

Application Number: DM/2023/00550

Proposal: Retention of and completion of proposed first floor rear extension

Address: Celebration Cottage, Candwr Road, Ponthir, Monmouthshire, NP181HU

Applicant: Nathan Hennah

Plans: Floor Plans - Existing MSP 3750.02 - , Elevations - Existing MSP 3750.03 - , Elevations - Existing MSP 3750.04 - , Floor Plans - Proposed MSP 3750.05 - , Elevations - Proposed MSP 3750.06 - , Elevations - Proposed MSP 3750.07 - , Location Plan MSP 3750/01

RECOMMENDATION: APPROVE

Case Officer: Alice King
Date Valid: 06.04.2023

This application is presented to Planning Committee following referral from the Council's Delegation Panel

1.0 APPLICATION DETAILS

1.1 Site Description

This application is in relation to a detached two-storey dwelling known as Celebration Cottage and is located along Candwr Road, Ponthir. The property is not a listed building, and for the purposes of the adopted Local Development Plan (LDP) the site is located outside of any defined or physical settlement boundaries and is therefore considered to be in open countryside.

1.2 Value Added

The applicant has provided amended plans that would see planting within the residential curtilage. This would be an acceptable ecological enhancement to provide for biodiversity net gain.

1.3 Proposal Description

Planning permission is sought for the retention of and completion of a proposed first floor rear extension. The submitted drawings (Ref: MSP 3750/01) detail 3 off street parking spaces and an associated turning area. For the purposes of clarity under Schedule 2 Part 1 Class F of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse would qualify as Permitted Development. In this instance also the hard surface would not be situated forward of the principal elevation of the dwellinghouse.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/01108	Creation of pool and pool house as per pre application advice.	Approved	21.07.2021

DC/1991/00227	Replacement Of Flat Roof Over 2 Storey Extension With Pitched Roof.	Approved	12.04.1991
DC/1980/00425	Erection of Dwelling	Refused	03.07.1985
DC/1990/00205	Garage/Utility Single Storey Extension.	Approved	03.04.1990

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S16 LDP Transport
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
H6 LDP Extension of Rural Dwellings

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

Llangybi Fawr Community Council - Object to the application noting the following issues:

1. Contrary to Policy H6 with regards to volume calculations.
2. Overbearing.
3. Parking.
4. Loss of privacy.

MCC Highways - No Objections.

MCC Biodiversity - No objections, subject to conditions.

MCC SAB - SuDS approval is required if the total construction area of your development is 100m² or more. Total construction area is defined as anything that covers land (inclusive of driveways, patios, parking areas etc.). It also includes any construction work that replaces an existing building. More information can be found on our website.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Two neighbour objections have been received which covers the following:

- Impact on character and appearance of the area and the dwelling.
- Increase in traffic / amount of parking on site.
- Overdevelopment of the site.
- Biodiversity impacts
- Increase in noise.

Please note the above is a summary only, all representations can be read in full on the Council's website: <https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

5.3 Other Representations

No comments to date.

6.0 EVALUATION

6.1 Good Design

6.1.1 As noted in para. 1.1 of this report the application site is located within the open countryside and as such LDP Policy H6 - Extension of Rural Dwellings is applicable. The aim of this policy is to protect the character of the countryside and as such, extensions to dwellings outside village boundaries should be modest and respect or enhance the appearance of the existing dwelling.

6.1.2 Policy guidance is contained within the Supplementary Planning Guidance (SPG) on Replacement Dwellings and Extensions to Dwellings in the Countryside, which was adopted under the Monmouthshire UDP and has been carried forward to support this policy.

6.1.3 The SPG provides detailed guidance on the extent of the volume increase for an extension to a dwelling; this is detailed in para. 3.2 of the SPG:

With regard to the size of any new extension to rural dwellings, 'modest' will normally be interpreted as being an increase in the overall volume of the dwelling of 30% over the size of the existing dwelling. A larger volume will not normally be allowed unless it can be clearly demonstrated either that there will be no harmful intrusive impact in the landscape through the increased size of the dwelling or that there is an enhancement in the appearance of the existing dwelling, subject, in any event, to the increase in volume being no more than 50%.

6.1.4 It is important to note that the SPG also provides clarity on defining the existing dwelling and at what date this is taken from. Para. 9.2 of the SPG confirms that 'existing' is taken to be the habitable accommodation of the dwelling as it existed on 22 June 2006, the date that the UDP was adopted and when the UDP policies equivalent to LDP Policies H5 and H6 first became operational. Proposals to extend or replace any dwelling that has had an extension completed after this date will be assessed on the basis of the size of the dwelling prior to 22 June 2006. Any dwelling that has an extension completed after 22 June 2006 or is permitted under Policy H6 and in accordance with these guidelines, therefore, is unlikely to be suitable for further extension or an enlarged replacement dwelling unless the new works, when added to those carried out earlier, still fall within the size limits set out in this section of the SPG.

6.1.5 Celebration Cottage has not had any extensions post 2006, therefore an extension of up to 30% can be considered acceptable in principle and would be policy compliant. The first-floor extension proposed as part of this application would see a volume increase of approximately 24% and therefore accords with the size criteria of Policy H6.

6.1.6 Notwithstanding the above, numerical compliance with the volume parameters set out within the SPG is not in isolation sufficient to comply with the aim of Policy H6. The first-floor extension proposed is considered acceptable and will be constructed in materials matching the existing cottage so as to meet the relevant criteria of H6. The existing dwelling (as defined by the SPG for H6) is already a sizeable dwelling and therefore one can only consider any additional impact caused by the proposed first floor addition. Officers are satisfied that the proposed extension would still read as subordinate to the existing dwelling and would not fail to protect the character of the wider open countryside.

6.1.7 It is considered that the design, scale, materials and proportions of the proposal are acceptable and comply with Policy H6. The proposed extension will not detract from the appearance of the existing dwelling. The lower roofline and the fact it is to the rear will help to ensure that the form of the original cottage can still be read as the primary element. It is considered that the proposal will not have a harmful or intrusive impact on the landscape. Therefore, it is considered to meet the relevant criteria of policies DES1 and H6 of the adopted Local Development Plan (LDP).

6.2 Impact on Residential Amenity

6.2.1 Criterion (d) of Policy DES1 of the LDP sets out that development will be required to "maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties". Further to this Policy EP1 also asserts that development should "have regard to the privacy, amenity and health of occupiers of neighbouring properties."

6.2.2 In this instance, whilst the dwelling is located within the open countryside there are a number of neighbouring properties in the vicinity of the application site, namely:

The Cottage - Located to the east
High View - Located to the north
Little Acre - Located to the west.

6.2.3 In respect of Little Acre, the boundary-to-boundary distance of this property with the application site is approximately 110m. Therefore, whilst the western elevation would feature both

a balcony and upper floor habitable windows, owing to the significant intervening distance the proposal would maintain reasonable levels of privacy and amenity for Little Acre.

6.2.4 The proposed first floor extension would not increase the overall footprint and therefore the resulting dwelling would be no closer to High View to the north than it is in situ; the separation distance here is approximately 73m. Thus, the distance is such that the side of the balcony area (to the north) for which permission is sought would not fail to maintain reasonable levels of privacy and amenity for High View.

6.2.5 The property to the east, The Cottage, shares its side boundary with the application site. Whilst the dwelling that is subject to this application sits to the south of the plot, the neighbouring dwelling, (The Cottage) is positioned at the opposite end sitting to the north of its plot. The distance between the buildings (which as stated previously would not be altered given the nature of the extension proposed) is approximately 40m. Whilst three new window openings would be provided at first floor level in the eastern elevation, facing towards the bottom of the garden of The Cottage, none of the windows proposed would serve habitable rooms (2 x landing/hallway and 1 x stairwell). In respect of window-to-window distance, therefore, not only is the distance between the dwellings well in excess of 21m, the orientation of the two dwellings mean that the angle of view would be acute. With regard to the distance of the proposed upper floor windows to the boundary of The Cottage, the distance varies between approximately 5m - 6m. Whilst the Local Planning Authority does not have an adopted SPG in respect of householder development, guidance can be found within the adopted document for Infill Development (November 2019).

Of relevance is para. 7.8 of the SPG which states:

Where the proposed rear principal elevation (with habitable windows) is not aligned with the side elevations of the neighbouring property, it is normally required that there should be at least 10m from the rear principal elevation of the infill development to the side boundary of the neighbouring property.

6.2.6 In this instance whilst the distance of the windows to the boundary is less than 10m, the key material issue here is that the windows proposed are *not* habitable windows. Therefore, one must consider and give appropriate weight in respect of how these three new windows would reasonably be used. Given their primary purpose of providing light to the upstairs landing/stairwell it is not considered that they would give rise to unacceptable loss of privacy or overlooking.

6.2.7 Concerns have also been raised in respect of the proposed first floor extension having an overbearing impact on the property to the east, The Cottage. However, owing to the distance between the dwellings (approx. 40m) officers are satisfied that whilst the ridge height of the existing single storey extension is being raised, this would not result in an overbearing impact on The Cottage. Indeed, having regard to transferable guidance set out within the Infill Development SPG this states that to avoid over-dominant development and overshadowing of neighbouring properties, there should be at least 15m between principal elevations with main habitable windows and side gable walls without windows. Therefore notwithstanding the rural location, where the predominant character of the area exhibits greater separation distances, such is the distance between the dwellings officers are satisfied the proposed extension would not be overbearing.

6.2.8 Accordingly having regard to the above, the proposed first floor extension is considered to adhere to the relevant criteria of policies DES1 and EP1 of the LDP.

6.3 Access / Highway Safety

6.3.1 The application proposes the use and improvement of an existing rear access (field gate) directly off route C201.13, an unclassified highway (Green Lane).

6.3.2 The means of vehicular access off route C201.13 is existing, and the proposed changes to the access are an improvement over the existing. The provision of the three car spaces and the provision of a turning area enable vehicles to access and egress in a forward gear. The use of the proposed off street parking provision is considered a significant improvement to the existing access and tandem parking provision that currently exists directly off Route R105.

6.3.3 Route C201.13 is an unclassified road (Green Lane) that provides access to a number of residential properties, Isca Livery Stables, agricultural buildings, and fields. The increase in vehicle movements associated with the proposal is not considered significant. The Highway Authority offers no objection noting an improvement and is not considered to be detrimental to the safety and capacity of the immediate highway network.

6.4 Biodiversity

6.4.1 Natural Resources Wales (NRW) 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. This site however is not within a SAC catchment area.

6.4.2 Following a review of submitted proposals and photos and use of Google Street map, MCC's Ecologist is content that sufficient evidence has been provided and a further Preliminary Roost Assessment is not required for this property. Any lighting proposed for the property will need to be considered carefully and ensure no detrimental impacts on nocturnal species including bats. A condition in respect of lighting is also to be imposed at the request of the Council's Ecologist to safeguard foraging/commuting habitat of Species of Conservation Concern.

6.4.3 In addition to this it is also considered necessary to condition protection of vegetation clearance between March and August.

6.4.4 Planning Policy Wales (PPW) 11 sets out that "the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement" (para 6.4.3). Enhancement measures have been suggested within the application to include landscape planting within the garden as shown on the Location and Block Plan drawing no; MSP 3750/01 by The Musker Sumner Partnership dated April 2023. Full details of the species to be planted and a timetable for the implementation and management can be secured via an appropriately worded planning condition.

6.4.5 Therefore having regard to the advice of the Council's in house Ecologist and the employment of planning conditions the development is considered to adhere to the requirements of LDP Policy NE1.

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

6.5.1 A number of the material planning considerations raised within the correspondence received by third parties and Llangybi Fawr Community Council have been addressed above. However, for the sake of clarity issues noted below are commented upon.

6.5.2 **Overall Size/Appearance/Landscape** The proposed size, scale and design of the extension are considered to be entirely appropriate for the context of the site. The dwelling has already been extended within its lifetime, however for the purposes of the consideration of Policy H6, these extensions were erected prior to 2006; therefore the dwelling could in principle be extended by up to a 30% volume increase. The addition of a first-floor extension above the existing rear extension is considered to be acceptable, the volume increase of the extension is approximately 24%. Therefore, the proposal is not considered to be an overdevelopment of the site, the footprint will not be increased as it is a first-floor extension.

6.5.3 With regards to the site appearing overly domesticated, as said above, the cottage itself has previously been extended, including the addition of outbuildings; as a result it has lost the traditional elements of a rural cottage and therefore the addition of a first-floor extension is not considered to cause any unacceptable harm to the existing dwelling and its surroundings.

6.5.4 Highway Safety Route C201.13 is an unclassified road (Green Lane) that provides access to a number of residential properties, Isca Livery Stables, agricultural buildings, and fields. The increase in vehicle movements associated with the proposal would not be significant. Concerns have been raised about possible traffic congestion; the development in itself is not considered to give rise to such an increase in traffic - it will remain a single dwelling. It is accepted that there may be some disruption and additional vehicular movements during the construction period, but the impacts of these would only be temporary.

6.5.4 Privacy/Noise The windows on the eastern elevation will cause no unacceptable adverse impacts on the surrounding dwellings. A small section of The Cottage's rear garden will be partially visible from the proposed rear elevation windows, but the windows will serve non-habitable rooms.

6.5.5 In respect of noise, Officers are satisfied that the proposed development (a first-floor rear extension) would not result in an intensification of use at the size so as to lead to an unacceptable increase in noise. The existing rear garden area can already be used for outdoor activities incidental to the use of the dwelling, whilst the provision of hard surfacing to the rear (adjacent to the dwelling The Cottage) can be provided under Permitted Development. Any unreasonable use of the dwelling or its garden area that would result in a statutory noise nuisance falls within the remit of the Council's Environmental Health Department.

6.5.6 Biodiversity This consideration is discussed in full in paragraph 6.4 of this report and no further commentary is considered necessary.

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 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 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 roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA. Any lighting shall only proceed in accordance with the approved details and shall be retained as such thereafter.

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.

3 No removal of hedgerows, trees or shrubs brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended)

4 Notwithstanding the approved drawing MSP 3750/01 a detailed scheme of Ecological Enhancement identifying location, positioning and specification to provide biodiversity net benefit shall be submitted to the Local Planning Authority for approval in writing within one month of the date of this decision. The scheme shall provide for the future management and set out an implementation timetable. The development shall only proceed in accordance with the approved plans and timetable and shall be retained as such thereafter.

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

INFORMATIVES

1 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.

2 As of 7th January 2019, all construction work in Wales with drainage implications, of 100m² or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage.

The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m² of construction area are fit for purpose, designed and built in accordance with the National Standards for Sustainable Drainage published by Welsh Ministers.

If you are in any doubt as to whether you require SAB approval, please contact:

SAB@monmouthshire.gov.uk

For advice regarding the application process and general enquiries - 01495 768306

For technical advice regarding your SuDS design and meeting the National Standards - 01633 644730

3 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

