

**Application Number:** DM/2023/00302

**Proposal:** Conversion of garage and linking to main residence to form additional accommodation

**Address:** 75 St Lawrence Park, Chepstow, NP16 6DQ

**Applicant:** Mrs Jane Wilson

**Plans:** All Existing Plans 100 - , Elevations - Existing 110 - , Location Plan - , Elevations - Proposed - Rev B, Proposed Floor & Site Location & Site Plan – Rev B.

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Alanna Jackson

Date Valid: 22.02.2023

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

**This application seeks consent for an amendment/extension to an existing residential dwelling only. The Local Planning Authority are currently investigating a potential change of use/business operation from the site under case ref: E23/170, however this is a different matter that should have no bearing on the outcome of an application for a residential extension sought under a householder application.**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application site comprises a two-storey, detached dwelling with detached double garage located on St Lawrence Park, Chepstow a purpose built, no through residential development within the settlement boundary as shown on the proposals map of the Monmouthshire Local Development Plan (LDP). Vehicular access consists of a shared driveway with No 74 St Lawrence Park with the garage and double driveway separating No's 74 and 75.

#### 1.2 Proposal Description

Planning permission is sought for the conversion of the garage to provide additional living accommodation, an extension is proposed to link the dwelling and garage to provide internal access and the height of the garage is proposed to be increased with dormers proposed within the roof space to provide additional living accommodation at first floor.

Concern was raised regarding the original submission due to its scale and subsequent impact upon the character and appearance of the existing dwelling and wider area and upon the living conditions of the occupiers of No 74. The revised submission has been submitted to overcome the concerns identified.

The proposed development would utilise the existing footprint of the garage for the conversion with the link extension infilling the 900mm gap between the dwelling and the garage in addition to the forward projection of 2.84m. The eaves height is proposed to increase from (approx.) 2.2m to 2.5m and the ridge height is proposed to increase from 4.3m to 5.6m (approx.) to accommodate the living accommodation at first floor with two dormers proposed in the front elevation and a larger box dormer proposed within the rear roof plane. The scale, design and position of the development is illustrated in full on the submitted drawings.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2012/00846	Proposed single storey rear extension and front entrance porch.	Approved	30.11.2012
M09686	Single Storey Rear Extension To Extend Kitchen	Approved	25.03.2004

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
GI1 LDP Green Infrastructure  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development  
SD4 LDP Sustainable Drainage

#### **Adopted Supplementary Planning Guidance**

Green Infrastructure April 2015  
Domestic Garages SPG (January 2013)  
Monmouthshire Parking Standards (January 2013)

### **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.

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

**Chepstow Town Council** - No response.

**Dwr Cymru – Welsh Water (DCWW)** - Approve subject to condition. The condition is that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**MCC Highways** - Objection. The Local Highways Authority objects due to the provision of parking spaces falling below MCC parking standards.

**Environment Health** - No response.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

### 5.2 Neighbour Notification

This application was advertised by means of direct neighbour consultation and the erection of a site notice. Representations have been received both in objection and support for the proposal. The issues raised were as follows:

1. Use of the dwelling as a day care/nursery and the associated impacts including noise/traffic generation. Alleges that the extension is being constructed to accommodate an expansion of the business. Unauthorised signage for business.
2. The property has already been extended, the additional extensions are considered to result in an overdevelopment of the plot.
3. Loss of parking spaces and impact upon parking provision in the area and highway safety.
4. Non-compliance with covenants of deeds including the use of the land for business and changing of external materials (windows).
5. Side access being obstructed/fire safety concerns.
6. Impact upon the living conditions of neighbouring occupiers (loss of light, over shadowing, loss of privacy).
7. Devaluation of properties/impact upon saleability of properties.
8. Non-compliance with the Council's Infill SPG.
9. Disruption caused by construction.
10. Impact upon water supply/sewerage capacity.

### 5.3 Local Member Representations

Councillor Paul Pavia upon consultation for this application asked for it to be brought to Committee;

***“Given local residents concerns about the impact of this considerable conversion and extension project, I would like this application brought before the Planning Committee for further scrutiny.”***

## 6.0 EVALUATION

The application site is located within the settlement boundary as identified by the LDP and has an existing residential use. Accordingly, there is a presumption in favour of development incidental to the enjoyment of a dwelling house subject to the proposal satisfying relevant material planning considerations.

### 6.1 Good Design/ Placemaking

The garage/development site is located to the side of the dwelling and set back from the principal elevation therefore reducing its visual prominence within the street scene and, given the limited scale/height of the development it is not considered to have a significant impact upon the amenity or character of the area.

The eaves and ridge height of the garage are proposed to be increased to allow for the creation of living accommodation at first floor whilst keeping the overall height at a minimum. The level of increase is not considered to be significant or to warrant concern in terms of visual impact that would result in the withholding of planning consent. The proposed increased height would remain significantly lower than the main dwelling clearly demonstrating its subservience. The external materials are proposed to match those used in the existing dwelling and this is considered to be acceptable within the context of the site, allowing the development to assimilate well into the immediate area. It is, however, considered necessary to condition that the materials used in the external appearance of the dwelling match the existing dwelling. The front dormer features are not considered to result in any unacceptable adverse visual impact and are considered to sit well within the context of the site by drawing inspiration from the gable end features found above windows on the existing dwelling and others within the development. The rear dormer is not readily visible within the public realm and therefore it has not been possible to identify any unacceptable level of harm from its scale/design.

The proposed development is considered to be acceptable in terms of its scale and design avoiding any adverse visual impact that would warrant concern and no conflict with LDP Policy DES1 has been identified.

## **6.2 Impact on Residential Amenity**

The property considered to be most impacted as a result of the development is No.74 that neighbours the application site to the west. The development would not be sited any closer than the existing garage, however the increase in height will cause some impact. It is considered that the increase in height is of an acceptable level and has been designed to avoid any unacceptable overshadowing or overbearing impact. It is acknowledged that windows at first floor level will be located within closer proximity to the common boundary than those existing but given the relationship of the proposed development and the neighbouring property and the general level of overlooking within the area it is not considered that the proposal will have an unacceptable adverse impact upon the living conditions of neighbouring occupiers. As such, no conflict with LDP policies DES1 or EP1 have been identified.

Concerns in relation to scale and design were received from the public consultation in response to the proposal in its original form; it is considered that the revised scheme is acceptable and has overcome the concerns raised.

## **6.3 Access / Parking / Highway Safety**

The Local Highway Authority has been consulted on this application and raise an objection in relation to the loss of parking provision that will reduce onsite parking below the levels prescribed by the adopted Parking Standards (2013) which requires one parking space per bedroom to a maximum of three spaces. Therefore this dwelling would require three parking spaces to adhere to the adopted standards. However, the double garage as existing measures 5.3m X 5.7m falling short of the 5.5m x 6.0m as prescribed within the Supplementary Planning Guidance Domestic Garages 2013 and therefore cannot be counted towards the existing parking provision on site. Therefore, the current parking provision on site is two driveway spaces. An additional objection from Highways has been received in relation to the proximity of the proposed forward link extension and the impact upon the driveway as, "The minimum dimensions of car parking spaces are 4.8m x 2.6m. Spaces directly adjacent a wall or raised kerb should be a minimum width of 3.0m". Given that the existing driveway has a width of less than 5.0m the existing driveway does not meet the current standards. These standards cannot be retrofitted to developments constructed prior to their adoption. Furthermore, permitted development rights were not removed from this property and therefore a side extension could be built on the land adjacent to the

driveway without the need for planning consent - significant weight has been applied to this reasonable fall-back position in the assessment of this application.

Notwithstanding the above justification to the objection from Highways, both PPW11 and Future Wales provide support for the relaxation of parking standards in suitable locations;

### PPW11

4.1.50 "Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed".

4.1.52 "Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high-quality places".

### Future Wales

Policy 12 page 83, "Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time".

Policy 12 Page 86 "Planning authorities should also challenge perceptions that housing needs to be built with parking on plots, which promotes car-dominated developments, and promote different ways of dealing with cars that encourage a reduction in car use and increase active travel and use of public transport".

Policy 12 Page 87 "Whilst we do not know what the future holds, the location and design of car parking should enable conversion to other uses over time".

Given the above it is considered that the proposed reduction of onsite parking provision is acceptable due to the location of the dwelling within the settlement boundary in close proximity to local amenities and with good access to public transport.

## **6.4 Biodiversity**

Policies GI1 and NE1 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated. Such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and extent of development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests, nor would it have any significant impact upon climate change. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change. A no such features have been proposed an appropriately worded condition will be attached to the decision notice, should consent be granted.

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

A number of representations have been received objecting to the proposed development, the main issues/themes have been picked out and will be addressed in turn below;

1. Use of the dwelling as a day care/nursery and the associated impacts including noise/traffic generation. Alleges that the extension is being constructed to accommodate an expansion of the business. Unauthorised signage for business.

This application has been submitted as householder/residential development and does not seek a change of use of the premises. There is a presumption in favour of development incidental to the enjoyment of a dwelling house subject to material planning considerations. It is beyond the scope

of this application to consider a change of use of the premises; this alleged change of use is being investigated by the enforcement function of the Local Planning Authority and should a breach be identified the owner/occupier of the dwelling will either be invited to submit a planning application for assessment or the breach will progress via the normal channels to remedy breaches of planning control. Impacts associated with the use of the premises as a day care facility have been identified, including noise from children and additional traffic generation, the impact of this use will be considered as part of the enforcement investigation but is not a matter for this application.

2. The property has already been extended, the additional extensions are considered to result in an overdevelopment of the plot.

Previous applications M09686 for a single storey rear extension to extend the kitchen and DC/2012/00846 for a proposed single storey rear extension and front entrance porch were submitted to and approved by the Local Planning Authority. The proposed development has been considered upon its merits within the existing context of the site. It is not considered that the proposed development would result in an overdevelopment of the plot nor would the development result in an unacceptable impact upon the character/amenity of the area as a result of the proposal. The development proposes to utilise the area between the dwelling and existing garage and the space above, this is not considered to result in overdevelopment.

3. Loss of parking spaces and impact upon parking provision in the area and highway safety.

The existing parking provision in the form of double driveway and double garage does not meet the required standards as set out in the adopted parking standards or within the SPG relating to domestic garages. As the dwelling was constructed prior to the adoption of the standards they cannot be applied retrospectively. Given that the dimensions of the existing parking spaces do not meet the space standards as adopted it is not considered there is sufficient grounds to refuse the application on the basis of a loss of parking provision on site as the existing spaces cannot be counted as seen i.e. the existing provision of 4 spaces does not meet the size requirements to be counted as 4 spaces.

4. Non-compliance with covenants of deeds including the use of the land for business and changing of external materials (windows).

This is a matter outside of the Town & Country Planning Act covered by separate legislation and therefore has been given no weight in the assessment of this application.

5. Side access being obstructed/fire safety concerns.

This is not a matter that the Local Planning Authority would have any control over, and therefore has been given little weight in the assessment of this application.

6. Impact upon the living conditions of neighbouring occupiers (loss of light, over shadowing, loss of privacy).

The impact upon the character and appearance of the area and the impact upon the living conditions of neighbouring occupiers as a result of the proposed development have been considered within a separate section of this report and are deemed to be acceptable.

7. Devaluation of properties/impact upon saleability of properties.

This is not a material consideration in the assessment of a planning application and therefore has been given no weight in the assessment of this application.

8. Non-compliance with Infill Development SPG November 2019.

This SPG relates to the construction of new dwellings, not residential extensions and therefore is not applicable in the assessment of this application.

9. Disruption caused by construction.

An element of disruption is to be expected with any level of development and this is not a sufficient reason to withhold planning consent. Given the limited scale and nature of the proposed development it is not considered necessary to obtain further information on means of construction.

#### 10. Impact upon water supply/sewer capacity

The proposed development by virtue of its limited scale and given the existing context of the site is not considered to result in any unacceptable impact upon the water supply or sewerage facilities within the area. Dwr Cymru Welsh Water have been consulted on this application and raise no objection subject to a condition pertaining to surface water/land water drainage.

### **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**

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 materials and finishes of the external surfaces of the walls and roof of the development hereby permitted shall be of the same texture, type and colour as those on the external walls of existing buildings(s) and remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

4 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

5 Prior to the commencement of works, details of Biodiversity net benefit and enhancement measures must be submitted on plan, identifying location, positioning and specification which provides net benefit. The scheme shall provide for the future management and an implementation

timetable. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1.

## **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 The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.