kate Young

Date Valid: 17.09.2020

**This application is presented to Planning Committee at the request of Councillor Easson as local Member**

## **1.0 APPLICATION DETAILS**

### **1.1 Site Description**

No 73 Park Road is a two storey semi-detached property within the Caldicot Development Boundary. The property has a large, flat garden area to the side which is situated behind a low brick wall. There is a driveway and double gates at the side of the property but no dropped kerbs forming a vehicular access. The property has a road frontage of approximately 16 metres. The site measures 0.05 ha and is surrounded by residential properties and their curtilages.

### **1.2 Value Added**

The applicant was advised to amend the scheme and reduce the proposal to one dwelling. The applicant however wished the application to proceed in its current form.

### **1.3 Proposal Description**

This is an outline application with all matters reserved for a pair of semi-detached dwellings to the north side of no. 73 Park Road. An illustrative site plan has been submitted indicating that each dwelling would have a footprint of 43.4 sq. metres. There would be a maximum ridge height of 7.3 metres. Two parking spaces would be provided for each dwelling including the existing dwelling. There would be a shared access path running between the existing property and the proposed new dwellings. There would be no alteration to the boundary treatments on the site except for the removal of the low brick wall to the front of the property. The width of the proposed plot is approximately 10.5 metres.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2020/01328	Construction of 2 semi-detached 2 bedroom houses in the garden of no. 73 Park Road, Caldicot	Pending Determination	

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

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

### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
SD4 LDP Sustainable Drainage  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations

### **Supplementary Planning Guidance**

Affordable Housing SPG July 2019:  
<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:  
<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Monmouthshire Parking Standards (January 2013)  
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

## **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**

#### **Caldicot Town Council – Approve**

##### **Highway Authority - No objection**

The location of the proposal does not affect or impact the safety of the immediate highway network and the provision of off street parking is in accordance with the councils adopted parking standards.

The highway authority offers no objection to the proposal and the applicants attention is drawn to the requirement for the applicant to apply for permission to construct the required footway vehicular crossings to access the proposed off street parking spaces pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

##### **Highways & Flood Management**

LLFA - the applicant has included no detail on the drainage of the site therefore we would like a condition relating to surface water management.

SAB - From the plans submitted the total construction area is above 100m<sup>2</sup> then SAB approval will be required prior to any works commencing on site.

##### **Welsh Water**

The development requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems. The proposed development site is crossed by a public 150mm combined sewer. No operational development is to take place within 3 metres either side of the centreline of the public sewer. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 199

### **5.2 Neighbour Notification**

One letter of objection received, the objection relates to a loss of view.

### **5.3 Local Member Representations**

Councillor Easson - summarised below (full comments available on the website).

The potential to form a terrace creates complications with the ownership, requiring an alleyway through the central property for access to the rear. In addition this would result in the loss of windows from the side elevations.

As proposed the units would be DDA compliant starter homes, each with a side entrance, this would not have any legal restraints that would be experienced with an alleyway.

The plans show adequate parking on the frontages removing the need for street parking for 73 Park Road and harmonise with the parking for 1 Elm Road.

The proposed dwellings accommodate ample back gardens and do not overlook other properties. The end of the proposed semis from 1 Elm Road is less than the requirement of the Infill SPG. However the large garage will obscure the properties, shielding any perceived overlooking by the end unit. I request flexibility on this application as many other applications have seen. The proposed dwellings are also in line and character with the existing which is required as per the SPG.

You have indicated to me that you are minded to refuse this application under Delegated Powers, referenced to the "Infill Development SPG" on the grounds of the property being just less than 15 metres from No 1 Elm Road. I would request that the application be presented to the Planning Committee for determination.

Please note all representations can be read in full on the Council's website:  
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

With regards to the new residential development, the site is located within the Caldicot Development Boundary. Policy S1 of the LDP says that the main focus for new housing development is within main towns and the Severnside sub-region. Caldicot is located within the Severnside sub-region. Policy H1 of the LDP supports new residential development within development boundaries, subject to detailed planning considerations. The principle of new residential development in this location is acceptable in policy terms. PPW10 recognises the need to provide sufficient housing in an area to meet housing need.

This application needs to be considered against the Infill Development Supplementary Planning Guidance which was adopted in November 2019.

### **6.2 Sustainability**

The Local Development Plan and PPW encourage sustainable development and promote making the most efficient use of brownfield land. This is a very sustainable location for a new residential unit as it is located within an existing residential area close to the town centre within easy walking distance to a large range of facilities including shops, schools and medical facilities. The site is also within walking distance of a train and bus station. The proposal accords with a key objective of PPW10 providing residential accommodation in a sustainable location.

#### **6.2.1 Good Design**

This is an outline application with all matters reserved so that the detailed design of the properties is not known at this stage. However, the indicative site plan does show the layout of the site which can be used to evaluate the proposal in terms of design in relation to LDP Policy DES1 and in terms of residential amenity with regards to Policy EP1. Policy DES1 requires development to respect the character and appearance of the area while Policy EP1 requires all development proposals to have regard to the privacy, amenity and health of occupiers of neighbouring properties. The prevailing character of residential development in this part of Caldicot is made up of semi-detached dwellings located on substantial plots although there are some terraced properties. The application site is of sufficient size to accommodate one dwelling while preserving this character, although it is considered that two dwellings on this site would result in a cramped form of development which would be out of keeping with prevailing character. There are also concerns over the proximity of the proposed dwellings to the existing in relation to amenity. These issues are discussed in greater detail below in relation to the specific requirements of the SPG.

#### **6.2.2 Infill Development SPG**

The SPG says that Infill sites are normally regarded as small gaps between existing residential properties, usually with a street frontage as is the case here. The size of the infill proposal should reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. In this case, the proposed pair of semi-detached dwellings would continue the rhythm of the street scene but the dwellings would be narrower than their neighbours and would constitute over-development by having an incongruous squeezed in appearance. The proposal would not reflect the prevailing character of the area being at odds to the scale and proportions of development immediately adjacent to the site. The SPG advises that the proposal must respect the scale, form and massing of existing development in the area. There is an expectation that the massing of the proposal should be in proportion to the main property and the existing neighbouring buildings, as appropriate. In this case the proposed new dwellings would be narrower than the surrounding properties and would look out of place.

Part 7.1 of the SPG looks at Privacy and Amenity. The key considerations relating to privacy and amenity for small scale infill residential development are:

- a. whether the plot would have adequate privacy to habitable rooms and private garden space
- b. whether a new house(s) on the plot would affect the privacy of neighbours
- c. whether a new house(s) on the plot would affect the host dwelling.

In this case the plot is of sufficient size to accommodate a new dwelling with adequate amenity space and no adverse impact on neighbouring amenity. The orientation of a dwelling on the plot means that habitable rooms could be provided with adequate privacy. Although this is an outline proposal only, it is assumed that the principal elevations will be front and back and that the gable walls will be left blank with no openings; if this was to be the case there would be no loss of privacy for the occupiers of adjoining properties. The existing dwelling on the plot, number 73 Park Road, has a single storey lean-to at the side and two windows facing into the plot. One of these is at first floor level. The lean-to would be demolished and the windows do not serve habitable rooms. If the new dwellings were built, the existing dwelling would still maintain adequate amenity space and not suffer from a significant loss of privacy.

Part 7.4 of the SPG considers distance between dwellings. The Council's normal privacy standard for new development is that there should be minimum of 21m between directly facing elevations containing main habitable room windows. The proposal accords with this as there are no existing dwellings either in front or behind the proposed dwellings within this distance. To avoid over-dominant development and overshadowing of neighbouring properties, there should be at least 15m between principal elevations with main habitable windows and side gable walls without windows. This is applicable to the new dwelling as well as the host dwelling. This will ensure adequate amenity is provided for future occupiers as well as the existing residents (this can be reduced to 10 metres where the properties are not aligned but in this case the properties are aligned).

No 1 Elm Avenue has its rear elevation facing towards the proposed plot and has several principal windows on the rear elevation. There is a single storey garage between the rear elevation of no 1 and the site boundary of the proposed plot. The rear windows of no 1 would be approximately 11.5 metres from the two storey blank gable end of the proposed dwelling. The distances have been clarified on site as between 10.5m from the rear of 1 and 2 Elm Road to the boundary of the proposed site. The proposed end dwelling would be 1m inside the plot boundary. This creates a separation distance of between 11.5m from the rear of the two Elm Road properties to the side elevation of the proposed dwelling, 3.5m below the guidelines set out in the SPG.

This distance is well below the 15 metres guidance set out in the SPG and will result in a loss of outlook and create an overbearing impact for the residents of no. 1. Within 12 metres of their first floor bedroom windows the occupiers of no 1 will see a two storey wall. This will have a very dominant and overbearing impact which will significantly affect their amenity. The proposed dwellings would be located to the south-east of the gardens of numbers 1 and 2 Elm Avenue and this would reduce the amount of sunlight entering the rear of those properties and their gardens. This again would have an adverse impact on their amenity.

The proposal is considered to be contrary to Policy EP1 of the LDP, as the new dwellings, positioned so close to the common boundary would have an adverse impact on the amenity of the occupiers of neighbouring properties. The proposal is contrary to the advice given in the adopted Infill Development SPG with regards to residential amenity. The proposal is also contrary to criteria I) of Policy DES1 as it does not protect the existing residential area characterised by high standards of privacy and amenity from over-development. The erection of two dwellings on this site would constitute insensitive and inappropriate infilling.

## 6.2.2 Place Making

PPW10 says that good design is fundamental to creating sustainable places where people want to live, work and socialise. This is an outline application so there are no detailed designs to consider. A single dwelling could be designed so that it would be in keeping with the character of the area and

contribute to a sense of place but this would be part of any subsequent application. The special character of an area should be central to its design.

### **6.2.3 Green Infrastructure**

As this is an outline application we are only considering the principle of two residential properties on the site. The Green Infrastructure will be fundamental to the design, landscaping and drainage strategy of the plot, but this will be addressed as part of the reserved matters if permission is granted.

## **6.3 Highways issues**

### **6.3.1 Sustainable Transport Hierarchy**

PPW10 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located in a residential area of Caldicot within easy walking distance to all the amenities and facilities in the Town Centre. The site is also within easy walking distance of good public transport links including the bus and railway stations. This site occupies one of the most sustainable locations in the County and the occupiers of the new dwellings will be less reliant on the car to go about their daily business.

### **6.3.2 Access / Highway Safety**

The surrounding road network has sufficient capacity to accommodate traffic from two additional properties.

### **6.3.3 Parking**

The adopted Monmouthshire Parking standards require one off-street parking space per bedroom up to a maximum of three. This relates to the existing property as well as the two proposed dwellings. Several properties, including the host dwelling have no off street parking. The roads in this area are wide enough to accommodate some on-street parking. The applicant has indicated that the new dwellings will have two bedrooms each. This cannot be verified until the detailed design of the dwellings has been submitted. The illustrative layout plan does indicate that two parking spaces can be provided at the front of each new property and this would accord with the adopted parking standards. The host dwelling is a three bedroom dwelling and so would require three spaces but the indicative plan only shows two. Given that this is such a sustainable location and the fact that this is an improvement over the current situation where the host dwelling has no off street parking, the proposal is considered acceptable and accords with the objectives of Policy MV1 of the LDP. It is noted that the proposed parking creates a row of closely positioned parking spaces to the front elevation of the properties, a reduction in density of the proposal would reduce demand on parking and improve the visual impact of accommodating parking spaces.

## **6.4 Affordable Housing**

LDP Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is 5 or more units in Caldicot, then a financial contribution is appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019). The amount of affordable housing proposed may be based on a viability assessment.

As this is an outline application no exact floor area has been determined and thus the financial contribution in the S106 must therefore be based on the formula in the SPG: £80 x 86.8 x 0.58 = £40271.00.

## **6.5 Flooding**

The site is not in a designated flood zone identified in the DAM maps of TAN 15

## **6.6 Drainage**

### **6.6.1 Foul Drainage**

There is no requirement in an outline application to provide details of foul water discharge. This application site is in a sewered area and Welsh Water have raised no objection to the foul water connecting to the main sewer and request that details of the foul water disposal be submitted before development commences. This can be included in any reserved matters application. Welsh Water have raised the point that the site is crossed by a public 150mm combined sewer. The accompanying map shows this to be at the rear of no. 73 and not inside the development site.

### **6.6.2 Surface Water Drainage**

The applicant has indicated that surface water discharge will be by way of a soakaway and the site appears of sufficient size to accommodate this. If the application is approved and in the even any permission of the reserved matters, the development will require approval of a submission of an application for Sustainable Drainage System (SuDS) features, in accordance with the statutory standards for sustainable drainage systems.

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

The Town Council recommended approval of the application.

Councillor Easson considers that the application should be approved as it will not have an adverse impact on the amenity of adjoining occupiers. Other options were discussed including a terrace of properties connected to the existing; however there were concerns over the impact on the existing property. Support is provided for the application suggesting that the existing garage provides a visual separation and an element of mitigation in relation to any overbearing impact. However, as described above it is considered that the proposed position of the new dwellings would have an adverse and unacceptable impact on the existing property, especially that of 1 Elm Drive. Whilst an element of flexibility can be applied, it is considered in this particular case, the overbearing impact is too significant.

Having looked at the examples provided where flexibility has been applied, there appears to be no direct comparison. In addition each application should be determined on its own merits. Those examples were granted permission before the Infill Development SPG was adopted. Whilst many aspects of this proposed development are acceptable in policy terms, the impact on the amenity of the occupiers of no. 1 Elm Avenue is not considered to be acceptable.

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

6.8.1 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' well-being objectives set out in section 8 of the WBFG Act.

## **6.9 Conclusion**

6.9.1 Whilst many aspects of this proposed development are acceptable in policy terms, the impact on the amenity of the occupiers of no. 1 Elm Avenue is not acceptable. The proposal does not accord with policies DES1 and EP1 of the LDP or with its accompanying guidance, as it is too close to an existing property and does not have regard for the amenity of the occupiers of neighbouring properties. In addition it is considered that the site is too small to accommodate two dwellings without an adverse impact on the character and prevailing character of the area and is contrary to LDP Policy DES1.

## **7.0 RECOMMENDATION: REFUSE**

### **Reason for Refusal:**

1. The proposal is contrary to policies DES1 (criterion d) and EP1 of the adopted Monmouthshire LDP, as the new dwellings, positioned so close to the common boundary would have an adverse impact on the amenity of the occupiers of neighbouring properties. The proposal is contrary to the advice provided in the Council's adopted Infill Development SPG with regards to residential amenity. The proposal is also contrary to criterion I) of LDP Policy DES1 as it does not protect the existing residential area characterised by high standards of privacy and amenity from over-development. The erection of two dwellings on this site would constitute insensitive, over development and inappropriate infilling.