

REFERENCE: P/16/908/FUL

APPLICANT: Homestyle Care Ltd The White House, Briary Way, Brackla, CF31 2PT

LOCATION: The White House Briary Way Brackla CF31 2PT

PROPOSAL: Regularisation of side extension ref P/15/183/FUL

RECEIVED: 11 November 2016

SITE INSPECTED: 9 December 2016

APPLICATION/SITE DESCRIPTION

The application site is located on the north eastern side of Briary Way adjacent to a sweeping bend in the highway. A stream runs along the western site boundary and a private drive serving two detached properties known as The Woods run on the western bank of the stream. An area of mature trees is located on the south-eastern site boundary. It was noted during the site inspection that there is a significant change in levels between the application site and the neighbouring properties to the east in Underwood Place such that the eaves of the application site appear to be at land level to the properties in Underwood Place.

The application has been submitted as the result of an enforcement investigation and seeks retrospective consent for a side extension at the above mentioned property.

The application seeks to retain the side extension, remove the flat roof and replace it with a pitched roof with a dormer inserted into the front elevation of the roof. The existing footprint of the extension measures 7m x 4.8m and rises to a proposed overall height of approximately 7m at ridge level. The proposed dormer addition will measure approximately 2.5m in width, 2.3m in depth and to a height of approximately 2.3m with a pitched roof and materials to match the existing property.

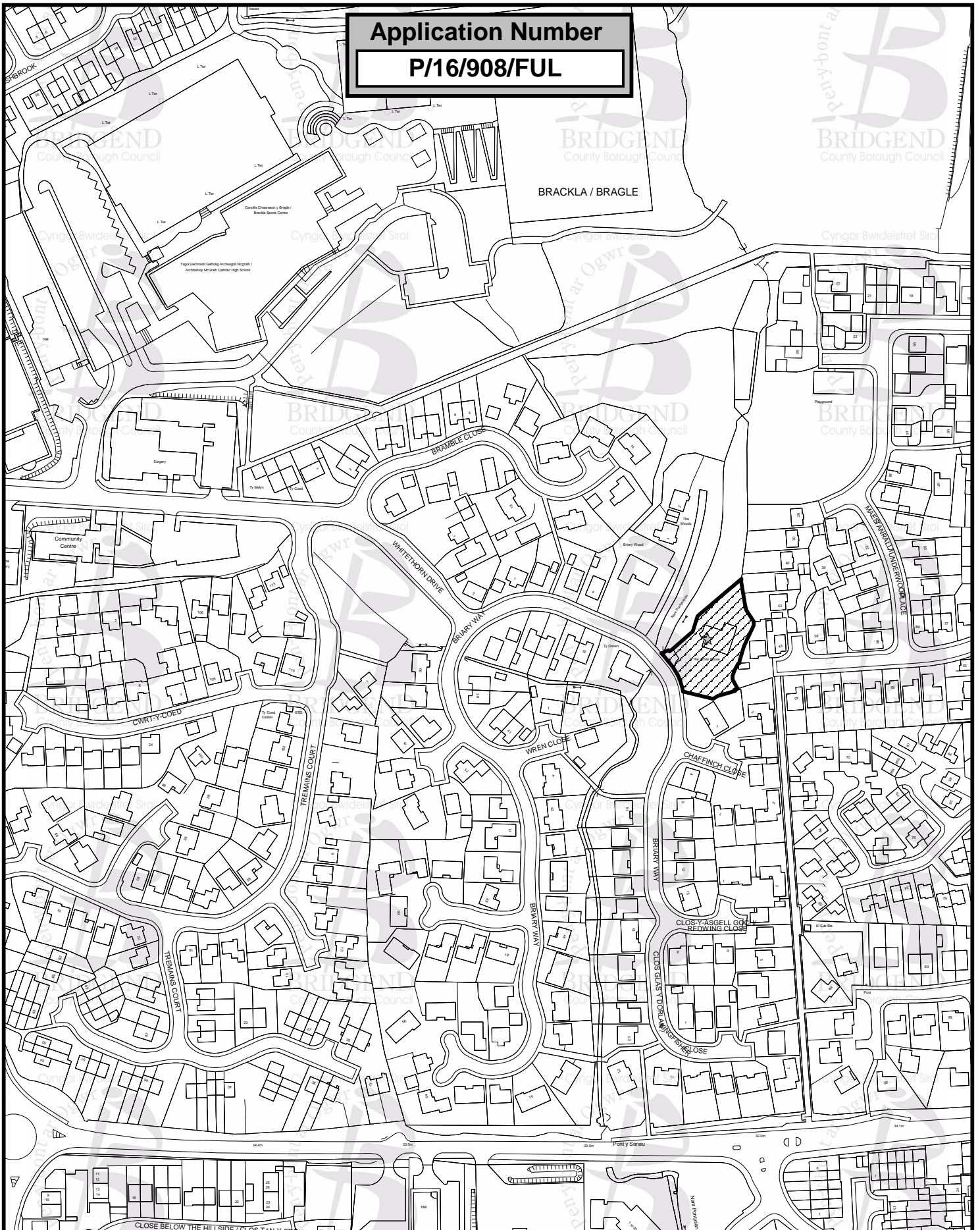
The application also seeks permission for the insertion of a new window in the roof space of the existing front west facing elevation of the property serving the communal room.

The ground floor will serve as a rebound room for the residents of the property which include a trampoline, and the first floor will become an extension to an existing bedroom.

Amended plans were received on 24 January 2017 with regard to a change in the proposed roof design of the extension. The proposed elevations and floor plans are shown below:

Application Number

P/16/908/FUL



BRACKLA / BRAGLE

BRIDGEND
County Borough Council

BRIDGEND
County Borough Council

Scale 1:2,500

Date Issued:
09/02/2017

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/
Committee DC Plan

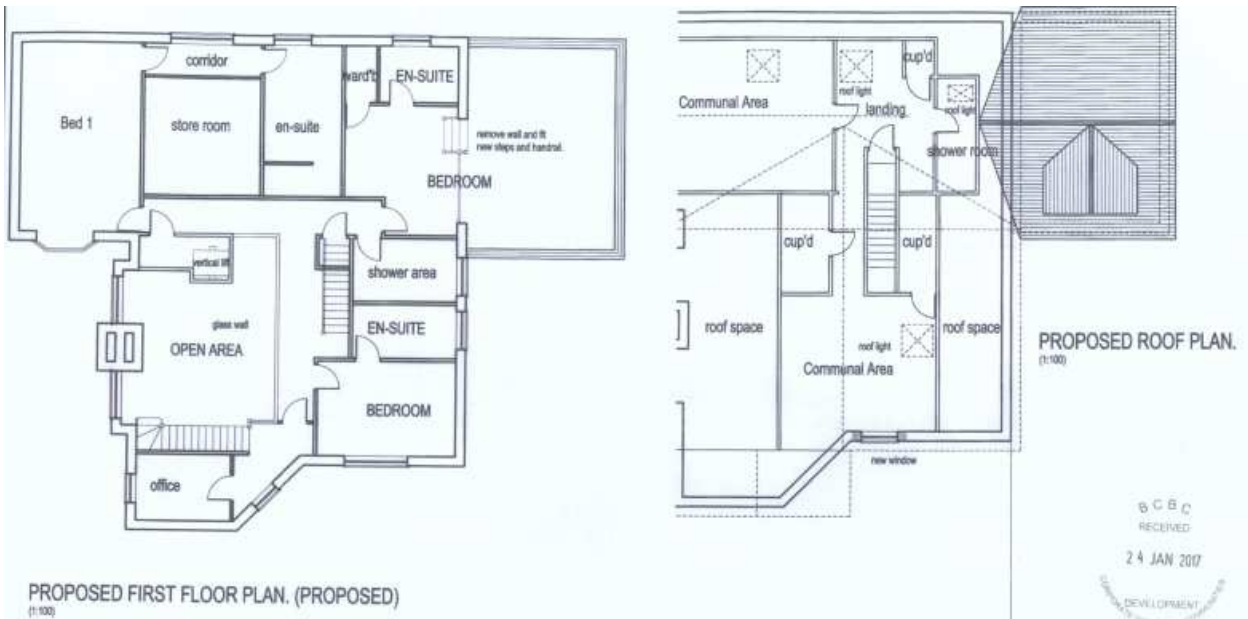
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Proposed Floor Plans:



Proposed Elevations:



RELEVANT HISTORY

P/16/636/RLX – REMOVE CONDITION 4 AND RELAX CONDITION 1 OF P/15/183/FUL TO ALLOW UPTO SEVEN RESIDENTS IN NEED OF CARE AT ANY ONE TIME - REFUSED – 16/11/2016.

P/16/635/FUL – SINGLE STOREY EXTENSION TO RESIDENTIAL CARE HOME – WITHDRAWN - 16/09/2016.

P/15/183/FUL – CHANGE OF USE OF EXISTING DWELLING TO RESIDENTIAL CARE HOME AND TWO STOREY EXTENSION – APPROVED+CONDITIONS – 12/06/2015.

P/14/634/FUL – RETROSPECTIVE APPLICATION FOR TREE HOUSE – RETROSPECT APPROVED – 24/10/2014.

P/14/806/FUL – TWO STOREY EXTENSION – APPROVED+CONDITIONS - 14/01/2015.

P/11/405/FUL – REGULARISE THE BOUNDARY WALL – RETROSPECTIVE APPLICATION+CONDITIONS - 08/08/2011.

P/09/645/FUL – PROPOSED RESIDENTIAL DEVELOPMENT (1 NO. DETACHED DWELLING) - APPROVED+CONDITIONS – 18/12/2009.

PUBLICITY

Neighbours have been notified of the receipt of the application.

The original period allowed for response to consultations/publicity expired on 9 December 2016. Re-consultation was undertaken on 25 January 2017 following the submission of an amended roof design. The extended period allowed for response to consultations/publicity expired on 8 February 2017.

CONSULTATION RESPONSES

Councillor H J Townsend submitted comments on 24 November 2016 requesting the application be reported to Developmental Control Committee for a decision. The plans include alteration to the parking arrangements and now include more vehicles than already passed previously and shows them parked over the roots of a protected tree. I would like a survey carried out on the tree and the impact parking on it will have. I would also like a highway survey carried out as the amount of cars at the property has now increased. I am also disappointed that this is now retrospective planning in the case of the extension and the developer has gone against the plans the DC committee had originally passed.

Councillor J C Spanswick originally submitted comments on 20 November 2016 requesting that the application be reported to the Development Control committee for further discussion prior to a decision being arrived at. I fail to understand why there are parking proposals for 9 cars included in this application and also Q.14 on the application has not been answered correctly. Basically there is a tree adjacent to the development with a TPO on it and this needs to be taken into consideration.

Further comments were received from Cllr J C Spanswick on 29 January 2017 following re-consultation on the amended plans. He stated that while the amended plans now show what appears to be an improved visual aspect to the side extension, he still has concerns in relation to the parking layout and drainage arrangements. In addition, the supporting document regards the land drainage (email copy 09.02.16) states that there is no watercourse within 20m of the development; he believes this to be incorrect. In addition, this whole application has become somewhat confusing to follow with various applications and amendments and needs to be reported to the Development Control committee in order to have a full understanding of what is proposed. He has also yet to

receive an independent report on the tree covered by the TPO on site and the effect of the parking on the tree root zone as proposed.

Welsh Water Development Services - no objection subject to standard condition and advisory notes.

Head of Street Scene (Drainage) – states that a review of the submitted plans notes that the extension is proposed on an area which is existing hardstanding and therefore it is considered that there will be no increase in surface run off.

REPRESENTATIONS RECEIVED

Initially, 4 letters of objection were received from the neighbouring properties and the concerns are summarised as follows:

- Proposed east elevation (as built) is showing a third skylight which would look directly at 44 Maes Tanrallt's living room;
- Sprinkler tank not shown on earlier plans;
- New plans not showing a lift which the original did include;
- The proposed elevation drawing 10 is not a full pitched roof and still maintains an element of a flat roof.
- This proposal has been submitted in order to maintain the existing wall height which is way higher than what was approved in P/15/183;
- Waste collection and restrictions;
- Maintenance and clearance of the stream's bank of debris;
- Visual impact of side extension from highway;
- Non-compliance with Council Policy;
- Impact on TPO Ash tree;
- Car parking arrangements

Following the re-consultation undertaken on 25 January 2017 regarding the amended roof design of the side extension subject of this report, two letters of objection have been received neighbouring properties. These concerns relate to:

- Proposed east elevation (as built) is showing a third skylight which would look directly at 44 Maes Tanrallt's living room;
- Drainage;
- Availability of tree report and sewer situation;
- Concerns over the addition of a further room to an already significant building;
- Obligation of LPA to give a decision by the 6th January 2017;
- No revised parking scheme provided showing 5 cars as approved;
- Insufficient detail regarding the details of the finish in particular the gable end of the proposed excessive extension which is basically the front elevation so far as the neighbours view from the road is concerned.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of concerns raised by the neighbouring properties and local ward members have been addressed in the appraisal section of the report. However, the concerns relating to sprinkler tanks, insertion of a lift, waste collection and maintenance of the stream bank are not material planning considerations. Also, the independent tree

report is available to be viewed online via the Council's website. An extension of time was agreed with the agent to extend the determination date until the 20th February 2017 in order to allow the application to be reported to the Planning Committee due to the concerns raised from the local member and neighbouring properties.

The proposed east elevation (as built) showing a third skylight does not form part of the proposals and has therefore not been assessed under this application.

The car parking arrangements at the site will be line with the plan approval to P/15/183/FUL which has already been implemented.

With regard to the proximity to a watercourse, a stream lies to the west of the site, within 20m of the site, however, Land Drainage have not raised any concerns about the impact of the development on the watercourse.

APPRAISAL

The application is referred to Committee at the request of the Ward Member and to enable consideration of the objections received from the local residents.

The application seeks to retain the existing footprint and size of the extension but proposes to remove the flat roof, increase the overall height and replace it with a pitched roof with a dormer inserted into the front (west) elevation of the roof. The application also proposes to insert a new window into the roof space of the front west facing elevation of the existing property.

The main issues to consider in this application is the impact on the character of the property and surrounding area, impact on the neighbouring residential amenities and impact on the protected Ash tree located within the application site.

Impact on the character of the property and surrounding area

The application site relates to a substantial detached property that has recently been converted to a residential care home. The property is set back from the main highway behind boundary walls and a gated access. Currently, a side extension has been built with a flat roof on site, but this is unauthorised. Planning permission was granted for a single storey side extension under P/15/183/FUL however, the extension was not built in accordance with the approved plans. Therefore, in order to retain the extension, the applicant has applied to retain the size and footprint of the extension but increase the overall height and alter the roof design.

The proposed roof design, size, scale and materials to be used are considered acceptable as it now reflects the existing design of the house and the insertion of the dormer is in keeping with similar developments located within the surrounding area. It is considered that, whilst the proposed extension is much higher and slightly more visible from the main highway, the overall design reflects that of the previous scheme approved under P/15/183/FUL. Due to the site location, the extension is considered to sit well within the site, appears subservient to the main large building and does not have a significant adverse impact on the character of the property or on the surrounding area. It is also considered that the insertion of a new window into the roof space of the front west facing elevation of the property is acceptable as it is also considered that it will not have a significant adverse impact on the character of the property or on the surrounding area.

Accordingly, it is considered that the proposed development is acceptable in terms of the above and accords with Policies SP2 (2) and SP2 (3) of the Bridgend Local Development Plan and SPG02: Householder Development.

Impact on neighbouring residential amenities

As stated above, the existing side extension sits well within the site and is set back from the main road. It is considered that the extension does not have an adverse impact on any neighbouring properties due to its set back and side location. The proposed dormer and new window will overlook the parking area/driveway located at the front of the building and the residential properties located to the rear of the site are positioned at a much higher level than the application site which will negate overlooking or privacy issues. There are also no windows proposed to be inserted in the rear elevation of the proposed extension however, it is considered necessary to attach a condition which prevents any further windows being inserted into the extension subject of this report. Located to the east of the site is the main highway and to the west of the site is a stream.

The proposed side extension and insertion of new window is considered to have a sufficient separation distance from any of the surrounding residential properties and it is, therefore, considered that the proposed development will have no adverse impact on the neighbouring properties and accords with Policy SP2 (12) of the Bridgend Local Development Plan and SPG02: Householder Development.

Impact on the protected Ash Tree

A number of concerns have been received regarding the impact of the extension on the condition of the existing Ash tree which is protected by Tree Preservation Order (1988) OBC No 6 (92) which is located in the front garden/parking area of the property.

In order to address these concerns, the Council instructed CWA – Landscape Architects to undertake an independent tree survey which included a full assessment of the health and condition of the tree and to determine if the side extension, subject of this report, is having a detrimental or adverse impact on the protected tree. The assessment was undertaken on 20 December 2016 and assessed the height, width and canopy of the tree with particular reference to the distance from the extension to the tree and whether it is having an adverse impact on the tree. The report has been prepared in accordance with the relevant legislation and guidance. The report concludes that the tree is in reasonably good condition with no visible signs of die back in its crown. There is evidence of a small decayed wound at 3m height where a limb had existed but it appeared to have been torn off by storm damage. However, this is not considered a serious problem at this stage but should be monitored.

It is considered that the Ash tree referred to shows no visible signs of having been adversely affected by the adjacent residential care home or the retaining wall. Consequently, the assessment concluded that there was no evidence to suggest that the extension of the residential care home or retaining wall was having any adverse impact on the protected Ash tree located within the application site.

CWA Landscape Architects have confirmed that the use of "Grasscrete" concrete paving in such circumstances is common practice for the following reasons:-

(1) "Grasscrete" distributes any loading from vehicles within the parking zone over a wider area, thereby reducing the risk of soil compaction and resultant root plate damage to any adjacent trees. This may have arisen however if parking under the tree had been allowed with no such paving being provided.

(2) Grasscrete's design consists of a framework of concrete paving which has a large percentage of hollows within it, which are filled with soil. This allows rain and nutrients to pass through the perforated structure thereby feeding its canopy and ensuring its future. It also allows grass to grow through which provides a much more environmentally acceptable appearance.

(3) Consequently, CWA do not consider the paving described above to have had or is likely to have in the future any adverse effect on the protected tree at The Whitehouse.

When CWA undertook their inspection of the tree, no evidence was found of damage or die back in its canopy which could be attributed to the paving referred to. Deadwood may become apparent within the canopy of this tree in future and will from time to time have to be removed, but this is common in mature trees and in this case is unlikely to have arisen from damage to its root plate.

As the development has already been undertaken on site, and due to the distance of the protected tree and its canopy from the extension subject of this report, it is not considered necessary to attach a condition regarding any tree protection scheme for the ash tree during the construction of the roof.

Notwithstanding the above, it is worth noting that the parking of vehicles on or near a tree is not development as defined in the Planning Acts and, as such, lies outside the control of the Local Planning Authority. As it stands the occupier of this property could legitimately park anywhere within the curtilage without any consent. It is also worth noting that the area located around the tree, on which the cars are parked has been surfaced in grass-crete which allows for sufficient water to be received by the tree. The tree therefore, still enjoys protection under the TPO and any deliberate damage would be a criminal offence. At present there is no evidence to suggest that this is the case.

Other Matters

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

Also, given the nature of the development, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant Local Development Plan policies."

CONCLUSION

The application is recommended for approval as the development complies with Council policy and guidelines and will not adversely impact on the character of the property, visual amenity, privacy nor so significantly harm the residential amenities of the neighbouring properties or the health and condition of the TPO Ash tree to warrant refusal of the scheme.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents: Drawing No. 01 REV A received on 11 November 2016 in so far as it relates to siting of the extension, amended plans Drawing No. 8 and Drawing No.13 received on 24 January 2017 and the CWA Tree Survey dated 20 December 2016.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. The materials to be used in the construction of the external surfaces of the approved extension shall match those used in the existing building.

Reason: To secure the maximum degree of unity between existing and proposed development so as to enhance and protect the visual amenity of the area.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no windows, other than those approved shall be inserted into the development hereby permitted.

Reason: To safeguard the privacy of adjoining occupiers.

4. Within 3 months of the date of this consent, a scheme for the comprehensive and integrated drainage of the site, showing how roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The scheme thereafter shall be implemented in accordance with the agreed details.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

5. Notwithstanding Condition 1 above, the car parking arrangements at the site will be carried out in accordance with the approved parking layout under planning permission P/15/183/FUL. (Drawing No. HCL/15/06 received on 14 May 2015)

Reason: To ensure adequate off street parking is provided in the interest of highway safety.

6. Notwithstanding the submitted details and prior to their use in the construction of the dwellings hereby approved, details of the materials for the external finishes including samples to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS:

- a. The application is recommended for approval as the development complies

with Council policy and guidelines and will not adversely impact on the character of the property, visual amenity, privacy nor so significantly harm the residential amenities of the neighbouring properties or the health and condition of the TPO Ash tree to warrant refusal of the scheme.

- b. No further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- c. A drainage layout showing additional systems to drain the car parking area should be submitted to satisfy the drainage condition.
- d. 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
- e. The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water (DCWW) 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. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None