

**Application Number:** DM/2022/00395

**Proposal:** New two-storey extension to side of property to provide annex accommodation

**Address:** 1 Pipistrelle Court, Llanfoist, Abergavenny, NP7 9NF

**Applicant:** Mr Wakeley

**Plans:** All Existing Plans 2155-01 - , All Proposed Plans 2155-02 - E, All Existing Plans 2155-03 - , All Proposed Plans 2155-04 - B, Location Plan - , Ecology Report

**RECOMMENDATION: Approve**

Case Officer: Ms Alice King  
Date Valid: 11.03.2022

**This application is presented to Planning Committee at the request of the previous Ward Member, Giles Howard**

**1.0 APPLICATION DETAILS**

1.1 Site Description

No. 1 Pipistrelle Court is a new-build detached four-bedroom house in Llanfoist, Monmouthshire. It is one of two new houses on the site of the former Llanfoist Primary School, Llanellen Road (NP7 9NF) constructed in 2020 under planning permission DM/2019/00003. The planning permission also included the new vehicle access to the houses, known as Pipistrelle Court.

1.2 Value Added

The applicant has provided plans that would see a new bird nesting box erected to the north-west elevation of the dwelling close to the eaves. Furthermore, a bat access ridge tile will be installed within the proposed extension and planting has been proposed within the garden. The proposed net benefit measures are considered sufficient for the size and scale of the proposals therefore providing for the biodiversity net gain, meeting the terms of LDP Policy of NE1.

1.3 Proposal Description

Planning permission is sought for a two storey extension to the side of the property to provide annex accommodation for a family member.

**2.0 RELEVANT PLANNING HISTORY**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2021/00696	Side extension/annexe to domestic dwelling	Withdrawn	25.08.2021

### 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

**Llanfoist Fawr Community Council** - Objected to the previous version of the plans submitted; no comments received to date on the latest plans.

**Natural Resources Wales** - We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document and drawings identified below are included in the approved plans and documents condition on the decision notice:

- No. 1 Pipistrelle Court, Llanfoist, Abergavenny, Monmouthshire, NP7 9NF -Ecology Report prepared by Pure Ecology, dated July 2022

- Drawing no. 2155-04-B 'Proposed Site/Roof Plan Rev. B' by Morgan & Horowskyj Architects, dated 19 July 2022

- Drawing no. 2155-02-E 'Proposed Floor Plans and Elevations Rev. E' by Morgan & Horowskyj Architects, dated 18 July 2022

Please note, without the inclusion of these drawings and document we would object to this planning application.

Protected Species – Bats

On the basis of the submitted information as noted above, we do not consider that the development is likely to be detrimental to the maintenance of the population of species of bats outlined in previous ecological surveys, and referenced in the above ecological report, at a favourable conservation status in their natural range, provided that the mitigation measures outlined in Section 5: Recommendations of the ecology report, and the specified drawings, are implemented.

**MCC Biodiversity** - A previous biodiversity response was provided on 09/05/2022 which deemed that the application had 'not sufficiently demonstrated that it will retain the dark corridor along the north-west boundary, which is considered an important ecological feature of the site.'

In response, the applicant has updated a number of documents in order to address the points raised. I have reviewed the points in turn to assess whether they now ensure the previously raised issues have been sufficiently addressed.

Retention of Dark Corridor

In response to previous objections raised the design has been updated to remove the windows within the north-west gable. The drawings entitled 'Proposed Site / Roof Plan Revision B' and 'Proposed Floor Plans and Elevations Revision E' have been updated with this detail. Additionally, the plan details the addition of four fruit trees and two low growing shrubs along the boundary. It is agreed that the removal of the proposed window will prevent significant light spill onto the boundary feature, and the proposed planting will result in a welcomed reinforcement of the commuting/foraging corridor.

Biodiversity Net Benefit

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The updated plans detail the installation of bat roosting and nesting bird provision as part of the new application. This includes the installation of an integrated bat box and a bird nesting box on the new gable wall. Furthermore, a bat access ridge tile will be installed within the new extension. The proposed net benefit measures are considered sufficient for the size and scale of the proposals.

**Landscape and GI Officer** - The recent application DM/2022/00395 and the submitted documentation to construct a new two-storey extension to side of the property to provide annex accommodation have been reviewed from a Landscape and GI perspective.

The application site is within a relatively new development on a former Area of Amenity Importance (LDP Policy DES2) partly sold for development. The site is located within the development boundary of Llanfoist. The application is for a new two-storey extension to the northwest elevation of the existing property. The design shows a development that is subservient to the existing dwelling with lower ridgeline and ground floor, half-pitched roof front and part side extension. The material palette is to match. Additional new fruit trees are proposed as per 2155-04-B.

From a landscape and GI perspective the revised plans are acceptable.

## 5.2 Neighbour Notification

Five objections have been received from neighbours which cover the following:

- Loss of amenity, overlooking, and loss of light
- Lack of parking, inadequate access, and overdevelopment

- Sustainability and protected species
- Form, scale, design and character
- Landscaping, access and layout
- Impact on the Conservation Area
- Inaccuracies of plans.

### 5.3 Local Member Representations

(Previous Ward Member) County Councillor Giles Howard - Referred the application to Planning Committee.

## **6.0 EVALUATION**

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

6.1.1 The applicant is seeking permission for a side extension to provide additional ground floor and first floor accommodation in the house. The design of the proposed two-storey side extension is considered acceptable. The extension, although two-storeys, would be subservient to the existing dwelling house having a lower ridge height and being recessed in from both the front and rear elevations. The design and materials of the two-storey extension are in keeping with the existing property therefore having a minimal impact on the street scene. There is enough space to the side of the existing property to accommodate this size of extension.

6.1.2 The design of the extension to the dwelling is considered to be positive and would not detract from the appearance of the dwelling in its urban setting. The proposal in accords with Policy DES1 and EP1 of the LDP.

### **6.2 Historic Environment**

6.2.1 The dwelling is not listed or within the curtilage of a listed building and there are no sites of historic or archaeological significance visible from the site. The village of Llanfoist is also not designated as a Conservation Area.

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

6.3.1 No detrimental amenity impact is anticipated. The proposed windows and doors face the rear and front gardens; no windows are proposed for the side elevation. There are no residential properties to the rear. Given this, no adverse overlooking impact is anticipated as a result of the development.

6.3.2 The side extension is set approximately 2m from the boundary which is shared with the nearest dwelling, Tamarisk. As existing, the dwelling is 7m from the boundary wall and 13m from the Tamarisk. The side extension will mean the distance goes from 13m to approximately 8m. The adopted Supplementary Planning Guidance (SPG) in respect of infill development does provide guidance on privacy standards. Section 7 of the SPG illustrates that the back to side separation distance should be at least 15m. Therefore whilst it is acknowledged that the distance here is below 15m there are mitigating factors. The neighbouring dwelling, Tamarisk, is set in an elevated position compared to the application site which would lessen any overbearing impact. Furthermore, the rear elevation of Tamarisk does not face directly towards the side elevation and is angled away, facing towards the south-east. The topography and orientation of the dwellings mean that the proposal would maintain reasonable levels of privacy and amenity for the occupiers of the neighbouring properties.

6.3.2 The proposal involves an extension to the residential dwelling which is proposed to be used as an annex for a family member that currently lives at the address. There is no anticipated intensification of use that would generate any disturbance to any adjacent properties.

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

6.4.1 There is no proposed change to the parking or access arrangements as a result of the proposed side extension and therefore there is not considered to be an adverse impact upon parking or residential amenity.

## **6.5 Biodiversity**

6.5.1 The application site is within a relatively new development on part of a former Area of Amenity Importance. Surveys to inform this previous application identified a common pipistrelle maternity roost in the porch roof of the former school building, as well as a number of other non-breeding roosts used by various bat species. The submitted 2017 Bat Survey report noted that the north-west boundary provided 'an important feature of the site' due to its use as a commuting corridor by bats.

6.5.2 A previous response from the Council's ecologist was provided in May 2022 which deemed that the application had 'not sufficiently demonstrated that it will retain the dark corridor along the north-western boundary, which is considered an important ecological feature of the site.' In response, the applicant has updated a number of documents in order to address the points raised. The plans detail the addition of four fruit trees and two low growing shrubs along the boundary. It is agreed that the removal of the originally proposed window will prevent significant light spill onto the boundary feature, and the proposed planting will be positive, resulting in a reinforcement of the commuting/foraging corridor. The updated plans also detail the installation of bat roosting and nesting bird provision as part of the new application. This includes the installation of an integrated bat box and a bird nesting box on the new gable wall. Furthermore, a bat access ridge tile will be installed within the new extension. The proposed net benefit measures are considered sufficient for the size and scale of the proposal; a condition will be attached to ensure these means of mitigation are retained in perpetuity.

6.5.4 NRW has set new phosphate standards for the river (Special Areas of Conservation) 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 Habitats Regulations Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC condition.

6.5.5 This application has been screened in accordance with NRW's interim advice for planning applications within the river SACs catchments. 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 (two-storey side extension) that does not increase occupancy or the volume of drainage.

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

6.6.1 The fact that the original developer of the site was non-complaint with the previously approved plans should not prejudice the determination of this latest application which must be considered on its own merits.

6.6.2 Biodiversity concerns have been addressed in Section 6.5 of this report. Concerns set out by occupiers of surrounding dwellings have been received in respect to the bat corridor and the former Area of Amenity Importance. Whilst these comments have been duly noted, the Council's Biodiversity team has no objections to the amended plans. Furthermore, the Area of Amenity Importance has been partly developed and therefore a precedent has been set. Extending the existing dwelling is not anticipated to have any adverse impacts on the already disturbed Area of Amenity Importance.

6.6.3 Regarding concerns that include the movement of heavy goods vehicles or lorries whilst the extension is being built and the impact they may have on the nearby one way system, this would be short-lived and managed like any deliveries to a normal home. There are no existing restrictions that may prevent lorries or HGVs from passing through regardless of this planning application. Furthermore, other works could take place under 'Permitted Development' rights where larger vehicles might need to access the site.

6.6.4 In terms of Policy H4, this policy is not relevant to this application. Policy H4 relates to the conversion/rehabilitation of buildings in the open countryside for residential use, which only allows very modest extensions. Number 1 Pipistrelle Court is not a conversion nor is it a rehabilitation of a building in the open countryside. Furthermore, previous conditions were bought up as reasons for a refusal - however a condition applied before only restricts permitted development rights, meaning applicants need planning permission to carry out the works (not that any form of development is unacceptable) and an application has been submitted and is now before Members.

6.6.5 Regarding the unapproved gateway onto the field from the application site, a retrospective planning application or certificate of lawfulness would need to be applied for, but this is not related to the application proposal and this should have no impact on the proposed two-storey extension that should be decided based on its own merits.

6.6.5 Concerns have been noted regarding loss of privacy. The additional windows on the annex are not anticipated to cause unacceptable levels of overlooking.

6.6.6 Comments were also received regarding accuracies on the proposed plans. After checking this, no inaccuracies have been identified and there is a scale bar on the floor plans and elevations.

## **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 Having regard to all relevant material planning considerations as well as policies identified in the adopted LDP (as identified in Section 3 above) the proposed two-storey extension is considered acceptable subject to the planning conditions detailed 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 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

4 The approved 'Proposed Site / Roof Plan Revision B' and 'Proposed Floor Plans and Elevations Revision E' drawings, which illustrate the position of the biodiversity net benefit features, shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the local planning authority no more than three months later than the first beneficial use of the extension.

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

5 Prior to the commencement of development full details of both soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:  
- Soft landscape details shall include: means of protection, planting plan, specifications including cultivation and other operations associated with tree establishment.

Reason: In the interests of visual and landscape amenity; in accordance with Policies LC4 & LC1/5, GI1 and NE1 of the Local Development Plan

6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1

7 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to occupation and shall include details of the arrangements for its implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.