

DC/2015/01019

FULL PLANNING PERMISSION FOR THE PROPOSED ERECTION OF A SINGLE DWELLING

LAND ADJACENT TO THE MOUNT, COED Y PAEN, PONTYPOOL

RECOMMENDATION: REFUSE

Case Officer: Kate Bingham

Date Registered: 10th September 2015

1.0 APPLICATION DETAILS

- 1.1 This application relates to a site that was the subject of two previous planning applications for a new detached dwelling. The first application was refused in 2004 and the subsequent appeal was dismissed in 2005, the Inspector concluding that the development would have a *'damaging effect'* at the centre and focal point of the village where the public house and church are 'essential components'. A second application was refused in 2014 and a subsequent appeal also dismissed in 2015 with the Inspector concluding that the *'undeveloped nature of the site provided an attractive and significant contributory feature to the character and appearance of the centre of the village'*
- 1.2 In light of the Inspector's decision this latest application proposes a dwelling with revised location and orientation. It is also proposed to retain more of the existing green space to provide a focal point for the village adjacent to the pub. The area will be precluded from built development and excluded from the curtilage of the proposed new dwelling.
- 1.3 The application has been presented to committee because the applicant is related to an Elected Member.

2.0 RELEVANT PLANNING HISTORY

M/9471 – Erection of detached dwelling and garage. Refused 2004. Appeal Dismissed 2005.

M/12487 – Change of Use to Residential Curtilage. Approved 2006.

DC/2014/00291 – New dwelling. Refused 2014. Appeal Dismissed 2015 – a copy of this decision is attached as an Appendix to this report.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

- DES1 – General Design Considerations
- EP1 – Amenities and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.1 Llangybi Fawr Community Council – Recommends refusal and request that application is presented to full planning committee.

This application does not meet the primary objection cited by the Planning inspector in her appeal decision for DC/2014/00291 in para 9 of her decision, that it forms an essential component in identifying the sense of place that clearly marks the heart of this small village. She went on to say "... I consider that the introduction of a dwelling onto the site would destroy one of the primary features of this part of the village and the setting of its historic and key buildings.

It is implied in the Design and Access statement that the residue of the site, outside the curtilage of the proposed dwelling would be sufficient to preserve the "essential component" at the centre of the village, as referred to by the appeal inspector, but, whether or not this is considered to be so, there is no guarantee that this could be preserved. It would remain in the ownership of the present applicant, (apart from the strip providing access to the proposed dwelling), and whilst he may not plan to apply for further development a subsequent owner might have different ideas. A proposal by the present applicant, put forward at the above mentioned appeal, to dedicate a different portion of the site to the village was rejected by the inspector as there was no guarantee that it could be delivered.

With regard to the details of this application, we are also still concerned about the prominent position of the dwelling despite the fact that it has been moved a little further from the road as compared to the previous application. We note that the inspector considered the proposed access on the previous application acceptable in the absence of an assessment by Highways. We would be content to accept a view on the present proposed access, as the plans show a visibility splay that ignores the presence of the high hedge currently bordering the site.

MCC Highways – With reference to the earlier application and the appeal decision, although highway comments were not provided, the Inspector determined that the proposed means of access and parking provision was acceptable.

It is noted however that the proposed means of access on the latest submission, Drawing No. 1202-10 is closer to the Carpenters Arms PH and on the outside bend in the road, it is felt that due to the low numbers of vehicles and the likelihood of conflict, particularly as vehicle speeds will be extremely slow when either accessing or egressing the PH car park or dwelling then the risk of collision is greatly reduced. The proposed access although on the outside of the bend provides for greater visibility to the left as vehicles emerging from the access can view straight down the road to the left. However visibility to the right when emerging from the access appears to be obscured by the existing boundary hedge, although it is noted that this is proposed to be removed to expose the area concerned as open space.

Therefore, although the preference of the highway authority is to retain the proposed access as originally proposed on DC/2014/00291, I would offer no objections to the current proposal subject to the following:

I would request the following informative -

It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

4.2.1 Neighbour Notification

Four representations received; three object on the following grounds:

- Safety of having a new access so close to a blind junction on a busy narrow lane.
- The village must not lose its only 'village green' which is the heart of the village.
- Site is central focus of village with pub and church.
- Hitherto the Local Planning Authority, Community Council and local residents have been consistent in their opposition to any building or development on this land and we trust that this opposition will continue.
- Proximity of private sewerage treatment plant to neighbouring back garden.
- Loss of natural light to neighbouring property.
- Proposed village green would be much reduced in size as a result of the development and would appear only as a grassy border to the new house.
- Who would own the boundary between the house and village green?

One representation supporting the application for the following reasons;

- Plans for modest attractive cottage are delightful
- Small house that would provide a more affordable dwelling for someone.
- We do not have a village green at present and would secure one for future generations as a result of this application.
- Small in fill developments should be welcomed to ensure that the village continues to thrive.
- The overgrown hedges around the application site have now become an eyesore
- Continued objections are self-destructive to the village of Coed y Paen.

4.2.2 Other Representations

None.

5 EVALUATION

5.1 Principle of Development

Coed y Paen is designated as a minor village under Policy S1 of the Monmouthshire Local Plan. Within minor villages, new residential development will be granted for minor infill of no more than 1 or 2 dwellings resulting from the filling of a small gap between existing dwellings or residential development subject to detailed planning considerations. It is considered that this plot is a small gap between existing dwellings (Garden Cottage and Trees) and the development is therefore acceptable in principle, but needs to be assessed against detailed planning considerations.

5.2 Visual Impact

Notwithstanding the decision to dismiss the latest appeal, Paragraph 9 of the Inspector's decision letter states that *'The proposed dwelling would be of traditional design and I agree with the Council that it would be in keeping with the surrounding development.'* Given that this application comprises a single dwelling of a similar scale, design and appearance (the same architect has produced the plans), then it is considered that the Inspector's conclusions as well as the previous view of the Council remains valid in that the design and scale of the proposed new dwelling is in keeping with the surroundings.

The location of the proposed dwelling has been reconsidered following the previous appeal including paragraph 10 which states that *'the harm arising from the new dwelling would be further emphasised by the site's elevated nature'*. The proposed house has been relocated from the centre of the land under the applicant's control to the north-west in order to set it further back from the road. The proposed eastern elevation will be approximately 11-12 metres from the road at a main vantage point on the corner by the Carpenters Arms. The proposed dwelling would have a ridge height of 6.35 metres which is relatively low for a modern two storey house and in keeping with other traditional buildings in the centre of the village. A new native hedge is proposed as a boundary between the curtilage of the proposed new dwelling and the retained open space and existing trees between the proposed dwelling and the neighbouring dwelling to the south (Garden Cottage) would be retained which, together with other existing trees on the neighbouring property, will screen the proposed new dwelling from views from the public road to the south. From the north the new dwelling will be viewed against the backdrop of The Mount and Garden Cottage.

An area of space running from the north-eastern corner to the south-eastern corner of the site (shown within a blue edge boundary on the plans) is proposed to be left undeveloped and open so that it can be used by the community with the existing fence, gates and hedge boundary being removed along the entire eastern boundary. This area is between the Carpenters Arms pub car park and the church. At the 2015 appeal, the Inspector also raised concerns over how the use of the open space could be controlled long term and doubted whether the use of a Unilateral Undertaking would meet the relevant tests of national policy. In this case, a condition might be added to any consent preventing any built development on the area that is to be left open. This would not however secure rights of access onto the land, although as existing the entire area is private and fenced off. Ultimately, any condition of this sort would not necessarily prevent the land from being developed under the terms of a fresh planning permission, should one be submitted in the future, or facilitate the land's use as public open space.

While this offer is welcomed, the area proposed as open space would be crossed by the proposed access to the dwelling. As a result the area would have a domestic feeling and even if the area was surfaced using a low impact paving system (that allows grass to grow between the mesh or cells) rather than a traditional hard surface, the domestic access and public green space are not considered to be compatible shared uses. On this basis, the character of the green space at the centre of the village will not be retained. Moreover, the proposed dwelling has been relocated to a part of the site that is relatively elevated and the proposed dwelling would maintain an intrusive effect in relation to the traditional elements of the public house and the church (and associated graveyard) which, together with the open character of the application site, were acknowledged by the Appeal Inspector as forming the core of the village.. The Inspector identified that *'the site forms an essential component in identifying the sense of place that clearly makes the heart of this small village.'* Thus, the previous reason for refusing the application which formed the basis for the subsequent dismissal of the

appeal is not considered to have been overcome and the application remains contrary to LDP Strategic Policies S13 and S17 and Development Management Policies H3, DES1 and EP1.

5.3 Residential Amenity

A single window serving a landing is the only one proposed on the south-east elevation of the new dwelling meaning that there will be no overlooking of Garden Cottage or The Mount. There are no other neighbouring dwellings within close proximity to the application site.

5.4 Access and Parking

Access to the site is proposed on the north-eastern edge of the site, slightly to the north of the existing access. Two parking spaces are proposed within the curtilage of the dwelling together with a turning area to allow vehicles to enter and leave the site in a forward gear. There are no highway objections to the access as adequate visibility can be provided, provided the beech hedge is removed to the right as one would emerge from the site onto the highway (the hedge is proposed to be removed to open this land up for use as open space). In addition, the Appeal Inspector concluded that there would be sufficient forward visibility in both directions and that the proposal 'would provide a satisfactory means of access and parking and would be acceptable', although it is noted that the currently proposed access has shifted slightly further to the north of the site. It is considered that the proposed development will not adversely affect highway safety.

6.0 **RECOMMENDATION: REFUSE**

Reason for Refusal:

The site is a prominent open space in the centre of the village of Coed-y-Paen and its development for a new dwelling house would have an adverse impact on the rural character of the area, contrary to the Monmouthshire Local Development Plan Strategic Policies S13 (criterion i) and S17 and Development Management Policies H3, DES1 (criteria (b), (c), (e), (g) & (l)) and EP1.