

**DC/2015/01528**

**ERECTION OF A DETACHED DWELLING**

**GLEN USK MAIN ROAD UNDY**

**RECOMMENDATION: APPROVE**

Case Officer: Nia Morrison

Date Registered: 4<sup>th</sup> February 2016

This application was presented at Planning Committee on the 12<sup>th</sup> April 2016 where Members resolved to defer the application so that amendments could be made to the positioning of the dwelling within the site and to the design of the dwelling. It was requested to:

- Move the dwelling south-west of the site towards the neighbouring property Fairfield Cwrt;
- Move the position of the dwelling south-eastwards (towards the rear) so that it was not directly positioned behind No. 8 Rectory Gardens and so that the dwelling was mainly positioned between the building line of No. 8 and No 7 Rectory Gardens;
- Change the roof material from a slate to a roof tile to match adjoining dwellings;
- Clarify the colour of the proposed render.

Following this request, amended plans (1462-10C and 1462- 2D) have been submitted which illustrate the following changes:

- The dwelling has been repositioned approximately 1.9m towards Fairfield Cwrt. There is now an approximate gap of 4.7m from the side elevation of the proposed dwelling to the shared boundary with No. 8 Rectory Gardens.
- The dwelling has been repositioned approximately 2.2m closer towards the railway line
- The roof materials have changed to a roof tile, Redland Grovebury smooth farm house red that better reflects the tiles on nearby dwellings.
- It is confirmed the proposed render of the dwelling would be an ivory colour.

Following consultation, four letters of correspondence have been received: one letter of concern from the owner of No. 8 Rectory Gardens; a letter of concern from the owner of Fairfield Cwrt; a letter of support from the applicant's agent; and the other from the Community Council. Magor with Undy Community Council recommend approval but wish to re-iterate their previous comments regarding access to the B4245.

The owners of No. 8 comment that:

- We appreciate that the proposed dwelling has been moved from the boundary of properties in Rectory Gardens but we still would like it to be known that our views have not altered due to the loss of quiet enjoyment of our garden and the very dominating visual impact on our home.
- The proposed house looks as though it has been moved by 1.95m sideward and towards the rear of the plot by approximately 2m. The exact dimensions are not clear. The sideward move looks to be beneficial to us. The backward moves is slightly more detrimental to us as it moves the building more into the line of sight from our living room.
- We note the change of roof tiles and the stated colour of the rendering to 'Ivory' and these should prove better than the original plans.

The owner of Fairfield Cwrt does not oppose the sideways movement of the proposed dwelling towards Fairfield Cwrt, but opposes the movement back into the plot towards the railway line in that this would create an overlap with their dwelling causing a loss of light and sight intrusion into their living room window. It is pointed out that if the objector of no. 8 Rectory Gardens has stated that the amended plans actually provide no. 8 with a more negative impact from no. 8's

lounge window then it is suggested that the building plan goes back to the original plan in terms of distance from the railway line.

The applicant's agent commented that:

- We have moved the proposed dwelling a further 1.5 metres [sic] from the rear of No.8, the distance of 15 metres between the nearest window to No.8 and the 2 storey element of the proposal now well exceeds the distance required by other authorities and also meeting the WAG requirement. The change reinforces the Officer view in paragraphs 5.3 of the previous Officer Report that there will not be significant harmful effect. There will be no harmful effect.
- We have also considered carefully the additional possibility of shifting the dwelling [further] back towards the railway line. This has been discounted however for a number of reasons:
  1. The creation of an illogical, uncomfortable and harmful relationship with Fairfield Court. An overlapping mass of 2 storey building, appreciably beyond the rear face of Fairfield Court would have an adverse impact upon the enjoyment of that house (at a much closer distance than that with No.8)
  2. The [proposed] house and its rear elevation would be much closer to the railway line with its adverse noise impacts.
  3. The rear garden would be reduced to inadequate size and proportion in relation to the house.
  4. Also considered was the fact that such a proposal would not help the relationship with No.8, it would exacerbate visual impacts. As now proposed the 2 storey element of the dwelling would be set close to and against the backdrop of Fairfield Court when viewed from the rear windows of No.8. To offset the dwelling close to the railway would increase the mass of building seen. All of the end elevation of the proposed house would be seen (albeit a satisfactory distance) while a greater element of Fairfield Court will also be seen.

Following the amendments received it is considered by officers that the proposal now has a better amenity impact than the initial scheme put forward to Committee. Although the dwelling has not been re-sited as specifically requested by Members in the location between Nos 8 and No. 7 Rectory Gardens the dwelling has been re-sited further away from the boundary with No.8 which would reduce any potential overbearing impact of the property upon the occupiers of No.8. It is considered that although re-positioned closer to Fairfield Court this impact will be acceptable as the position of the dwelling is largely in line with Fairfield Court. There is some concern that if the position of the dwelling was shifted further back, as requested by Members, this would lead to a detrimental impact upon Fairfield Court, particularly now as its position is just 1m from the boundary with Fairfield Court.

Although the owner of No.8 has some concern in relation to the backward shift of the dwelling by approximately 2m (not 1.5m referred to by the agent above), this shift is not considered to detrimentally alter the impact from the previous position. It is considered that the resulting impact will be similar to the previous position, albeit improved with the dwelling moved further away from the shared boundary.

It is considered the proposed 'Redland' tiles for the roof and ivory rendered walls will be in keeping with properties within the surrounding area and the recommendation to approve is re-presented for Members' consideration.

The following was reported as late correspondence to the Committee meeting held on 12<sup>th</sup> April 2016:

Notes of Site inspection 11th April 2016

Attending: R. Edwards, P. Clarke, A. Webb, P. Murphy, R. Harris, D. Dovey, D. Evans, P. Watts, B. Strong, R. Hayward, A. Wintle

We noted the following:

1. The area was part of the large curtilage of a semi-detached dwelling, Glen Usk, off Main Road.
2. There was a modern dwelling alongside the proposed plot and dwellings in Rectory Gardens to the side; we visited the garden of adjoining dwelling, no. 8, to consider the impact of the proposal on the amenity of this and other neighbours.
3. The mainline railway was to the rear of the proposed plot.

Email from a local resident:

'Having now read your report to the planning committee, I am disappointed, but not surprised, that you have recommended approval. I seem to recall that on your first visit to Rectory Gardens regarding this application you referred to the expense that the authority would incur if planning was refused and it went to appeal. This leaves me with the impression that no matter what objections we, as neighbours, raised, you would always take the route you have.

You have paid little regard to the impact this will have upon us. I can only hope that the members of the planning committee are more understanding and reasonable.

I would draw to your attention that in your report at paragraph 5.3 you make reference to the distance from the proposed new build to Glen Usk and state that this would have 'an acceptable impact'. Of course it is acceptable, the occupants are the applicants. You make no reference in this paragraph to the impact on us (10 Rectory Gardens). Perhaps you could rectify this before the planning committee meets.'

## **PREVIOUS REPORT (12<sup>th</sup> April Committee)**

### **1.0 APPLICATION DETAILS**

- 1.1 This full planning application relates to land to the rear of Glen Usk, Undy, a semi-detached two storey dwelling located within Magor and Undy's development boundary and also within an Archaeologically Sensitive Area (ASA). The application site level is 49.70m Above Ordnance Survey Datum (AOD) and is a rectangular shape measuring approximately 19m in width by approximately 64m in length. To the north-east boundary of the site are the rear gardens of numbers 7-10 Rectory Gardens and to the south-west of the site is the detached house, Fairfield Cwrt, which was a new build in the rear garden of Fairfield (the adjoining semi-detached dwelling to Glen Usk). To the rear of the site is the mainline railway line. The site had been cleared of trees /shrubs at the time of the site visit (4<sup>th</sup> February 2016).
- 1.2 It is proposed to erect a detached two storey 4 bedroom dwellinghouse within the rear of the plot adjacent to the existing neighbouring property Fairfield Cwrt. The proposed dwelling measures approximately 13m in width by 11m in depth by 8.4m to the ridge height. It is noted that the property has been amended to feature a lean-to element on the north-east elevation in order to remove the first floor element of this part of the property. The two storey element of the proposed dwelling would now measure 9.5 in width.
- 1.3 Access to the site is proposed off Main Road (the B4245) via the existing access point which serves Glen Usk. A shared driveway with Glen Usk is proposed, to serve both Glen Usk and the proposed dwelling and the driveway is to be constructed with self-

draining block paviors. Three parking spaces for Glen Usk are proposed and four spaces would be available for the proposed dwelling.

## **2.0 RELEVANT PLANNING HISTORY**

M06211 – Outline application for one new dwelling (land to the rear of Fairfield)  
Appeal allowed 01.02.2002

M07579 – New House (land to the rear of Fairfield)  
Approved 19.11.2002

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S1 Spatial distribution of new housing provision  
S2 Housing provision  
S12 Efficient resource use and flood risk  
S13 Landscape, green infrastructure and the natural environment  
S17 Place making and design

### Development Management Policies

H1 Residential development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
DES1 General Design considerations  
EP1 Amenity and environmental protection  
NE1 Nature conservation and development  
SD2 Sustainable construction and energy efficiency  
SD3 Flood risk  
SD4 Sustainable drainage  
MV1 Proposed development and highway considerations

## **4.0 REPRESENTATIONS**

### 4.1 Consultations Replies

Magor with Undy Community Council – recommends refusal.  
The following observations were made:

- The rear garden plot of Glen Usk in which this ‘in-fill’ dwelling is proposed seems adequate in size.
- The adjacent property Fairfield already has a rear garden in-fill dwelling, and therefore this newly proposed dwelling would not appear to be out of place.
- The sides of the proposed dwelling – on the first floor, which overlook Rectory Gardens (to the East) are obscure glazing, and there do not appear to be any opening overlooking and Fairfield/Fairfield Cwrt (to the West).
- Item 16 of the Planning application states that there are no trees or hedges on the proposed development site. Council do not believe that this statement is correct. It goes on to say that there are no trees or hedges on the land adjacent to the proposed development site that could cause influence to the development of might be important as part of the local landscape character. The Community Council recommend that before any decision is made on this application that the Planning Authority need to check this statement in order to ensure whether a full tree survey is required.

- The section of the B4245 where the joint access is proposed is of considerable concern. The B4245 is one of the busiest, if not the busiest road in the County. There have been numerous accidents along this stretch of the road (both reported and unreported) and some time ago resulted in a traffic island being installed as a traffic calming feature at the nearby junction with Manor Chase. The application states that there will be a possible seven (7) vehicles using the access point. The Community Council believe that Highways department need to seriously consider whether the proposed increase to the width of the access point, and the visibility splays is sufficient for this section of the B4245 and ask that the applicant revisit and reconsider the said proposals ensuring that every effort is made for ease of access/egress to the site and for the safety of cyclist and pedestrians.

At present, the Community Council feel they cannot recommend approval of this application until such time that they are satisfied that every effort has been made to ensure the safety of pedestrians and cyclists following the B4245 route, and until such time that the Planning Authority visits the issue of whether a full tree survey is required. That said, the Community Council will be please to re-consider the application at a future date.

Welsh Water - requests conditions in relation to foul and surface water discharges. Attention is also drawn to an advisory note that the applicant may need to apply to Dwr Cymru/ Welsh Water to connect to the public sewer.

MCC Highway Officer - initially required further information in relation to the visibility splays and width of the access and materials and gradient of the driveway. These were subsequently submitted on the Drwgs. 1462 10B and 1462-11. Following receipt of these drawings Highways have no adverse comments to make (confirmed in email correspondence 15.03.2016).

Glamorgan Gwent Archaeological Trust - no objections. The Trust requests the application of an informative.

Network Rail - no objection in principle; the consultee provided some advisory notes in relation to the protection of the adjoining Network Rail land.

#### 4.2 Neighbour Notification

Six neighbouring households have submitted representations raising the following issues, which are summarised below:

- Overdevelopment of the plot
  - The footprint of the house is over dominant compared to the existing house to the front of the site (Glen Usk).
- Impact on residential amenity
  - The rear facing bedroom windows will overlook our rear garden and give a view into our conservatory (No.7 Rectory Gardens).
  - The front facing windows will overlook our rear garden and conservatory (No. 9 & 10 Rectory Gardens).
  - The building will create overshadowing and loss of light into our rear garden and conservatory (No.7, 8 & 9 Rectory Gardens).
  - There will be considerable shadow cast into our garden and living room (No.8 Rectory Gardens). This will be at its worst in the afternoon in the winter, reaching a peak at the winter solstice. There is an attached illustration indicating this. The

existing hedgerow throws a large shadow over the garden. The proposed building will be almost 5 times higher and for a period put our whole garden and part of the house into deep shade.

- Our house (No. 8 Rectory Gardens) will look right onto the side elevation of the proposed development and affect our visibility from the main habitable rooms of our house.
  - The proposed dwelling will have a dominating and overbearing presence on the amenity of occupiers of No.8. This is illustrated with an enclosed photograph of 'before' and a super impression of 'after'. The steep pitch of the lean to roof and the blue/black colour of the slates will exacerbate the situation.
  - There are no indications of the colour of the rendered areas to the proposed house, however even if this is white, the times of day when the sun is behind the building will leave it looking quite dark.
  - The peaceful enjoyment of our garden will be affected. The Council needs to consider the Human Rights Act, Protocol 1, Article 1 where it states that a person has the right to peaceful enjoyment of their possessions, which includes home and other land. Article 8 states that a person has the substantive right to respect for their private family and life.
- Highway concerns
    - Main Road is the busiest B road in the County of Monmouthshire.
    - Although there is a limit of 30mph on this stretch of road, traffic does approach often in excess of this speed limit. With hazardous bends either side of the entrance the increased vehicle access would present a real danger.
    - Widening the entrance and the increased vehicle movements would create a hazard to both pedestrians and traffic, particularly for children on their way to Undy Primary School. The wider driveway would be immediately in front of the traffic calming measures installed to aid the safe crossing of the highway.
  - Adverse impact on local amenities
    - The proposal would put additional strain on an overloaded mains sewerage system.
    - The loss of trees and hedgerows would have an adverse effect on the wildlife in the vicinity. This is also apparent that in the course of the application the applicant has cleared the site and removed further trees before a decision has been granted.
    - The proposal includes turning and parking for a minimum of six vehicles resulting in a substantial increase in air and noise pollution for all adjoining properties in Rectory Gardens.
    - Concern that the border on the western side of the plot will be heavily damaged by the removal of trees and hedging.
    - Should the application be approved it is requested the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of works more bearable.
  - Visual amenity
    - The design is not in keeping with adjacent Fairfield Cwrt and the adjacent dwellings in Rectory Gardens. The dwelling should have red/brown roof tiles and not the proposed black/blue.

#### 4.3 Local Member Representations

None Received.

#### 5.0 **EVALUATION**

- Principle of the proposed development
- Visual impact
- Residential amenity
- Highway considerations
- Other considerations

### 5.1 Principle of the proposed development

The site is within Magor and Undy's development boundary, within which there is a general presumption in favour of new residential development. LDP Policy H1 states however that the principle of residential development is subject to detailed planning considerations and other policies of the LDP that seek to protect the amenities of the area. The main detailed planning considerations for this application are: design, form and amenity of the surroundings and the need to protect existing residential privacy and amenity. These planning considerations will be assessed in the ensuing sections.

### 5.2 Visual amenity

In terms of the visual impact of the proposal, it is considered that the application site has a good sized plot measuring 19m by 64m, and there is sufficient space for a dwelling within the site, which is surrounded by a variety of properties and architectural styles. In terms of its size the dwelling has been designed to have a similar footprint and height as the adjacent property, Fairfield Cwrt. The proposed dwelling would be set back away from the public highway, Main Road, and therefore the proposal is not considered to have a prominent visual presence within the surrounding street scene. Although proposed materials of blue/black slates for the roof differ from some of the red/brown roof tiles of neighbouring properties, it is not considered that this visual difference in roofscape will harm the street scene. As mentioned, there are a variety of different properties within the area with different roof materials - for instance, the semi-detached property, Fairfield, has a blue/black roof slate finish.

### 5.3 Residential amenity

The main concern in relation to this application is the impact it will have upon the surrounding residents, in particular the residents of No.8 Rectory Gardens, whose rear back garden immediately adjoins the north-east boundary of the site and the position of the proposed dwelling is set to the immediate rear of their garden. There will be a blank gable end wall with a lean to addition set approximately 2.7m away from their boundary hedge. Although it is acknowledged that the location of the proposed dwelling will change the outlook of the occupiers of No. 8, unfortunately there is no right to a view and this is built up area of Magor within the development boundary where residential housing is to be expected. It is also acknowledged that there will be some overshadowing to the rear garden area of No. 8, particularly in the late afternoon and early evening. On balance however this overshadowing is not considered to have a significant, harmful impact based on the surrounding density and the important consideration that the proposed dwelling has been designed with a single storey lean-to element on the elevation facing no.8 (the north-east side) which will lessen the overbearing and overshadowing impact upon No 8's rear garden. The distance between the nearest part of the rear of no. 8 would be 10m to the side elevation of the single storey lean-to element of the proposed dwelling and 13.5m to the two storey gable element of the proposed dwelling which is what would normally be acceptable on a modern housing layout when accommodating dwellings with a side elevation facing towards a primary elevation of another dwelling (which features main habitable room windows).

Although residents refer to 'The Human Rights Act, Protocol 1, Article 1' the consideration of this application takes into account the effect of the proposal on local residential amenity. While acknowledging residents' concerns, it is considered that the harm caused to local amenity by the proposal is not so significant as to prohibit the adjoining occupiers' peaceful enjoyment of their property or their privacy.

In terms of overlooking impact the first floor window to the south-western side elevation is to serve an en-suite bathroom and would be obscure glazed. Although there would be some view from the first floor rear windows into the rear gardens of Fairfield Cwrt and Rectory Gardens it is not considered to exacerbate, or be out of character with, the existing overlooking situation in respect of neighbouring dwellings in the area, where there is inevitably some overlooking due to the proximity of properties to each other. The impact from the proposed windows would not involve direct overlooking but would rather be at an oblique angle into the rear garden areas of Fairfield Cwrt and No.7 Rectory Gardens which is considered acceptable in this location.

With regards to the first floor windows to the front of dwelling, there is sufficient distance between these windows and the rear windows of Glen Usk (21m) for there to be an acceptable impact. This situation is similar to the impact of the front windows of Fairfield Cwrt upon Fairfield.

#### 5.4 Highway considerations

In relation to highway matters, there is no objection in principle from the Council's Highway Officer. In terms of increased traffic congestion, the additional vehicle movements caused by one additional house would be insignificant and would not warrant a refusal for this reason.

Visibility splays are sufficient and parking can be achieved for at least three vehicles for the proposed dwellinghouse and three spaces are proposed for the existing Glen Usk property which meet the adopted Council parking standards. Concerns in relation to the control of surface water have been addressed and a condition will ensure the proposed driveway will be constructed in permeable self-draining paviers as indicated on drawing 1462-11.

#### 5.5 Other considerations

In terms of the loss of orchard trees to the site, a condition will also request a further planting plan is submitted prior to any work commencing, in order to help compensate for the loss of trees that were removed prior to the application being submitted. A condition will ensure that the existing hedgerow on the north-east boundary of the site, which is an attractive feature, will remain.

A Construction Method Statement (CMS) is requested as a condition to the consent to ensure building works throughout the construction period will respect neighbouring properties.

#### 5.6 Response to the Community Council's representations

In response to the Community Council's concerns regarding highway safety and the lack of consideration of the existing trees, MCC Highways have been consulted on the application and they are satisfied that the proposal will not result in any undue safety concerns upon pedestrian and vehicle movements using the B4235. Although it is



unfortunate that the site was cleared of the existing trees a condition will require further tree planting and landscaping as mitigation.

## **6.0 RECOMMENDATION: APPROVE**

### **Conditions**

1. 5 year time limit
2. In accordance with the approved plans
3. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - v) the times for the delivery of building materials and the local routes to be used.
4. No development shall commence until a planting scheme to compensate the loss of the previous trees that have been removed from the site has been submitted and agreed in writing with the local planning authority.
5. PER02 – Permitted development rights removed - Part 2 (means of enclosure)
6. PER03 – Permitted development rights removed - Part 1 (extensions and outbuildings)
7. No surface water shall be allowed to connect, either directly or indirectly to the public sewerage network.
8. The Finished Floor Level of the dwelling hereby approved shall be 49.90m Above Ordnance Datum (AOD) as stated on the approved plan 1462-10B
9. The existing hedgerow on the north east boundary of the site shall be retained as stated on the approved plan 1462-10B. If the hedgerow dies, it shall be replanted with a similar species.

### **Informatives**

Please see the attached guidance in relation to building on land adjoining to Network Rail land.

GGAT informative

Dwr Cymru Informative