

**Application Number:** DM/2022/00923

**Proposal:** Two proposed dormers to the front/south-east facing elevation. Rear dormer and roof terrace to rear/north-west facing elevation.

**Address:** Crooklands, Church Road, Undy, Caldicot, NP26 3EN

**Applicant:** Mr and Mrs Crook

**Plans:** Other Covering Letter - ,  
Location Plan R720-00 - Dated 08.08.2022,  
Floor Plans - Proposed R720-11 - Dated 18.07.2022,  
Elevations - Proposed R720-08 - Dated 28.06.2022,  
Block Plan R720-01 - ,  
Block Plan R720-10 - ,  
Floor Plans - Existing R720-02 - ,  
Floor Plans - Existing R720-03 - ,  
Elevations - Existing R720-04 - ,  
Floor Plans - Proposed R720-05 - ,  
Floor Plans - Proposed R720-06 - ,  
Floor Plans - Proposed R720-07 - ,

**RECOMMENDATION: Approve**

Case Officer: Mr Ryan Bentley  
Date Valid: 30.06.2022

**This application is presented to Planning Committee due to the Local Member being related to the applicant and objections have been received**

**1.0 APPLICATION DETAILS**

1.1 Site Description

This application relates to Crooklands, a large detached dwelling located within Magor and Undy's development boundary and also within an Archaeologically Sensitive Area (ASA). The dwelling has been altered significantly over recent years.

1.2 Value Added

The applicant has provided amended plans that detail a Sparrow Terrace bird box is to be located on the side (south-east) elevation, this would serve as biodiversity enhancement.

1.3 Proposal Description

Planning permission is sought for the erection of two pitched roof dormers to the roof on the principal elevation. There will also be two rooflights on this elevation. A flat roof dormer and roof terrace is also sought on the rear elevation of the dwelling. The roof terrace has been designed to sit within the two gable extensions to the rear of the property. The development will lead to the loss of the middle gable on the rear elevation, with the roof terrace sitting within this area. The rear roof dormer will have a flat roof. The roof terrace will be approximately 6.3m in length and 6.9m in width. The rear flat roof dormer will have an approximate height of 2m. The loft conversion will allow for a multifunctional room with 1m built in storage on either side. The proposed materials will match the existing dwelling. There will be 1.8m high privacy screens erected on both side elevations of the roof terrace.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00923	2x proposed dormers to the front/south-east facing elevation. Rear dormer and roof terrace to rear/north-west facing elevation.	Pending Consideration	
DC/2008/00203	Demolish conservatory and erect kitchen extension in its place.	Approved	28.03.2008
DC/2006/01591	Proposed First Floor Extension To Existing Bungalow.	Approved	21.06.2006
DC/2001/00607	Erection Of New Bungalow At Rear Of Existing Property.	Refused	20.08.2001
DC/2011/01096	Construction of a new lean-to ssingle storey garage attached to the dwelling. Construction of new garden wall with gate to side of dwelling. Replacement porch.	Approved	20.01.2012
DC/2004/00948	Conservatory	Approved	17.09.2004
DC/2009/01200	Second storey rear extension	Approved	03.03.2010
DC/2014/00172	Erection of a single storey timber framed orangery.	Approved	01.04.2014

## 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

## 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

**Magor with Undy Town Council** - No response to date.

**MCC Environmental Health** - No objections.

**Glamorgan-Gwent Archaeological Trust (GGAT)** - No objections to the positive determination of this application.

**Network Rail** - No objections in principle. Commented as follows:

-Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk).

-Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

SEWBReC Search Results - One red alert for bird. Priority species of moth and birds within 300m of the development.

### 5.2 Neighbour Notification

Five neighbour objections have been received for the following reasons:

- Loss of privacy/overlooking
- Noise
- Overdevelopment
- Dust
- Cumulative impact of approved nearby planning applications
- Not in keeping with surrounding area

## 5.3 Local Member Representations

Cllr A M Sandles - No response to date.

Cllr J Crook - This application has been made by my son, and therefore wish to declare an interest especially as I am on the Planning Committee.

## **6.0 EVALUATION**

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

6.1.1 The proposal represents a modest addition to the dwelling, that would clearly read as a secondary and subordinate element. It is noted that the dwelling has been extended significantly over the years with it being enlarged from a bungalow to a two-storey dwelling. The proposed loft conversion is a minor addition to the dwelling that does not increase its footprint. The development will lead to the loss of the middle gable on the rear elevation. The dwelling is also located within a development boundary and therefore it is not restricted by a volume increase. The property has lost its traditional form from the previously approved planning applications and this extension is considered to be entirely appropriate for the site. The roof terrace has been designed to sit well within the two gable extensions to the rear and provides an additional amenity area at the property.

6.1.2 The dwelling benefits from a large residential curtilage and is not considered overdevelopment. From a visual impact perspective, the roof terrace will be largely obscured by the two gable extensions either side and will not be visible from the street, Church Road. The two pitched roof dormers on the principal elevation will be visible on Church Road but dormers are commonplace on Church Road and the addition of these two dormers is not considered to be alien to the building or the surrounding area. Furthermore, there is no distinct form in the surrounding area so this development is of a scale and mass appropriate within the area. The development is in-keeping with the design of the existing dwelling house and therefore does not have a detrimental impact upon local character and distinctiveness. Therefore, it is considered to meet the relevant criteria of Policy DES1 of the adopted LDP.

### **6.2 Historic Environment**

6.2.1 The site is located within the Gwent Levels Archaeologically Sensitive Area (ASA). As such, Glamorgan-Gwent Archaeological Trust have been consulted for comment and have no objection to the application. Given their understanding of the historic environment in the immediate area, it is considered unlikely that significant archaeological remains would be encountered during the proposed development, and no adverse impact on the setting of designated assets. Therefore, no archaeological restraint is to be attached to the application.

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

6.3.1 Firstly, with regard to scale, the proposed development is modest in relation to the existing dwelling. The detached dwelling is on a relatively large site and it is therefore not considered to represent an overbearing impact on the neighbouring properties.

6.3.2 With regard to privacy, the majority of the planned work will take place on the north west elevation, the rear. The neighbouring dwelling to the north west, The Orchard, is roughly 7m to the boundary and 12m to the dwelling. The existing gable extensions to the rear help to screen the roof terrace from The Orchard and the 1.8m privacy screen will ensure that there is no unacceptable loss of privacy. Given the layout of the property and the privacy screen, the impact on The Orchard is considered acceptable. The neighbouring property to the north east, Zion, is under the ownership of the applicant. However, it will still be judged as if it was not. For the same reasons as detailed for The Orchard, it is considered that there will be no unacceptable loss of privacy.

6.3.3 An additional property to the north, St Martins Farm, is located over 21m away from the proposed roof terrace with the front elevation facing the rear of Crooklands. It is noted that parts of the front garden will be within 21m. The glazing screen will assist in preserving the privacy of the neighbouring property but it is noted that there will be partial views of the neighbouring property. The roof terrace does not face the neighbouring property directly and is at an oblique angle. This helps to reduce the potential loss of privacy at St Martins Farm. Moreover, bedroom 4 on the proposed plans already faces the neighbouring St Martins Farm and the introduction of a roof terrace is not considered to cause an unacceptable loss of privacy.

6.3.4 The two pitched roof dormers on the front elevation will offer a view of the neighbouring properties, Church Farmhouse and Farm Cottage. There are already windows facing the neighbouring properties when the property was converted from a bungalow. There is also a road, Church Road, between the two dwellings which helps to reduce the impact of the windows. The addition of two dormers which are setback from the edge of the roof are not considered to cause an unacceptable loss of privacy to the neighbouring properties over and above the current situation. The proposal is therefore considered to adhere to the relevant criteria within policies DES1 and EP1 of the adopted LDP.

## **6.4 Biodiversity**

6.4.1 Having regard to PPW11 and the Dear CPO letter (23/10/19) this application must demonstrate a net benefit for biodiversity. Accordingly, the applicant has updated the submitted drawings that would see a Sparrow Terrace box fitted on the side (south-east) elevation of the dwelling. It is therefore considered on balance that the proposal accords with Policy NE1 of the adopted LDP.

6.4.2 It is noted that the location of the dwelling is potentially suitable for wildlife but the roof is tight and when conducting the site visit it was confirmed that the roof was in good condition and relatively new. Therefore, on balance, it is considered that a bat survey is not required to support the application. A bat informative will be added to the decision notice.

6.4.3 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

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

6.5.1 It is noted that Magor with Undy Town Council have not responded to consultation. It is noted that GGAT have no objection to the application. The applicant should contact Network Rail following the comments they have made in relation to this application.

6.5.2 With regard to loss of privacy and overlooking, this has been addressed in section 6.2 of this report. Due to the nature and location of the development, it is not considered to cause an unacceptable loss of privacy and they will not be unduly impacted by the proposal.

6.5.3 With regard to the comments regarding the development being out of keeping with the surrounding area, dormers are located on several properties in the area and the introduction of two on the front elevation is considered to be acceptable. It is noted that the dwelling has been enlarged over the years but the neighbouring properties vary in size and shape and the development is not considered to result in overdevelopment. The roof terrace is located to the rear of the property and won't be visible within the wider streetscene. Therefore, it is considered to be acceptable.

6.5.4 With regard to the planning applications in the surrounding area, the planning department can only judge an application on its individual merits. A condition ensuring that work commences within 5 years will be attached to the decision notice but the department can't control when this development commences.

6.5.5 With regard to potential noise caused by the applicants, this is not something that the planning department can control. The works should not take place during unsocial hours and if there are noise issues at the site, this can be addressed by contacting the Environmental Health team who oversee the relevant legislation.

6.5.6 With regard to dust, the MCC Environmental Health officer has been consulted for comment and they have no objection to the application. The Health and Safety Executive are the responsible authority with respect to the impact of dust on employees and whether or not water suppression is mandatory. The Environmental Health department has the remit for investigating statutory dust nuisance from construction activities under the Environmental Protection Act 1990. Planning permission does not preclude developers from the provisions of the EPA 1990 and the department would respond to any complaint of dust nuisance from this site if arises.

6.5.7 With regard to the Party Wall Act, this informative would only be added to the application if development was to be located near to the boundary. The development is to be located solely within the roof of the property.

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

## **6.7 Conclusion**

6.7.1 For the reasons detailed above in this report, having regard to the relevant policies and all other material considerations the proposed development is considered to be acceptable subject to the conditions set out below.

## **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 The net biodiversity enhancement measures shall be installed in accordance with the details shown on Drg No R720-08 within one month of the proposed works hereby approved being brought into beneficial use and retained as such in perpetuity.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

4 The 1.8m high privacy screen that will be located on the south west and north east elevations of the proposed roof terrace, as shown on drawing no R720-07 and R720-08, shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3, shall be installed before the roof terrace is brought into beneficial use and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

## **INFORMATIVES**

1 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

2 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

3 Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk).

4 Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.