

REFERENCE: P/19/59/FUL

APPLICANT: Mr C Morris Delfryn, Heol Las, Mawdlam, CF33 4PH

LOCATION: Delfryn Heol Las Mawdlam Bridgend CF33 4PH

PROPOSAL: Change of use to holiday let above triple garage; alterations to approval P/16/539/FUL to include alterations to glazing, entrance door and roof finish to rear.

RECEIVED: 25th January 2019

SITE INSPECTED: 19th February 2019 & 7th March 2019

This application was deferred from the Development Control Committee on 28 March 2019 to allow for a site visit to be undertaken on the morning of Wednesday 8 May 2019 – the full Committee site visit was requested by Cllr R Granville and Members voted in favour of a site visit. The details of the site visit (attendees and findings) will be summarised as part of the amendment sheet produced in advance of the DC Committee meeting.

Reproduced below is the original report including the same recommendation and conditions:-

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks to regularise unauthorised alterations to a previous planning application approved on 31 August 2016 under planning application reference P/16/539/FUL.

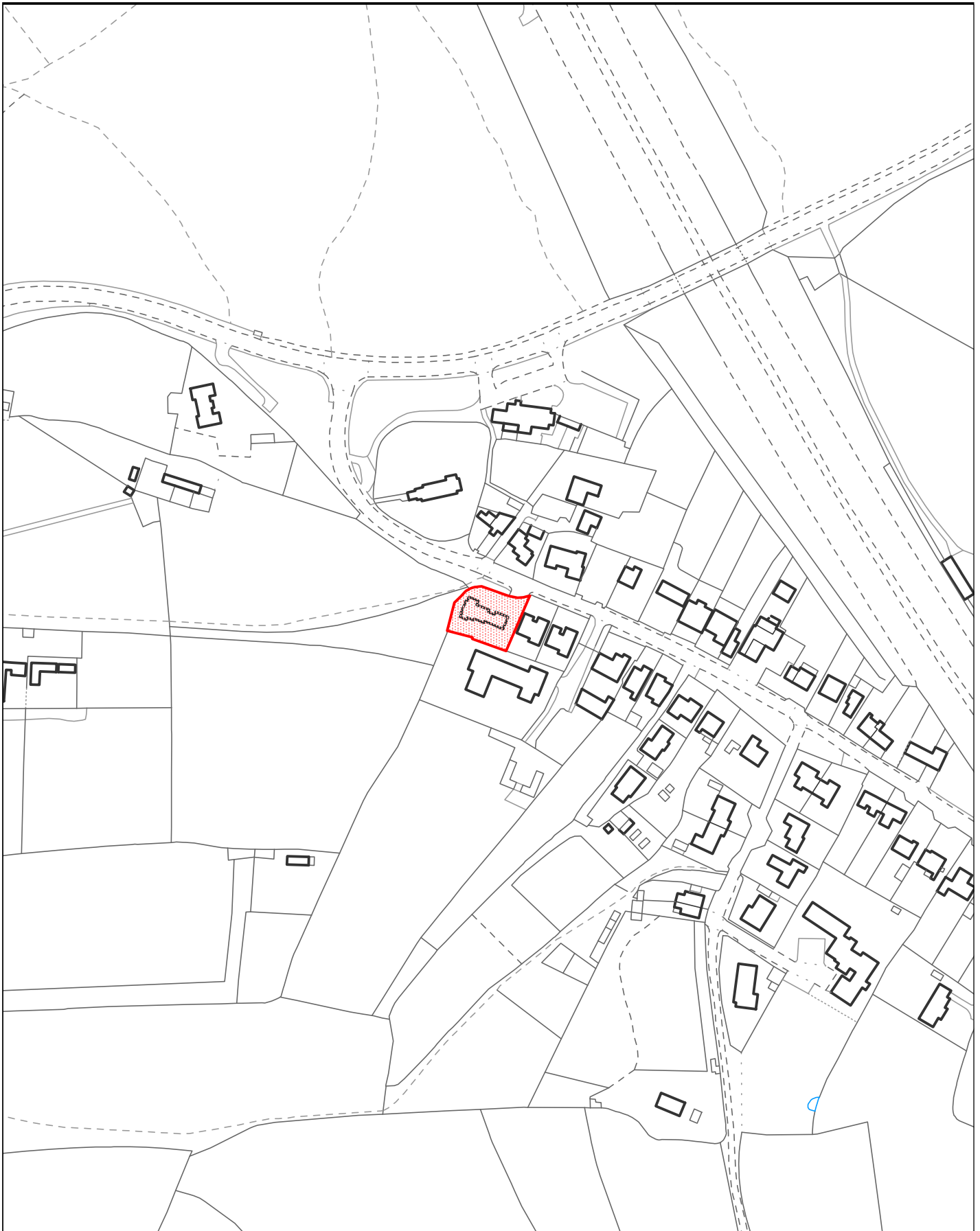
The alterations include the following:

- Alteration to approved roof pitch;
- Change in glazing size at first floor level on the front elevation of the garage;
- Replacement of approved balcony on rear elevation with glazing;
- Installation of two windows on the side elevation at first floor level to serve bedroom one and the ensuite;
- Alteration of entrance to first floor accommodation.

In addition to regularising the alterations mentioned above, the application seeks full planning permission for the change of use of the first floor area above the triple garage into one unit of holiday accommodation. The accommodation will provide one double bedroom, one single bedroom and bathroom with living room and kitchen area. It is self-contained and can only be accessed from the existing access point on the north facing elevation of the property.

SITE DESCRIPTION

The application site is located within the Small Settlement of Mawdlam, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). The site is bordered to the west by open countryside which is demarcated as a Green Wedge, known as Kenfig and Mawdlam, under Policy ENV2(12) of the Local Development Plan (2013).



Cyngor Bwrdeistref Sirol
 Pŵl-pobol-ar-Obwr

BRIDGEND COUNTY BOROUGH COUNCIL


COMMUNITIES DIRECTORATE

Mark Shephard
 Corporate Director - Communities

Civic Offices
 Angel Street
 Bridgend CF31 4WB
 Telephone (01656) 643643

P/19/59/FUL

**Delfryn
 Heol Las
 Mawdlam**



Scale 1 : 2,500

Date 21/03/2019

©Crown Copyright and database right 2018. Ordnance Survey 100023405.

Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011. Copyright Getmapping plc

Countryside Council for Wales. ©Crown Copyright and database right 2011. Ordnance Survey 100018813.

Forestry Commission. ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

The site comprises a substantial detached, two storey dwelling with triple garage and room above. It faces north east and is positioned within the centre of the relatively large residential plot. The property benefits from a relatively large residential plot which has a private amenity space at the rear. The amenity space at the front of the property is partly tarmacked and used as a driveway. The land slopes gradually downwards from west to east and the garage is set down from the host dwelling.

The site lies within an established residential area which is characterised predominantly by a mix of house types, including bungalows, semi-detached and detached dwellings of varying design and appearance. There is no uniformity within the streetscene and therefore no defined character.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/16/539/FUL	Additional third garage attachment to existing double garage with room over below a pitched roof, addition of an entrance porch to main entrance door	Conditional Consent	31/08/2016

PUBLICITY

This application has been advertised through direct neighbour notification. A total of five letters of objection have been received from the residents of the following neighbouring properties:

- Ty Llan, Heol Las, Mawdlam;
- Ivy Cottage, Heol Las, Mawdlam;
- Carreg Lwyd, Heol Las, Mawdlam;
- Gwynfryn, Heol Las, Mawdlam
- The Corners, Heol Las, Mawdlam.

The objections are summarised below:

Retrospective Application

1. The objections refer to the planning application being retrospective and mostly state that the applicant intended from the outset to use the first floor of the garage as a holiday let. Several objections state that the applicant has previously operated the first floor of the garage as a holiday let facility which is detrimental to the character of the village of Mawdlam.
2. The objections refer to the approved office and stipulate that the office was never built in accordance with the planning permission because the first floor was fitted as living quarters to be used a holiday let.

Use as a Holiday Let

3. The letters received which oppose the development all refer to the use of the property as a holiday let, stating that the introduction of a holiday let business premises sets a precedent for future planning applications.

Highways

4. Each objection received refers to highway safety and raises concern about on-street car parking within the vicinity of the application site given the lack of availability of off-street car parking facilities.

5. Concerns are also raised about the increase in the volume of traffic that will be permitted if this application is deemed acceptable.

Materials

6. Some letters of objection refer to the materials used in the finish of the extension approved under planning application reference P/16/539/FUL. They state that the materials are not in keeping with the village of Mawdlam and are detrimental to the character of the village.

Noise

7. One letter of objection refers to the impact of the proposed development on noise, stating that “the Angel Pub has a shortcut route opposite and people walking to and from the pub already create noise and now potentially with an extra 2-4 people (at any one time) using Delfryn as a holiday let...coming and going and then residents changing would add to the noise levels”. Concerns are raised about the increase in noise and anti-social behaviour within the village of Mawdlam.

Privacy and Security

8. The letters of objection refer to the ‘as-built’ alterations to the approved garage under planning application reference P/16/539/FUL and state that the alteration in the size of the windows and introduction of two windows on the side elevation impact the levels of privacy afforded to neighbouring occupier(s).

COMMENTS ON REPRESENTATIONS RECEIVED

Retrospective Application

1. The comments relating to the unauthorised use as a holiday let are acknowledged, however they cannot be considered as a material consideration in the determination of this planning application. If a breach of planning control has taken place, the intention of the applicant should be to remedy the effects of the breach. In this case, the correct approach has been taken by the applicant who has applied for retrospective planning permission to try to regularise the unauthorised alteration of the approved planning consent (reference P/16/539/FUL). The retrospective element of the proposal will be considered against the relevant policies and supplementary planning guidance and the acceptability of the overall scheme will be assessed on its own merits.
2. Planning permission reference P/16/539/FUL permitted the erection of an “additional third garage attached to existing double garage with room over below a pitched roof with additional entrance porch to main entrance door”. The first floor element of the approval did not specify an internal layout and therefore the use of the first floor as living accommodation is permissible. The matters raised in the letters of objection which relate to the office being used as a holiday let are therefore disregarded.

Use as a Holiday Let

3. Each planning application received is considered on its own merits and, therefore, any future applications for holiday lets within Mawdlam will be considered in accordance with the relevant planning policies and supplementary planning guidance.

Highways

4. The matters raised which relate to sufficient off-street car parking facilities are addressed in the appraisal section of the report.

5. The concerns of the local residents with regard to the increase in vehicular traffic into the village are noted however, it is considered by the Highway Authority that, in the main, Heol Las can accommodate any increase in traffic generated by the proposal.

Materials

6. The materials installed on the extension approved under planning application reference P/16/539/FUL are not a matter for consideration in the determination of this planning application and, therefore, will not be addressed further.

Noise

7. The impact of the development on privacy and amenity will be considered in the appraisal section of the report however, it is important to note that noise is a statutory nuisance, and is regulated by other statutory bodies (Shared Regulatory Services) under The Environmental Protection Act 1990, The Noise and Statutory Nuisance Act 1993, The Noise Act 1996 and The Licensing Act 2003 and can therefore be dealt with separately and outside of the planning remit.

Privacy and Security

8. The matters raised which relate to overlooking and privacy will be addressed in the appraisal section of the report.

CONSULTATION RESPONSES

CONSULTEE

CLlr R Granville
14 February 2019

COMMENTS

Objects to the proposal on highway safety grounds.

RELEVANT POLICIES

The relevant policies and supplementary planning guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy PLA11	Parking Standards
Policy SP11	Tourism

Supplementary Planning Guidance 02	House Extensions
Supplementary Planning Guidance 17	Parking Standards

In the determination of a planning application, regard should also be given to the local requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

Planning Policy Wales Edition 10	
Planning Policy Wales TAN 12	Design
Planning Policy Wales TAN 13	Tourism
Planning Policy Wales TAN 18	Transport
Planning Policy Wales TAN 23	Economic Development

APPRAISAL

This application is referred to the Development Control Committee due to the number of objections received, including one from the Local Ward Member.

PRINCIPLE OF DEVELOPMENT

The application site lies within the Small Settlement of Mawdlam, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). Policy COM3 of the Local Development Plan (2013) states the following:

Residential developments within settlement boundaries defined in Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use.

The proposal is considered to be compliant with Policies PLA1 and COM3 of the Local Development Plan (2013) and is therefore considered to be acceptable in principle.

In addition to the above, Policy SP11 is also relevant. Policy SP11 refers to tourism and states that *appropriate tourism developments which promote high quality accommodation... will be permitted.* The Development Policy Section consider that the change of use to a holiday let is acceptable in policy terms and as such its introduction is acceptable in principle.

DESIGN

Policy SP2 of the Local Development Plan (2013) states *all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.* Design should be of the highest quality possible and should be appropriate in scale, size and prominence”.

The alterations to the approved planning permission (P/16/539/FUL refers) comprise the following:-

- Alteration to approved roof pitch;
- Change in glazing size at first floor level on the front elevation of the garage;
- Replacement of approved balcony on rear elevation with glazing;
- Installation of two windows on the side elevation at first floor level to serve bedroom one and the ensuite;
- Alteration of entrance to first floor accommodation.

Given the lack of uniformity within the streetscene and mix of dwelling types that vary in size, scale, character and appearance within the vicinity of the application site, the alterations of the approved garage are considered to be acceptable from a design perspective.

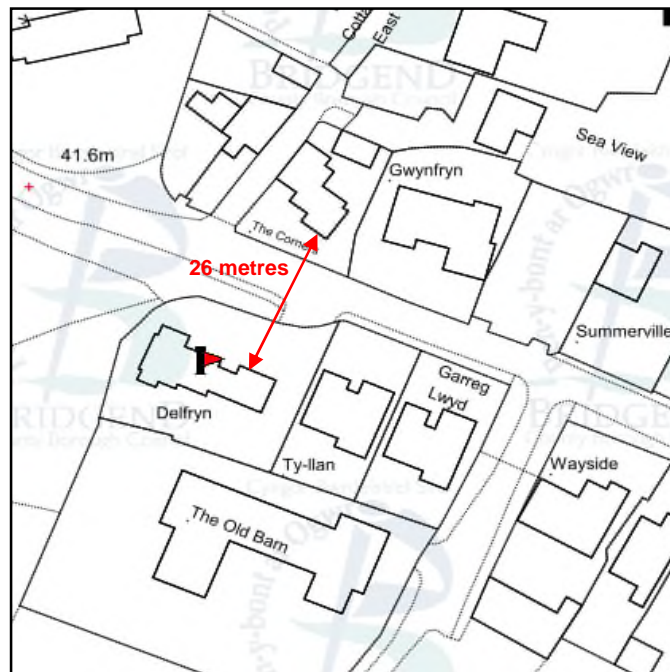
The alterations are not considered to be so detrimental to the character or appearance of the approved garage to warrant a refusal on such grounds and therefore the proposed alterations are considered to be appropriate in size, scale and prominence, in compliance with Policy SP2 of the Local Development Plan (2013).

NEIGHBOUR AMENITY

The occupier(s) of the neighbouring property “The Corners” have raised concern about the alteration of the glazing on the front of the garage, stating “the very large window situated at the front of the holiday let, in its master bedroom, looks directly into our child’s bedroom...[which is]...an alarming invasion of privacy given the proposed purpose of this building”.

Although Supplementary Planning Guidance Note 02 (SPG02) relates to household development, it is considered that the principles are applicable in this instance.

Note 6 refers specifically to privacy and states that development should respect the privacy of neighbouring houses. According to Note 6 the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21 metres. The window serving bedroom one at first floor level is not considered to overlook the property to the north east, given the distance between the properties is 26 metres and the fact that they are separated by a highway as shown below:



The increase in size of the first floor window on the front elevation of the garage is not considered to worsen the existing levels of privacy afforded to the occupier(s) of the property known as The Corners and therefore the proposed alteration in the size of the glazing is considered acceptable from an amenity perspective.

In addition to the above, concerns are raised by the occupier(s) of the property to the east of the application site, known as Ty Llan, which relate to the unauthorised installation of two windows at first floor level on the side elevation of the garage approved under planning application reference P/16/539/FUL. The windows serve the bedroom and bathroom.

An obscurely glazed window is installed in the side elevation of Ty Llan which serves a bathroom, which is not a habitable room. Whilst it is acknowledged that the windows in Delfryn directly face the western elevation of Ty Llan, it is considered that any form of overlooking could be addressed by requiring the windows to be obscurely glazed. The primary outlook of the application site is to north and south and the windows on the side elevation do not serve rooms that will be used continuously, however, to ensure the concerns raised by the occupier(s) of Ty Llan are addressed, a condition will be imposed to secure obscure glazing in these windows.

The alteration to the rear glazing at first floor level will not overlook The Old Barn, positioned to the south of the application site. Departmental records confirm that the windows in the northern elevation of the property do not serve habitable rooms and therefore the alteration in the glazing is considered to be acceptable from an amenity perspective.

HIGHWAYS

Significant objections which relate to pedestrian and highway safety have been raised by the occupier(s) of neighbouring properties and Cllr R Granville. The concerns relate to the increase in the volume of traffic caused by the change of use to a holiday let, insufficient off-street parking provision and the subsequent increase in on-street parking and the lack of a public footpath through the village of Mawdlam.

The Transportation, Policy and Development Section notes the concerns of the local residents with regards to the increase in vehicular traffic into the village of Mawdlam however, it is considered that Heol Las can accommodate the traffic generated by the proposal and the change of use to a holiday let will not cause a significant detriment to the free flow of traffic within the village of Mawdlam given the location of the application site on the western boundary of the settlement.

With regards to off-street parking provision, it is considered that this proposal will result in an increase in vehicles entering and exiting the property and, therefore, to ensure that the drive can accommodate two-way traffic and that vehicles associated with the holiday let are not waiting on the highway, it is recommended that a condition is imposed to widen the driveway access of the application site.

It is acknowledged that on-street parking would have the effect of narrowing Heol Las to the detriment of the free flow of traffic and to emergency service vehicles accessing the village and, therefore, it is considered imperative in this location to secure appropriate off-street parking provision. To ensure this can be accommodated at the application site, the Transportation, Policy and Development Section has requested the imposition of a planning condition which requires a scheme for the provision of six off-street car parking spaces to be provided, prior to the commencement of development. The scheme should provide for three off-street car parking spaces to serve the host dwelling and three to serve the proposed holiday let.

The objections raised which relate to the lack of a public footpath through the village of Mawdlam are noted, however, not all land required for the installation of footpaths is within the ownership or control of the Highway Authority or the applicant and this must be taken into consideration when assessing the planning application.

This application has the potential to increase pedestrian footfall to public transport, the nearby public house or church and the village of Mawdlam. Given that the proposal promotes tourism, it is recognised that tourists will explore the local area and the lack of a contiguous footway raises some concern, particularly given that holiday makers are likely to be unfamiliar with the area. In order to address this concern, warn other road users of pedestrian activity, to promote active travel and to encourage walking for short journeys, it is recommended that a planning condition is imposed. The suggested planning condition requires the provision of signage which indicates that pedestrians are walking in the road and also requires the provision of coloured surface treatment to extend from the end of the footway adjacent to the church to the re-commencement of the footway adjacent to Delfryn.

Welsh Government Circular 016/2014 entitled "*The Use of Planning Conditions for Development Management*" (October 2014) states at paragraph 3.1 that "conditions should be necessary, precise and enforceable, ensuring that they are effective and do not make unjustifiable demands of applicants."

Given the advice provided by Welsh Government, it is considered that the request for the provision of coloured surface treatment is not reasonable or proportionate, given the

limited scale of development. Whilst the advice of the Transportation, Policy and Development Section is noted, the condition will be amended to read as follows:

No development shall commence until a scheme for the provision of a signage scheme indicating that pedestrians are walking in the road has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development is brought into beneficial use and shall be retained in perpetuity thereafter.

Reason: In the interests of highway and pedestrian safety and meet the requirements of the Active Travel Act 2013.

Subject to the imposition of the recommended planning conditions, the proposed development is considered to be compliant with Policy PLA11 of the Local Development Plan (2013) and is therefore acceptable from a highway safety perspective.

Section 3 of the Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty 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.

CONCLUSION

The proposal is considered to be compliant with Policies PLA1, COM3 and SP11 of the Local Development Plan (2013) and is therefore considered to be acceptable in planning terms. The alterations undertaken are not considered to be so detrimental to the character and appearance of the host dwelling or wider residential area to warrant a refusal on such grounds and the proposal is considered to be acceptable from a design perspective.

Subject to the imposition of a planning condition which requires the additional windows on the side elevation of the garage to be obscurely glazed, the objections raised by local residents and the Local Councillor which relate to neighbour amenity have been addressed in the report. No objection is raised by the Transportation, Policy and Development Section, subject to the inclusion of the recommended planning conditions, and, therefore, the proposal is considered to be acceptable from a highway safety perspective and is compliant with Policy PLA11 of the Local Development Plan (2013).

The application is recommended for approval, subject to the following planning conditions and informative notes:

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 received 25 January 2019 - Site Location Plan and drawing number CM/COU/001.

Reason: To comply with Section 73A of the above Act.

2. The windows on the side elevation of the garage, serving bedroom one and the ensuite at first floor level, and as shown on drawing number "CM/COU/001" received 25 January 2019, shall be fitted with obscure glazing to a minimum of Level 5 on the Pilkington index of obscurity. The windows shall be fitted prior to the beneficial use of the holiday let hereby approved commencing and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

3. The first floor above the triple garage shall be used for holiday accommodation only and for no other purposes (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the Local Planning Authority retains effective control over the use of the holiday let and to prevent the holiday accommodation being used as permanent residential accommodation.

4. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: To ensure the Local Planning Authority retains effective control over the use of the holiday let and to prevent the holiday accommodation being used as permanent residential accommodation

5. The ground floor (triple garage) shall be used only for the garaging of private vehicles and for no other purpose whatsoever, including the carrying out of a trade or business.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site and to safeguard the character and amenity of the area.

6. No development shall commence until a scheme for the provision of signage, indicating that pedestrians are walking in the road, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development is brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway and pedestrian safety and meet the requirements of the Active Travel Act 2013.

7. No development shall commence until a scheme for the provision of 6 off street parking spaces (3 for the dwelling and 3 for the holiday let) has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be implemented as agreed in permanent materials before the development is brought into beneficial use and retained for parking purposes thereafter in perpetuity.

Reason: In the interests of highway safety.

8. No development shall commence until a scheme for the widening of the driveway access of Delfryn to 3.65 metres has been submitted to and agreed in writing by the Local Planning Authority. The widened access as agreed shall be implemented before the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway safety.

9. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas of site frontage at any time.

Reason: In the interests of highway safety.

10. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

The proposal is considered to be compliant with Policies PLA1, COM3 and SP11 of the Local Development Plan (2013) and is therefore considered to be acceptable in planning terms. The alterations undertaken are not considered to be so detrimental to the character and appearance of the host dwelling or wider residential area to warrant a refusal on such grounds and the proposal is considered to be acceptable from a design perspective. Subject to the imposition of a planning condition which requires the additional windows on the side elevation of the garage to be obscurely glazed, the objections raised by local residents and the Local Councillor which relate to neighbour amenity have been addressed in the report. No objection is raised by the Transportation, Policy and Development Section, subject to the inclusion of the recommended planning conditions, and, therefore, the proposal is considered to be acceptable from a highway safety perspective and is compliant with Policy PLA11 of the Local Development Plan (2013).

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers

None