

**Application Number:** DM/2021/01735

**Proposal:** Retention of domestic garage

**Address:** 60 Old Barn Way, Abergavenny, NP7 6EA

**Applicant:** Mr Steve Bull

**Plans:** Location Plan - , All Existing Plans 21/SB/200 - , Site Plan 21/SB/201 - Rev A, Garage Plans 21/SB/202 - Rev A,

**RECOMMENDATION: Approve**

Case Officer: Ms Kate Bingham  
Date Valid: 21.10.2021

**This application is presented to Planning Committee at the request of the Local Member.**

**1.0 APPLICATION DETAILS**

1.1 Site Description

This application relates to the rear garden of an existing two storey dwelling located in Abergavenny. The property is within the Development Boundary of the town as defined under Strategic Local Development Plan (LDP) Policy S1.

The site is within the Phosphorous Sensitive Catchment Area of the River Usk SAC but has no other constraints.

1.2 Value Added

The height of the proposed garage has been reduced by the following:

Original eaves = 2.818m  
Revised eaves = 2.358m

Original ridge = 5.723m  
Revised ridge = 5.263m

This has resulted in an overall reduction in height of 0.46m

1.3 Proposal Description

The application seeks to regularise a detached double garage that was built larger than consented. As described above, the 'as built' height of the garage has been reduced following objections and advice from Planning Officers.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
EP5 LDP Foul Sewage Disposal

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

#### **Planning Policy Wales (PPW) Edition 11**

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### **5.0 REPRESENTATIONS**

#### 5.1 Consultation Replies

**Abergavenny Town Council** - Recommend refusal, scale of building not in keeping with original planning application, endorse comments submitted by Cllr Groucott.

**Natural Resources Wales** - The application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Wye SAC.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

Six objections received:

- Privacy has completely been compromised at the rear of my property both on the ground and first floor.
- Unreasonable for this structure to overhang my garage. I also question as to why I should be compromised any control over maintenance of my property.
- Challenge whether adequate drainage has been provided for.
- The property is overbearing and out of keeping with the community.
- The overall proposed size of the structure is out of scale with buildings in the immediate vicinity.
- The dimensions indicate a structure with internal measurements some 7m x 6.5m however, since the applicant has decided to add cement render and then clad the building in natural stone some 300 400cm thick the actual external sizes have been exaggerated.
- The excessive height of the structure towers over neighbouring buildings and whilst the applicant applied for a single storey building it is patently obvious that a second floor will be utilised.
- Existing plan should indicate the location and relationship between the adjacent properties prior to building work being carried out.
- I would suggest the Panel accurately assess the amount of excess rainwater which will be yielded from such a roof area without connection to the mains drainage system and make appropriate recommendations.
- Is it reasonable that one property then has the likely effect of influencing the appearance from now on? How many people will feel tempted to build in their back garden?
- We ask the committee to demand that any building in the garden of number 60 is within the maximum size specified in the original planning permission.

Letter produced by Cllr Groucott signed by eight properties:

- Building looks more like a domestic property than a garage.
- Garage will block views.
- Building should stay the same size as originally approved.

Responses to re-consultation following reduction in height of garage:

- The Planning permission granted for the development in 2019 at 60 Old Barn Way was for a structure basically measuring 6m x 7m (internal) by 4 m high. The now revised proposed size of the structure to be retained at basically 6.4m x 7m (internal still plus the stone cladding ) by 5.3m high.
- The cladding literally and visually exaggerates these increases the apparent size of the structure.
- Would an application for sewerage connection at this point in time give concern to the Planning Authority about the possible intended use of the structure at some time into the future?
- The only structure I feel I could agree with and not object to would be a structure some 2.5m maximum height with a flat roof.

## 5.3 Local Member Representations

County Councillor Groucott - Once again the residents of my ward who live in immediate proximity to this proposed garage have asked for my support in opposing this planning application as their councillor. I am requesting that this application continues to be listed for full consideration by the Planning Committee. My comments below should be taken in conjunction with those in my comments registered on the Portal on 13 December 2021.

I acknowledge that the building has been reduced in scale to a degree and now has a better drainage system. However, if retrospective permission is now granted for this application the building remains far bigger than that for which permission was originally granted in 2019. It might

be taken as a crafty way of 'beating the system' by appearing to submit a plan on a reduced scale. The reality remains that the proposed building remains far bigger than that for which consent was given and out of proportion to other similar rear garden buildings that have gone up in this neighbourhood. It will set a clear precedent by having a major impact on the appearance of the area, impacting on the views over towards the town and the Usk Valley that presently exist for neighbours. I would ask that any permission to build is in line with the original application for this plot, in line with the decision made in 2019.

Previous comments from 13 December 2021:

As the local elected member covering Old Barn Way I would like to refer this application to the Planning Committee for consideration.

The application is being opposed by every neighbour who is directly affected by the proposed development. The scale of the building is out of all proportion with all other similar garages and other buildings that have been erected in the back gardens in this area. It will have a dramatic and unnecessary impact on the street and because of the slope on which it is being constructed its impact to neighbours is exaggerated.

There has been permission for a double garage for some time and the current application has been made retrospectively only when neighbours complained that the building that has been erected far exceeds the maximum size stipulated. The building that has actually been erected is far in excess of the size actually needed for a single storey double garage. The steeply sided pitch of the roof and the dormer windows are such that this building could easily become office, or even residential, property in the future. This would set a precedent that nobody in the neighbourhood, which is a long established residential area, would support.

## **6.0 EVALUATION**

### **6.1 Good Design/ Place making**

6.1.1 The Monmouthshire Supplementary Planning Guidance for Domestic Garages 2013 advises that a double garage to accommodate two cars should have a minimum internal size of 5.5m x 6m, a total area of 33m<sup>2</sup>. The original application approved in 2019 was for a double garage measuring 6m x 7m with a height of 4m to allow roof storage with a roof light. The total area approved was 42m<sup>2</sup>.

6.1.2 The proposed new building is 6.4m x 7m and the total area is 44m<sup>2</sup>. The amended drawings show a reduction in height, cutting back of the eaves trusses away from the south boundary resulting in a building that will be 0.4m wider and 1.263m higher than that previous approved. It is considered that this increase in area and height is acceptable in this urban context. Although the natural stone cladding adds width to the building, it would be unreasonable to penalise the applicant for using traditional materials that will improve the overall appearance of the building.

6.1.3 There are various other existing garages and outbuilding to the rear of the houses on Old Barn Way and the wider local area. These vary in scale and design, and it is considered that the building proposed in this application is not of such an excessive scale to justify refusal on design grounds. The design of the garage is typical of a domestic garage with storage and is appropriate in the context of the main dwelling. Whilst the garage is larger than some other double garages, it is still subservient and subordinate to the main dwelling. As the building is located to the rear of the main dwelling it is not visible from Old Barn Way. Views from Hereford Road are limited by trees. Therefore, there is no significant visual impact on the wider area.

6.1.4 On the basis of the above, the requirements of LDP Policy DES1 are considered to have been met.

### **6.2 Drainage**

6.2.1 Two 2m x 10m deep soakaways have been installed to take rainwater from the roof. This is considered to be adequate for the scale of the building. Further SAB approval will not be required as the building is less than 100m<sup>2</sup>.

6.2.2 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

6.2.3 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice: Development to an existing residential property (e.g. extensions) that does not increase occupancy or the volume of drainage. No foul drainage is proposed as part of this planning application.

### **6.3 Impact on Residential Amenity**

6.3.1 The garage is located at the end of the garden with the main opening facing onto the rear access lane. Due to its use as a garage/store only (no internal steps are proposed to access the upper storage area), the building will not result in a loss of privacy for any neighbouring occupiers. The garage is sited in a densely populated area of Abergavenny but given the nature of the proposal, there is not likely to be any adverse overlooking and no overbearing impact.

6.3.2 The most closely related neighbouring properties to the application site are no. 62 to the north and no. 58 to the south. The garage is approximately 18 metres at an oblique angle from the rear of the neighbour at no. 62 and is at a lower level due to the topography of the area. Therefore the garage has no adverse impact on the amenity of the neighbours at no. 62 in terms of being overbearing.

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6.3.3 The garage is within 1 metre of the common boundary of 58 Old Barn Way. No 58 already has a 9m long garage built on the common boundary. The application garage runs alongside this building and is shorter in depth but higher at the roof ridge. The application garage is therefore screened by the existing neighbouring garage thus having minimal effect on the garden of no 58 and is not therefore considered to be overbearing and does not affect any privacy.

6.3.4 Properties further afield are too far away from the application site to be directly impacted in terms of residential amenity. In terms of loss of a view, notwithstanding that this is not a material planning consideration, a structure with a 4m ridge could be constructed within the garden area without the need for planning consent and wider views to the west are limited by mature trees along Hereford Road, As such, the provisions of LDP Policy EP1 are considered to have been complied with.

### **6.4 Access / Highway Safety**

6.4.1 No changes to the access to the garage are proposed as part of this application.

### **6.5 Biodiversity**

6.5.1 PPW11 requires that all new development provide proportionate net gain for biodiversity. A plan is anticipated showing the measures to secure biodiversity net gain at the site. This would be conditioned to be implemented prior the garage, if approved, being brought in to beneficial use. This would then enable the proposal to be policy compliant (policies S13 and NE1 of the LDP).

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

6.6.1 The fact that the applicant built a larger garage than previously allowed should not prejudice the determination of this latest application which must be considered on its own merits.

6.6.2 Any potentially different (non-domestic) use of the building as a dwelling would require planning consent.

6.6.3 The precedent for rear garages along Old Barn Way has been long established. Any applications for additional garages would be determined on their own merits having regard to the specific details.

6.6.4 Objections relating to the scale of the building and drainage are addressed above.

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

6.7.1 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.

## **6.8 Conclusion**

6.8.1 The overall increase in the size of the garage in comparison to that previously approved (DM/2019/01627) is considered to be acceptable in terms of wider visual impact (LDP Policy DES1).

6.8.2 The applicant accepted the comments made by the objectors and agreed to make the amendments recommended following consultation with the planning officer on site. This involved a reduction in the scale of the roof. As a result, it is considered that the garage will not lead to a loss of local residential amenity through an overbearing impact or loss of privacy (LDP Policy EP1).

6.8.3 The provision of soakaways for surface water drainage is considered to be adequate for this scale of development. There will be no foul drainage.

6.8.4 Features to provide net gain for biodiversity as required by PPW11 are to be secured via a planning condition.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 The building hereby approved shall be reduced in height at both eave and ridge level in accordance with Drawing 21/SB/202A within 3 months of the date of this permission.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

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 The features to provide net gain for biodiversity as shown on the submitted Biodiversity Enhancement Plan shall be implemented prior to the development, hereby approved, being brought into use and shall be maintained as such in perpetuity.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policies S13, and NE1.