

**DC/2016/01478**

**DEMOLITION OF EXISTING ATTACHED GARAGE AND THE CONSTRUCTION OF A NEW BUNGALOW IN THE REAR GARDEN**

**78 HEREFORD ROAD, MONMOUTH, NP25 3HJ**

**RECOMMENDATION : APPROVE**

Case Officer: Jo Draper

Registered: 27<sup>th</sup> September 2016

**1.0 APPLICATION DETAILS**

- 1.1 This application seeks the demolition of the attached garage to no 78 Hereford Road and the construction of a bungalow on a plot to be formed in the rear garden of the property. This is an outline application with access being the only detail to consider as part of this application with all other details being left to be considered at Reserved Matters stage. Illustrative plans have been provided to demonstrate how the bungalow sits on the site.
- 1.2 The bungalow as illustrated sits centrally within the plot there are two gables proposed. This demonstrates how a dwelling with the maximum dimensions indicated sits on the plot, revised plans have been submitted (since the delegated panel meeting) reducing the height to 4.55m, with a minimum height of 4.15m (previously the maximum and minimum was 4.7m and 4.5m respectively). The width has been reduced to a maximum dimension of 10.6m, minimum is 10.4m (previously 10.9m) depth is 10.65m, minimum 10m.
- 1.3 There is a new driveway proposed that runs alongside the house and adjacent to the common boundary with the neighbouring property No 80 Hereford Road. There is a proposed parking and turning area within the front garden of the existing (severed) dwelling. There is an existing 2 metre high fence that forms the common boundary with No 80, it is proposed that the driveway will run near to this with a landscaping strip proposed in the buffer in between. Since the delegated panel visit this driveway has been tweaked to move it further away from the common north boundary so further space is provided to a landscape buffer with new planting proposed in this landscape strip. A new 1.8m high boundary fence is proposed along the southern boundary.
- 1.4 It is proposed to increase the width of the access onto the main highway to 4.1m, with a wider access within the site of 4.1m (this was to respond to highway concerns to ensure that the access met the standard to accommodate a shared access).
- 1.5 The site has a mature hedge to the rear of the plot which is to be retained, a further hedge is proposed to demarcate the new common boundary to the west of the plot between the severed dwelling and the new dwelling. Further tree planting is proposed alongside the existing hedge on the south boundary.
- 1.6 This application was presented to delegated panel and at the request of the delegated panel is now being presented to Planning Committee. Since this date revised plans have been submitted, the height of the bungalow has been reduced maximum height dimensions are 4.55m, minimum height is 4.15m.

## **2.0 RELEVANT PLANNING HISTORY**

None

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Planning Policies

S1- Spatial Distribution of New Housing Provision

S4 - Affordable Housing Provision

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

### Development Management Policies

DES1 – General Design Considerations

EP1 – Amenity and Environmental Protection

H1 - Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements

Supplementary Planning Guidance:

Affordable Housing Supplementary Planning Guidance Adopted March 2016

## **4.0 REPRESENTATIONS**

### Consultation Responses

Monmouth Town Council: Approve

MCC Highway Engineer: The application is for the demolition of an existing garage attached to No.78 Hereford Road together with the construction of a new bungalow within the existing rear garden. Access to the site is shared with the neighbouring property, No.80, directly off Hereford Road. Both properties have individual access points directly from the shared drive. As part of the development it is proposed to access the new plot via the existing shared and private access points with a new driveway leading to the rear of No.78 to access the proposed new dwelling.

The application was the subject of a preliminary application enquiry under reference MC/2016/00278. The principle of the development was acceptable to the Highway Authority on the basis that a suitable shared access was provided together with car parking provision in accordance with the MCC Parking Standards 2012.

The level of traffic will intensify at the two existing access points as a result the development must be designed with a minimum width of 4.1m, to allow two vehicles to

pass safely, which is the minimum shared access standard. The applicant has demonstrated that the two existing access points are of shared access standard

Furthermore, adequate parking provision shall also be provided in accordance with the Monmouthshire Parking Standards 2012 – 1 car parking space shall be provided per bedroom per dwelling with a maximum of 3 spaces per dwelling.

### Neighbour Consultation Responses

There have been three objections to date, the points raised are summarised below:

1. The development will severely impact the privacy of neighbouring properties
2. The design specifies that only obscure glazed windows will be on the side elevation
  - (i) these designs are not binding on the developer
  - (ii) the windows in the front elevation will face directly onto the rear of neighbouring propertiesThe proposal does not have regard to neighbour's privacy of ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from over-development and insensitive infilling
3. All the developments that have been allowed have worked with the existing building line
4. Road safety will be compromised due to poor visibility and high traffic flows, the proposed development will result in the intensification of the use of a narrow driveway opening onto the road close to the junction with the Vineyard
5. The proposal does not address the restrictive covenant governing maintenance of the shared portion of driveway
6. Detrimental to ecology - loss of garage will affect bats
7. Loss of view from neighbouring properties Planning law Consultant is quoted Martin Goodall "this does not mean that the loss of a view is necessarily irrelevant to planning. The enjoyment of the view could be an important part of the residential amenity of a neighbouring property and its loss might therefore have an adverse impact on the residential amenity of the property"
8. The ridge line of the proposed development will stand nearly 5m above ground level and will dominate the sightline on the right of Hereford road and will be clearly visible from neighbouring properties. A similar effect on the left facing sightline of no 76. This could be mitigated by changing the design, flat roof, green living roof .
9. Loss of privacy and amenity will also be experienced by occupants of severed house
10. Common boundary belongs to no 80 and retention is a matter for the owner not the applicant
11. No visual impact assessment has been provided
12. Proposal for 6 vehicles creates an accident waiting to happen
13. Accentuates visibility and parking problem for neighbours living opposite making egress from the driveway opposite very difficult
14. To allow building behind houses will start a new and unwelcome precedent
15. Added light and noise pollution would adversely affect the well-being of neighbours
16. The proposed building would cover an unacceptable amount of garden, impact upon surface water drainage

17. Proposal is a small plot and does not reflect what is in the area which are large houses on generous plots
18. Position of the sewer will be impacted by the proposed development

In response to the objections raised by neighbours the agent has raised the following points:

a) The proposals are in accordance with the pre-application enquiry that was submitted and recommendations at that stage have been incorporated. The application site is a good sized plot and you stated in your pre-application response that *'there is clearly enough space on site to accommodate this building to the rear without compromising the residential amenity of either of the neighbouring properties including the severed dwelling'*.

b) As a bungalow, the building will be of a small scale and low height, with no first floor windows to overlook the adjacent properties; maximum and minimum dimensions are shown on the drawings. We are also happy for a condition to be added for there to be no habitable windows on the north and south elevations. The slope of the site means that it will be set well down and therefore will not adversely impact on views from the existing properties. The windows to the front of the building will be a long way from the rear windows of the existing houses, for example the distance from the rear of No 78 to the front of the new bungalow will be nearly 30 metres, this is significantly more than is normally considered acceptable between windows on opposite houses. It is also in keeping with the spacing between the houses close by in The Rickfield with those in front of them on the Hereford Road.

c) Access: the neighbours have expressed concern about safety at the access, therefore it is very important to point out again that the proposals will improve safety at the access. At present there is no turning facility on site and vehicles have to reverse into or out of the site. The proposals will provide separate turning areas within the site for both the existing and the proposed dwelling, significantly improving the safety of the access onto Hereford Road. County Highways have confirmed that they have no objection, recognising that the proposed turning areas will be an improvement on the existing situation.

d) The residents of No 80 have mentioned that the question of maintenance of the shared portion of the driveway between nos 78 and 80 has not been addressed in the planning application. Clearly this is not a planning matter and something for the two parties to agree between themselves, should the development proceed.

e) The neighbours have referred to the proposals generating an additional 6 vehicles. This is not correct. With the existing garage there is already space for 3 vehicles on the site. The proposal for the new bungalow will just provide the parking standard required by Monmouthshire County Council of an additional max 3 spaces, although in practice for a small bungalow of this nature it is unlikely that there will be more than 2 vehicles at the new property.

f) Rainwater drainage: there is more than adequate space within the site to provide suitable soakaways for roof drainage and the new drive down to the bungalow will be formed with a permeable surface, this combined with the lie of the land means that there will be no impact on the adjacent properties from surface water.

g) Foul drain I do not foresee any problem in respect of the existing sewer. Appropriate protection measures can be taken if necessary under normal consultation procedures with Welsh Water at the Building Regulation stage.

h) Although landscaping is a reserved matter, proposals have been indicated to minimise any impact on the adjacent properties.

## **5.0 EVALUATION**

5.1 The application site is within the development boundary and in principle is acceptable subject to detailed considerations. The main issues to arise in the consideration of this application are as follows:

Neighbour Amenity

Visual Amenity

Access

Drainage

Ecology

Affordable Housing Contribution

Other issues raised

### **5.2 Neighbour Amenity**

5.2.1 There are three properties that are potentially impacted by this development, no 74 and no 80 Hereford Road and the severed dwelling. Whilst siting is not a detail to be considered as part of this application the illustrative plans show that the proposed bungalow can be centrally located within the plot and demonstrate that satisfactory separating distances can be achieved between the severed dwelling and the proposed dwelling. (There is a distance of more than 27m separating the first floor windows of the severed dwelling to the new common boundary), whilst a sufficient separating distance is proposed between the neighbouring properties and the proposal (over 30 metres).

5.2.2. As the proposal is for a single storey dwelling (that will be subject to an appropriate condition limiting the dwelling to single storey only) there is minimal opportunity for overlooking as viewpoints from habitable windows into adjacent gardens can be screened by boundary materials. The dwelling can also be designed to focus the viewpoint from habitable windows to the front and rear of the proposed property preventing any habitable windows having an outlook towards the neighbouring gardens, whilst the viewpoint can be screened by boundary materials there is more

potential for noise disturbance to arise through open windows that may cause disturbance as the side walls of the bungalow come within close proximity of the common boundaries with the neighbouring properties. An appropriate condition limiting habitable windows to west and east elevations coupled with appropriate boundary materials to provide satisfactory screening will prevent direct overlooking and noise intrusion. Furthermore appropriate landscaping to provide further noise mitigation and to soften the visual impact of the development upon the surrounding area will help mitigate this development into the surrounding area.

- 5.2.3. It is proposed that a new drive will run alongside the common boundary, again this is illustrative and it is important that there is adequate distance and appropriate mitigation incorporated between the driveway and the common boundary of No 80 Hereford Road to minimise the neighbour impact of cars driving alongside the common boundary. There is an approximate 2 metre distance shown on the plans between the drive and the common boundary which tapers into the site away from the neighbouring boundary, there is also an existing high boundary fence although a double buffer of fencing would be appropriate (and maybe necessary given that the neighbour controls the fence) with acceptable boundary materials and an appropriate landscaping belt that would provide an effective buffer and division. Further landscaping has been proposed along the three common boundaries with the neighbouring properties including the severed property. Conditions are recommended to secure this fence and planting and to ensure that the access does not encroach within 2 metres of the common boundary of the existing dwelling along the driveway to the point when it enters the plot. From this point onwards the traffic movements are less and are further away from the neighbour's immediate amenity space (which is normally enjoyed immediately to the rear of the neighbour's property).

### 5.3 Visual Amenity

- 5.3.1 The proposed dwelling will only be partly visible from the main highway as this will be set behind the existing dwelling with only glimpsed viewpoints of the development being achieved down the proposed new access that serves the plot. The low profile form of the dwelling will ensure that this dwelling will not be visually obtrusive within the streetscape. The engineering works required to facilitate this development namely widening of the access both onto the road and within the curtilage of the severed dwelling are not significant within the street context and are visually acceptable within this setting. From a wider perspective to the east of the site, subject to appropriate materials and landscaping the proposal will sit acceptably within this setting and will be seen in the context of the dwellings situated to the north of the site at The Rickfield that follow a similar building line.

### 5.4 Access

- 5.4.1 The creation of a shared access to serve both the severed property and the new dwelling has been considered by MCC highway engineers, they are satisfied with the proposal given the improvements proposed with a better turning area serving the existing dwelling and the capacity on site to be able to accommodate both the required number of car parking spaces (one space per bedroom up to a maximum of 3 spaces). Revised plans were submitted to show the shared access being changed

to 4.1m in width onto the main highway and within the residential curtilage, this satisfies highway requirements.

- 5.4.2 The illustrative plans show spaces for two cars to serve the proposed bungalow, technically there should be three and there is capacity to provide an additional space within the plot, subject to a relevant planning condition to secure three spaces within the site the development meets this requirement. With regard to the severed dwelling the proposed access already offers an improvement to that existing as this provides limited car parking spaces and no turning area, the proposed new layout provides 2 car parking spaces and a turning area and there is scope to provide a third space within the garden if necessary. Given the existing situation and the improvement that this development provides this is acceptable in this case. There is no highway objection to this proposal.

#### 5.5 Drainage

Surface water drainage will be detailed at the reserved matters stage, this is not an area that is identified as having a surface water drainage issue and there remains enough land subject to the correct surfacing materials being used to provide the necessary soakaway required for this site.

#### 5.6 Ecology

- 5.6.1 The relevant information was submitted to assess the ecological value of the garage in relation to bats. It was not considered to be a building that had a high potential to be important for bats. However an informative is being added that ensures in the case that during works there is any evidence of an EPS present that works are to stop immediately. Any future applications for Reserved Matters or Full Planning Permission may (depending upon the time taken before the submission of the next application) require an up to date assessment.

#### 5.7 Affordable Housing Contribution

It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. A viability assessment has been undertaken and a financial contribution has been calculated that has been agreed that is subject to a Section 106 Agreement.

#### 5.8 Other Issues Raised

The issue of a view can become a material consideration if the development is situated so close to a neighbour's property that the development may have an over-bearing impact. The issue of neighbour amenity and separating distances is covered in Section 5.2 above Neighbour Amenity. The issue of precedent is not a consideration in this case as each planning application is considered on its own merits.

Well-Being of Future Generations (Wales) Act 2015

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.

## **6.0 RECOMMENDATION: Approve subject to a Section 106 Agreement securing the financial contribution**

### Conditions:

1. Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.
2. This development shall be begun within 5 years from the date of the Outline permission or within 2 years of the date of approval of the last of the reserved matters to be approved whichever is the later.
3. The development shall be carried out in accordance with the list of approved plans set out in the table below.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
5. Details of boundary materials shall be submitted as part of the Reserved Matters Application, the boundary treatment shall be implemented in accordance with the approved details prior to development commencing on site and retained as such in perpetuity. This shall include details of screen fencing along the north and south and west boundary of the plot.
6. Before the dwelling is first occupied provision shall be made within the site for the parking or garaging of a minimum of three cars. A minimum of three car parking or garage spaces shall be retained thereafter.
7. The access that serves the site shall be implemented in accordance with drawing 329/4 Proposed Site Plan prior to occupation of the dwelling hereby approved.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species
9. The dwelling shall be single storey only
10. Before the proposed dwelling is first occupied a turning space shall be provided within the site to enable vehicles to enter and leave the site in a forward direction.



11. No part of the driveway serving the new plot shall be within 2 metres of the north common boundary beyond the rear building line of No 80 Hereford Road up to the west boundary of the plot. Within the plot no part of the driveway or turning area shall be within 1 metre of the north or south common boundary with No 80 and 74 Hereford Road respectively.
12. No part of the driveway serving the new plot shall be within 1 metre of the side elevation of the severed dwelling no 78 Hereford Road.
13. There shall be no habitable windows on the north and south elevations of the dwelling.