

**Application Number:** DM/2022/01826

**Proposal:** Retention and completion of domestic garage

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

**Applicant:** Mr Steve Bull

**Plans:** Elevations - Proposed 22-SB-304 - , Site Plan 22-SB-303

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Bingham

Date Valid: 22.12.2022

**This application is presented to Planning Committee at the request of the Local Member (Cllr Groucutt)**

### **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 Proposal Description

Planning consent was granted for a new double garage to the rear of the property in 2019. This granted consent for a building with the following dimensions:

Eaves Height - 2.2m  
Ridge Height - 4m  
Width - 6m  
Length - 7m

Unfortunately, the garage was subsequently built larger than the permission allowed. As such an application was submitted to regularise the changes. The application acknowledged that the garage 'as built' was too large and began reducing the scale. The second application proposed the following dimensions:

Eaves Height - 2.818m  
Ridge Height - 5.263m  
Width - 6.4m  
Length - 7m

This application was presented to Committee on July 6th 2022 with a recommendation for approval. This was not accepted by Members who deferred the application for further negotiation with the applicant. Following this meeting, Officers gave three options to the applicant:

1. Revert back to the original (approved) scheme;

2. Reduce by 500mm for further consideration; or
3. Keep the proposal as it is (although Members have expressed concerns with this).

Following discussions with Officers, the applicant requested that the Committee Members determine the application as originally presented. On this basis, the following reason for refusal was agreed:

1. By virtue of its unacceptable scale and mass, the proposal fails to respect the existing form, scale, massing and layout of its setting and is therefore contrary to criterion c) of the Monmouthshire Local Development Plan Policy DES1.

This decision was appealed and dismissed. In his report, the PEDW Inspector noted the following:

'Given its prominent position directly on the rear lane, I consider that the scale of the garage would seriously undermine the character and appearance of this pleasant residential area and cause significant harm to the street scene. Therefore, it would conflict with Policy DES1 of the Adopted Monmouthshire Local Development Plan (2019) which, amongst other things, requires all development to be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment, and development proposals will be required to respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings.'

and:

'From the rear garden and in views from the rear facing windows of No. 58 Old Barn Way, the outlook would be dominated by a mass of built form in a way that I consider would be overbearing. Moreover, the height and scale of the garage would result in an imposing form of development that would be visually over-dominant, exacerbated by the fact that the ground level of the appeal property is higher than No. 58. Notwithstanding the proposed reduction in the height of the garage, the development would be inappropriate to its context and increase the sense of enclosure with consequence adverse effects on the living conditions of the occupant(s) of No. 58 Old Barn Way contrary to Policy DES1 of the LDP.'

Having regard to the PEDW decision, this application now proposes a further reduction in ridge height:

Eaves Height - 2.818m  
 Ridge Height - 4.5m  
 Width - 6.4m  
 Length - 7m

In summary, compared to the refused scheme, this latest application proposes a reduction in the ridge height by 0.763m which is now 0.5m higher than the originally approved scheme in 2019.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/01627	Double garage construction.	Approved	05.12.2019
DM/2021/01735	Retention of domestic garage.	Refused	10.08.2022

### **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

**Abergavenny Town Council** - No comments received to date.

SEWBRc Search Results - No significant ecological record identified.

#### 5.2 Neighbour Notification

Four representations received objecting to the development on the following grounds:

- Still living with a vastly overbearing and dominant building which I will reiterate is out of keeping with the community and has a hugely negative impact on myself and my living conditions as a next-door neighbour.
- The stone and height of the building is completely different to what has been erected in the neighbourhood.
- The depth of the stone also gives the opportunity to make this building even bigger.
- The height is vast compared to the garages in the area.

- This dominant and imposing structure is very close to my property and is already over my boundary.
- Question how this building will be finished without entering my property. I would like to make it perfectly clear I will not be granting permission to do so and this is non-negotiable.
- The planning that has been approved originally should be the bottom line.
- The height has no bearing on the structural strength integrity of any storage load.
- The garage is 400mm away from the neighbour. The drawing prepared and presented by an architect is just misleading.
- Document 22/SB/303 indicates a shallow roof angle which is clearly misleading in this submitted drawing.
- The new building is an eyesore that blocks the view of nearby properties and was erected in flagrant disregard of planning regulations.
- If this construction were allowed to achieve planning consent, one must consider this to be a lamentable failure by our Planning Authority by permitting any applicant to ride roughshod over the laws which are designed to prohibit this type of protracted activity.
- The structure is still a significantly higher increase in overall vertical height.
- The cladding literally and visually exaggerate these increases the apparent size of the structure.
- To quote from the Inspector's report "Even with a reduction in height this remains a dominant and imposing structure".
- The only positive comments were submitted by people who can neither see the structure let alone be affected by it. Their comments present nothing more than their opinion since neither are neighbours to the applicant and are totally unaffected by the decision the committee may make.
- To quote from the Independent Inspector's report dated December 2022, "The majority of houses in Old Barn Way contain single-storey, flat roof garages and outbuildings within the rear gardens and there are no outbuildings of the same scale and height as the garage in the rear of 60, Old Barn Way. "
- The scale and height of this construction makes it appear incredibly like a domestic property rather than a single-storey double garage which blocks our view, has an overbearing impact on our properties and negatively impacts on our living conditions.
- How many times will the applicant submit slightly amended proposals in an effort to retain this monstrous construction?

Two representations supporting the application for the following reasons:

- It would be absolutely ridiculous to make the applicant rebuild the entire building for the sake of a reduction in 400mm width, removal of a nice natural stone finish and bring the roof ridge down to 4m.
- The changes the applicant has now made are very substantial.
- I and my family walk this rear lane and all the other garages are dilapidated and not fit for purpose. It is pleasing to see a more modern building of a high quality finish and fit for its purpose.
- The immediate neighbour number 62 has raised no objections at all.
- Neighbouring garages are not fit for purpose and cannot be used to park a car off the road.
- The applicant's garage has been constructed within his land.
- The stone is in keeping with the town and it matches the surrounding boundary fencing. A rendered painted finish would stand out like a sore thumb.
- The committee should note that the appeal inspector's report in 2022 was in response to the appeal for a ridge height of 5.2m which the planning authority recommended for approval and has no bearing on this new application. Therefore the comments made by the objectors referencing the Inspector's report should be totally ignored.
- The committee should note from the inspector's report: He appreciates that the garage would provide the additional security for vehicles and other items stored within it and that it has been constructed with a high quality finish with complimentary natural materials.
- I understand that throughout the process the applicant has done all that has been asked by the planning authority to reach a remedy.

- The garage is at a rear lane and is not visible in the street scene and my view is that it is very pleasing to see someone trying to upgrade and improve the area compared to the historical garages already erected by the objectors which are clearly unfit for their intended purpose.

### 5.3 Other Representations

None.

### 5.4 Local Member Representations

County Councillor Groucutt - As the local Elected Member could I make a request that, at the appropriate time, this application is considered by the full Planning Committee. I would also like the opportunity to attend the site meeting and address committee when it is considered.

## **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 an internal minimum size of 5.5m x 6m. The original application passed 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>. It is also worth noting that Permitted Development Rights would have allowed a building with 2.5m eaves and a 4m ridge height provided that the footprint would not exceed 50% of the total curtilage.

6.1.2 The proposed new building measures 6.4m x 7m and the total area is 44.8m<sup>2</sup>. The current drawings show a further reduction in height of 0.763m compared to the recent refusal, resulting in a building with a ridge height 0.5m higher than the original approval. It is considered that this relatively small increase in area and height is acceptable in this urban context. Although the natural stone cladding adds external width to the building, it is considered to be unreasonable to penalise the applicant for using traditional materials that will improve the overall appearance of the building. The finish of the garage was not raised as an issue by the PEDW Inspector who acknowledged that 'it has been constructed with a high quality finish with complimentary natural materials'.

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 many are not of a scale that would be suitable to accommodate a modern car. It is considered that the building proposed in this application would not now be of such an excessive scale to justify refusal on design grounds. The design of the garage is typical of a domestic garage with storage space in the rood area and is appropriate in the context of the main dwelling. Whilst the proposed garage is larger than some other garages in the area it is still subservient and subordinate to the main dwelling and leaves at least 50% of the curtilage of the dwelling as open space, albeit some of it covered by hard standing.

6.1.4 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.

6.1.5 On the basis of the above, it is considered that by reducing the ridge to 4.5m (and therefore also the pitch angle) the concerns raised by the PEDW Inspector are addressed and the revised proposal now meets the requirements of LDP Policy DES1 in relation to design.

### **6.2 Drainage**

6.2.1 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 Habitats Regulations Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC condition.

6.2.2 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.

6.2.3 In terms of surface water drainage, two 2m x 10m deep soakaways have been installed to take rain water 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>.

### **6.3 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 the nature of the use as a garage/store only (no internal steps are proposed to access the upper storage area), the building would not result in a loss of privacy for any neighbouring occupiers.

6.3.2 In his appeal decision, the PEDW Inspector stated that:

'From the rear garden and in views from the rear facing windows of No. 58 Old Barn Way, the outlook would be dominated by a mass of built form in a way that I consider would be overbearing....Notwithstanding the proposed reduction in the height of the garage, the development would be inappropriate to its context and increase the sense of enclosure with consequence adverse effects on the living conditions of the occupant(s) of No. 58 Old Barn Way contrary to Policy DES1 of the LDP.'

In this respect it should be noted that Permitted Development Rights would allow a structure 0.5m lower than that proposed in this application without the requirement for planning permission and it is difficult to justify why that would be acceptable but a marginally higher structure would not be in this context where many other outbuildings have been constructed to the rear of existing dwellings.

6.3.3 The most closely related neighbouring properties to the application site are no. 62 to the north and no. 58 to the south. No. 62 is located to the north of the site, separated by a footpath. The proposed garage would be located approximately 16m at an oblique angle from the rear of no.62 and set at a lower ground level due to the topography of the area. Given the separation distance together with the relatively modest scale of the garage, it would not have an adverse impact on the amenity of no. 62 in terms of being overbearing.

6.3.4 No. 58 is the attached dwelling to the south and the garage is under 1m of the common boundary with this property. Whilst this is a more intimate relationship, No. 58 has an existing single storey garage on the common boundary with the application site, the new garage being located alongside it. The application garage is marginally shorter in depth but would be higher at the roof ridge than the adjacent garage. Given this positioning, the impact of the proposed garage at the size now proposed would be mainly screened by the existing garage, thus having a minimal effect on the garden of no. 58 and would thus not be overbearing.

6.3.5 The amenity of the main dwelling (no. 60 Old Barn Way) must also be protected to ensure sufficient garden area will be retained. The dwelling has a good sized garden and the rear elevation of no. 60 would be over 7m from the nearest part of the proposed garage. While the

garden is inevitably reduced the remaining amenity space is considered to be sufficient to serve the main dwelling and is acceptable.

6.3.6 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.

6.3.7 On the basis of the above, it is considered that the proposed development is now acceptable in terms of residential amenity and accords with the requirements of policies DES1 and EP1 of the LDP.

#### **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. No features have been shown on the submitted plans and therefore these can be secured via a condition should Members be minded to approve the application.

#### **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 must not prejudice the determination of this latest application which must be considered on its own merits.

6.6.2 This is a householder application for a domestic garage. Should any owner of the land wish to change the use of the garage in the future then this would require planning consent. The presence of a building on the land would not prejudice the determination of a planning application for change of use in the future.

6.6.3 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 increase in the size of the garage is considered to be acceptable in terms of wider visual impact (LDP Policy DES1).

6.8.2 The proposed garage at the size now proposed will be mainly screened by the existing garage of no.58, thus having a minimal effect on the garden and therefore is not considered to be overbearing to a degree that would justify refusal.

6.8.3 The dwelling has a good-sized garden and while the proposed garage reduces the garden this would not result in insufficient remaining outdoor space to serve the main dwelling.

6.8.4 Features to provide net gain for biodiversity as required by PPW11 can be secured via condition should Members be minded to approve the application.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 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.

2 Within one month of the date of this consent, details of ecological enhancements for biodiversity in the form of bat and/or bird boxes shall be submitted for the approval of the Local Planning Authority. The agreed details shall be implemented within 3 months of the date they are agreed 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.

### **INFORMATIVES**

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.