

**REFERENCE:** P/22/535/RLX

**APPLICANT:** Mr G Hooper: 39 Hunters Ridge, Brackla, Bridgend CF31 2LH

**LOCATION:** 39 Hunters Ridge, Brackla, Bridgend CF31 2LH

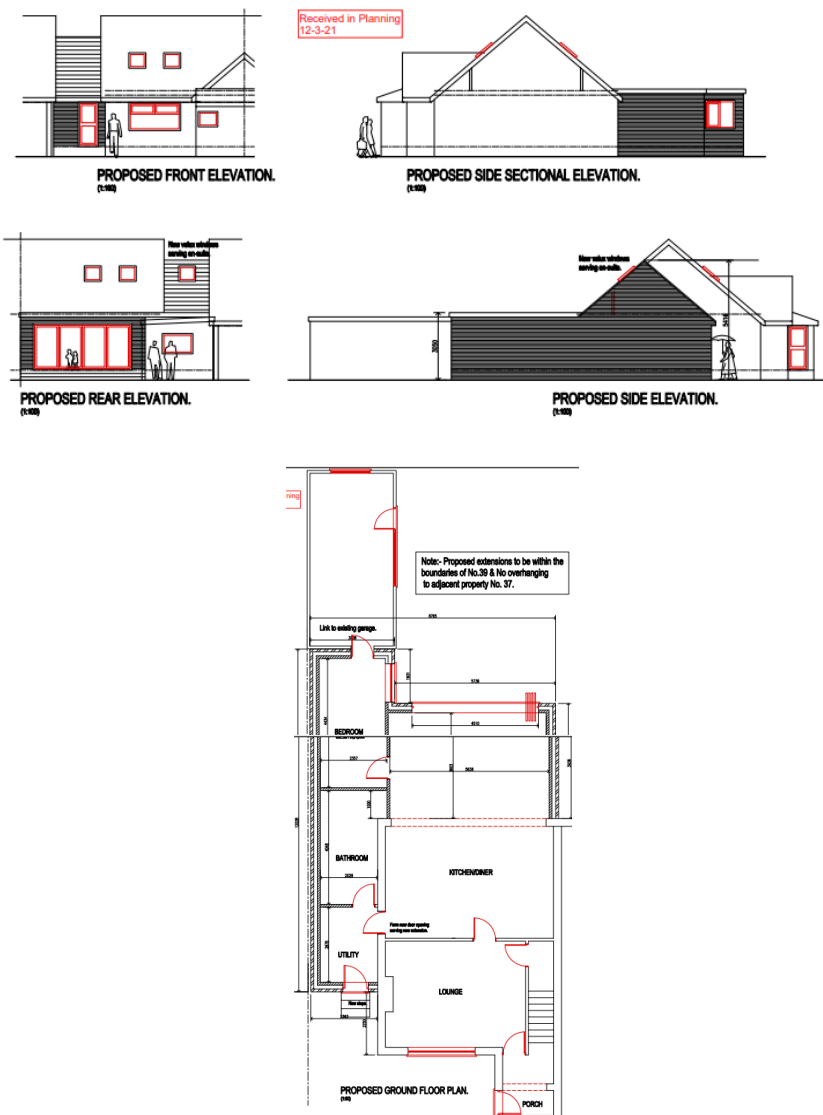
**PROPOSAL:** Variation of condition 1 of P/21/44/FUL to reflect existing changes and proposed alterations to single storey extension; erection of fence panels

**RECEIVED:** 2 August 2022

### DESCRIPTION OF PROPOSED DEVELOPMENT

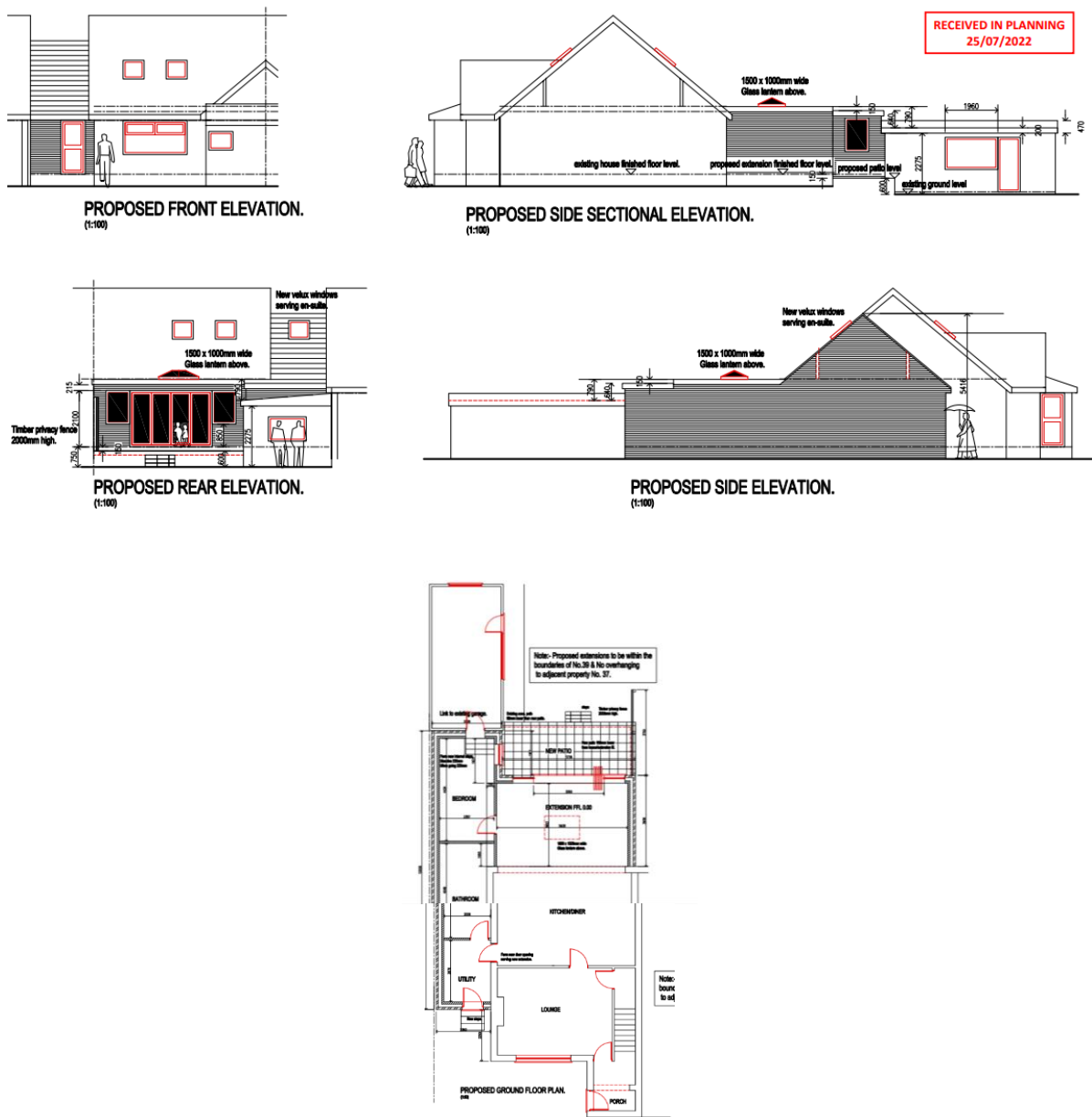
This application seeks to amend the plans as approved under the previous consent (P/21/44/FUL) to regularise the works that have been carried out and to agree changes to limit the impact of the development on the neighbouring occupiers at 37 (37 and 38 Hunters Ridge has been combined into one property) and the adjoining semi-detached property at 40 Hunters Ridge.

The new application and amendments were sought following an Enforcement complaint about the works not being carried out in accordance with the approved plans and after realising that the proposed plans did not match the situation on site in terms of site levels. The original approval related to a single storey side and rear extension and the approved plans were as follows:



**Fig. 1 – Scheme as Approved under P/21/44/FUL**

The partially substantially completed and proposed plans are as follows:



**Fig. 2 – Scheme as Proposed**

The side and rear extension will project from the northern (side) elevation and eastern (rear) of the existing dormer bungalow and will provide a larger kitchen/dining room, a relocated bathroom, a new utility room and a bedroom at ground floor level and a new ensuite bathroom in the roof space serving bedroom two.

The flat roof extension to the rear will incorporate two sections to step down to the level of the existing outbuilding. It will also incorporate a roof lantern and the rear bi-fold doors will step down to a proposed patio level. New internal steps will provide covered access between the new bedroom and the outbuilding. A new door will allow access from the front (west) of the property to the utility room and a rooflight will be incorporated into the rear (east) facing roofslope of the ensuite element.

In order to protect the privacy of the adjoining occupier's private garden area from being overlooked from the bi-fold doors and patio area (and the ground floor bedroom window opposite), it is proposed to erect a 2m high fence along the boundary with 40 Hunters Ridge to the south for a distance of 3.7m from the rear wall.

## SITE DESCRIPTION

The application site lies within the Primary Key Settlement of Bridgend as defined by Policy PLA1 of the adopted Local Development Plan (2013). It comprises a semi-detached bungalow with three bedrooms in the roofspace. The property lies on the eastern side of Hunters Ridge, to the south of 37 Hunters Ridge and to the north of 40 Hunters Ridge.



**Fig. 3 – Site Location Plan**

The property is located within a residential area where properties are generally of the same character and appearance with some having been altered and extended over time, including Nos. 37 and 38 to the north of the site, as shown below:



**Fig. 4 – Streetscene View from August 2009**

## RELEVANT HISTORY

P/21/44/FUL - Single storey side rear extension – Approved 29/3/21

### Other relevant Planning History:

*37 Hunters Ridge*

P/06/1027/FUL - Renewal of existing retaining wall - Retrospective Application.  
Approved 11/10/06

P/06/1263/FUL – Conservatory to rear.  
Approved 05/12/06

P/07/995/FUL - Double two storey extension to rear & two storey extension to side.  
Approved 05/11/07

P/08/344/FUL - Proposed extension and alterations.  
Approved 09/06/08

## **PUBLICITY**

This application has been advertised through direct neighbour notification.

Letters of objection were received from the occupiers of 25, 37, 40, 43, 61 and 72 Hunters Ridge.

The properties which object to the scheme are highlighted in the site location map above (Fig. 3). The two other objector's properties (25 and 72) are not close enough to be indicated on the map.

A summary of the objections is as follows:

- The structure is an over development of the site.
- The structure is over bearing and adversely affects light.
- It results in the appearance of terrace housing.
- It is not in keeping with the surrounding area.
- It reduces the amenity of the adjoining properties and neighbourhood in general.
- It is in breach of the Town and Country Planning Act (1990) and fails to comply with the Wellbeing of Future Generations Act (2015).
- The process of a Section 73 submission should be appropriately used to address needs and necessity in variation of conditions prior to the structure being built, or prior to changes or alterations being made. It is not designed to be used as a retrospective planning permission application.
- The size and volume of the development is disproportionate to the original size of the property.
- It fails to meet the objectives of SPG02 (Notes 1, 2, 3, 4, 6, 10, 11,12, 16, 19).
- The second door present on front of the property does not match the surrounding area both in terms of position or height as a result of the drive being built up by a level of 17cm.
- The presence of a separate entry, utility (kitchen) bathroom and bedroom lends itself to be used as a separate dwelling.
- It has been described by residents as an "Eyesore and "Awful" followed with the question of "Why would anyone want that!"
- The size and shape of the front elevation makes the structure highly prominent.
- The current proposal would result in an increase in ground floor space of approximately 126%, would incorporate over looking windows, and is not designed with consideration of its naturally elevated position.
- The lack of appreciation of the slope of the land means that it is imposed and clearly elevated from both the front and the rear.
- The North wall of the structure will sit on and over the line of boundary at both 37 and 40 Hunters Ridge resulting in the structure over shadowing habitable rooms.
- This is clearly a two storey development that should be stepped back from the side boundary by 50cm.
- There is no 9.8cm gap between the northern wall and 37 Hunters Ridge.
- The development results in oversailing both at 37 and 40 Hunters Ridge and would also limit the potential for extending the adjacent property.
- The design of the rear south section of the extension extends to approximately 3 inches from the boundary at 40 Hunters Ridge (and the current structure that is subject to the section 73) with no rainwater goods having yet been installed.
- It would overlook the rear garden of 40 Hunters Ridge.
- The placement of a proposed screening structure would result in overshadowing

of number 40.

- If permission is awarded for the development there is no obligation for 39 Hunters Ridge to actually install the privacy screen.
- The proposed bedroom window is only 5.6 meters from the boundary and sits in a raised position.
- The patio is some 600mm in height and will result in a very severe loss of privacy.
- The proposed development fails to address cavity wall sizes to ensure sufficient insulation and weather ingress.
- The development employs contrasting materials including the use of inappropriate porous materials on external wall.
- The second door for the utility room does not match the surrounding area and the presence and design of the additional steps does not match or blend in with the surroundings.
- The surface level of the drive is not evident on the drawings and has also been raised from the original height.
- As the structure sits on or over the boundary a certificate B should have been issued.
- The addition of a full hard stand was never indicated.
- The drawings and form were submitted in error but we believe they are a deliberate attempt to mislead the officers and officials of BCBC.
- The drawings show a structure described as a garage. This has been converted to a work space/habitable room and is incapable of storing a vehicle because it has no access to a highway and planning permission was not sought for the change of use.
- The original semi-detached dormer bungalows included shared water goods with the water goods at the front discharging to one position and the water goods to the rear discharging to the other. The rear roofslope rainwater goods discharges at 39 Hunters Ridge but the rain collected at 40 has nowhere to drain to.
- Damage to the roof and wall at 40 Hunters Ridge.
- The extension contravenes our human rights and has had a significant impact on wellbeing and peace has been shattered.
- Increased surface water run-off from raised driveway.
- The application should be referred to committee and a site visit undertaken.

In addition, a 26-name petition has been lodged against this development on the basis that “we the undersigned wish to object to the Bridgend County Borough Councils (sic.) ignorance and degradation of the appearance and amenity of Hunters Ridge, and Brackla, as exemplified by the proposed development at 39 Hunters Ridge. This is in direct violation of the SPG02 guidelines, the Town and Country Planning Act, and the local development plan. The council should act to prevent such action and maintain the amenity for future generations are required to do so in line with the Wellbeing of Future Generations Act 2015.”

The Ward Member, Cllr W Kendall has requested that “the matter be placed before the Development Control Committee.”

Councillor J Spanswick has advised that “due to the concerns from neighbours about works not being built as per planning approval and the intrusion into adjoining properties, this matter should be reported to the Development Control committee for a decision to be made and ideally a site visit by the committee taking place beforehand.”

## **RESPONSE TO REPRESENTATIONS RECEIVED**

Factors to be taken into account in making Planning decisions must be Planning matters that is, they must be relevant to the proposed development and use of land in the public interest.

Matters such as general disturbance caused during the construction works are not material in the determination of a Planning application.

The matters raised in the objections received are addressed below.

- The extension is in keeping with the height and scale of the existing house and the size of the individual plot which benefits from a large rear garden.
- The projecting rear extension whilst being constructed close to the boundary with the adjoining occupiers, is single storey in nature and does not impinge on the 45 degree daylight protection zone in elevation and the reduction in sky light by adjoining rear windows will not be significant. The fence on the southern boundary is intended to preserve the privacy of the neighbouring garden which lies to the south of the application site and will not suffer from any adverse overshadowing as a result of the development.
- The side extension is set back and down from the principal elevation and ridge line and as it is lower than the first-floor extension on the adjacent property to the north, the proposal will retain a degree of air space between the two properties and will not result in a terracing effect.
- The only element of the development that is visible from the public highway is the side extension which is recessed and subservient to the main dwelling with a matching roof slope and no windows of any kind in the front elevation.
- The visual impact of the side extension when viewed from the street will be limited.
- The scheme is of a suitable scale and type and does not breach any elements of the Town and Country Planning Act or the Wellbeing of Future Generations Act.
- The application has been submitted to regularise the development through the submission of revised plans and a Section 73 application (to remove or vary a condition) is the most suitable mechanism to utilise in this instance.
- The separate entry to the utility room is deemed to be a practical measure and the proposed layout of the property, with no internal interconnecting doors linking the ground floor bedroom to the family bathroom, does not equate to a separate unit of accommodation. The creation of a separate unit of accommodation will require separate planning consent.
- The extension is not considered as a two storey development rather it is the same as a bungalow with bedrooms in the roof space, which would be classed as a two storey dwelling.
- The Planning agent has previously clarified that all development to be undertaken has been done within the boundary and land owned by the applicant and the plans show that the proposed extension does not encroach the boundary with 37 or 40 Hunters Ridge. The development does not limit the potential for extending the next door property 40 Hunters Ridge (37 and 38 Hunters Ridge have already been extended up to the boundary and altered).
- Rainwater goods will be replaced as part of the proposal and as the rear extension is of a flat roof construction, the shared rainwater goods will be attached to the side and rear of the extension to dispose of the water on the application site side, as was the case previously.
- Due to the differences in levels and the continuation of the floor level through to the kitchen/diner and bedroom, the patio doors and bedroom window would overlook the private part of the rear garden at 40 Hunters Ridge and a fence is proposed to overcome that issue. As it is to the north of the garden it would not overshadow it.
- The scheme would have to be constructed in accordance with the approved plans

and a condition will be attached to the consent to ensure that the fence is retained in perpetuity.

- The patio is 600mm above existing ground level but is 150mm below the level of the kitchen and the fence will protect the privacy of the neighbouring garden.
- Cavity wall construction and sizes are assessed under different legislation.
- Whilst the materials do not match up entirely due to likely supply issues and the design of the scheme, the brickwork and tiles will eventually weather to match. The exposed concrete block will be treated in matching brickwork to ensure that it performs in accordance with the building regulations.
- The level of the drive can be raised 300mm without the need for Planning permission and this forms part of the revised parking provision for the site.
- The drawings originally assumed that the site was flat. This application attempts to resolve the anomalies.
- The outbuilding is classed a domestic structure within the curtilage of the dwelling. There is no requirement for a change of use application if it is used for domestic purposes.
- Any damage to private property is a civil matter between the two parties/owners.

In response to the comments made by the Local Ward Member and Cllr Spanswick, this agenda item will be the subject of a Panel Site Visit to be undertaken the day before the Committee meeting.

## **CONSULTATION RESPONSES**

Brackla Community Council (received 28<sup>th</sup> August 2022).

We have given careful consideration to this application and this has involved revisiting the original planning application P/21/44/FUL submitted originally on 8 February 2021.

1. Our observations on the original Application were restricted due the ongoing issue with the BCBC Planning portal which often restricts access to the documents attached to particular planning applications and the timeline for response as was the case with P/21/44/FUL.
2. A number of past and present members of Brackla Community Council have engaged with the neighbours of this property following approaches for our involvement given their clear dissatisfaction with what has transpired in this case. Unfortunately, this information is not included in what to an observer may appear to be a basic relaxation request to an already approved planning application.
3. Whilst those currently involved remain open minded this is based ultimately upon our partial reliance of the technical expertise and knowledge of the Planning/Building Control Officers. This includes such matters as the interpretation and accuracy of detailed planning drawings and compliance with Building Regulations on Applications such as the above.
4. We understand that there is a live Enforcement case running alongside this application which we presumed would need to be concluded prior to a decision being made. It would appear that despite several breaches of planning and specifically Conditions 1&2 of the original Decision Notice BCBC have not deemed them to have an unacceptable effect on public amenity to warrant meeting the neighbours remedial requests.
5. We are becoming increasingly concerned that the credibility and confidence in the planning system at BCBC is seriously being eroded when planning Conditions seemingly are being flaunted with no serious repercussions of remedial

Enforcement action by BCBC. We would welcome an explanation on this given the significant impact that planning decisions often has on those impacted by such breaches.

6. We object to this Application on the basis that the existing extension is not in keeping with the character and appearance of other semi- detached properties in the area and to our mind does not conform with Policy SP2 of the Bridgend Local Development Plan and SPG02 Householder development as it now creates the appearance of terraced housing for properties 37-40 Hunters Ridge.
7. Condition 1 & 2 of the original Decision have been breached and the rear extension clearly has not been finished in the same materials (brick) as the adjoining property. An exposed electrical cable externally to the new extension is also of concern. The current application does not address the breach of Condition 2.

The comments made and the concerns raised by the Community Council are addressed in the appraisal section below.

### **RELEVANT POLICIES**

The relevant policies and supplementary planning guidance are highlighted below:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP12</b>	Housing
<b>Supplementary Planning Guidance 02</b>	Householder Development
<b>Supplementary Planning Guidance 17</b>	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:

### **Future Wales – The National Plan 2040**

#### **Planning Policy Wales Edition 11**

**Planning Policy Wales TAN 12** Design

### **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations 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 comprising 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 well-being goals/objectives as a result of the proposed development.



## **The Socio-Economic Duty**

The Socio-Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came into force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

## **APPRAISAL**

This application is referred to Members of the Development Control Committee due to the number of objections received from neighbours and the Community Council and at the request of the Local Ward Member.

The application has been the subject of negotiations with the applicant/agent/solicitor acting on behalf of the applicant after it became apparent that the extension could not accord with the approved plans, mainly as a result of an inaccurate interpretation of the site's ground and floor levels.

In response to the comments made by Brackla Community Council, Officers visited the adjoining neighbours and the applicant and his builder on 8 April 2022 and made them aware of the anomalies with the build when compared to the approved plans.

On 14 April 2022 Officers wrote to the applicant to itemise the works that needed to be undertaken to mitigate the effects of the development on the residential amenities of the neighbouring properties through the submission of an amended application.

Despite agreeing an extension of time for the submission of the application the application did not materialise. After further correspondence with the applicant's solicitor and discussions on site with the applicant and his agent and architect, it was agreed that a new application should be submitted to address the changes to the scheme as built when compared to the approved plans and to sufficiently reduce the impact of the development on the adjoining neighbours to an acceptable level.

The amended scheme reduces the height of the end part of the extension whilst retaining sufficient headroom in the proposed ground floor bedroom. It includes for a lower patio level and it incorporates a privacy screen/fence to overcome any potential overlooking of the neighbouring rear garden area. The replacement rainwater goods and the use of brick slips to weatherproof the exposed blockwork on the side elevation fronting 40 Hunters Ridge will be completed to ensure compliance with the Building Regulations.



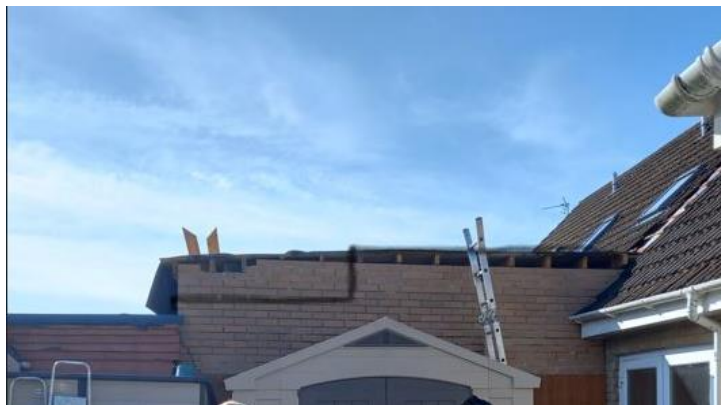
***Fig. 5 – Relationship between the bedroom window and 40, Hunters Ridge***

As was the case with the original application, the acceptability of the development as revised is assessed against Policy SP2 of the Local Development Plan (2013) which stipulates that “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.

PPW11 states at paragraph 3.9 that “the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations”.

It is acknowledged that the extension is of a significant depth and represents a relatively large addition to the original property however, its scale, siting and design retains the appearance of a semi-detached bungalow with accommodation in the roof space when viewed from the public highway especially as it is set back from the principal building line of the bungalow and is set down from the ridge line, ensuring a level of subservience to the original form.



***Fig. 6 – Relationship between the extension and 37, Hunters Ridge part way through construction***

The pitched roof element of the side extension (which includes the ensuite in the roof space) is in line with the pitched roof of the original bungalow and does not project beyond that existing bulk. The ground floor element utilises a flat roof design to limit its impact on the neighbours to both sides of the application site. Whilst they are constructed up to the shared boundaries, both elements comply with advice contained within Supplementary Planning Guidance Note 02 Householder Development (SPG02).

The extension is not considered to detract from the character or appearance of the host dwelling and does not have a harmful effect on the character and appearance of the surrounding area to warrant a refusal on such grounds. It is therefore considered to accord with Policy SP2 of the Local Development Plan (2013).

### **RESIDENTIAL AMENITY**

Note 8 of SPG02 states that “any extension should leave adequate garden area for the private use around the house”. It is considered that the property will still benefit from a relatively large private garden area after the extension and lowered patio area is erected and as such, the proposal is considered to be compliant with Note 8.

### **NEIGHBOUR AMENITY**

Note 6 of SPG02 states that any extension should “respect the privacy of neighbouring houses”. The extension has been designed to limit any form of overlooking by only introducing one window to the southern elevation.

Although the rear extension is single storey, the floor level results in the adjoining garden being overlooked by the bedroom window and patio doors. It is not possible to obscurely

glaze and fix the only window to the bedroom and it is considered that a 2m high fence for a distance of 3.7m would be sufficient to preserve the privacy of the adjoining occupier without resulting in any overshadowing. Therefore, the latest proposals as put forward by this application are considered to be acceptable in this regard.

## **HIGHWAYS**

Policy PLA11 of the adopted Local Development Plan (2013) stipulates that all development will be required to provide appropriate levels of parking in accordance with the adopted parking standards.

Note 9 of SPG02 states that “off-street parking should be available to meet the County Borough Council’s guidelines for a dwelling of the size after extension” and stipulates that the parking requirement for houses equates to 1 space per bedroom up to a maximum of 3 spaces. Each space must be 4.8m x 2.6m to accommodate a car parking space unless it is within a garage.

The Highway Authority did not object to the original scheme and the provision of three off-street parking spaces within the confines of the site and the plans indicate that this can be achieved (see Fig 3 above). The parking area has been implemented in accordance with the approved layout and the three spaces shall be retained in perpetuity to serve the extended dwelling.

The proposed scheme is therefore considered to be acceptable from a highway safety perspective in accordance with guidance contained within SPG17 and Policy PLA11 of the Local Development Plan (2013).

## **ENFORCEMENT ACTION**

Brackla Community Council has raised concerns that there is a live enforcement case on the site and have indicated that this should be resolved prior to the determination of the application and that the neighbour’s remedial request has not been addressed.

One of the purposes of Planning enforcement action is to seek to address the breaches of Planning control through the application process and if the application is approved the enforcement action will be closed. Officers have been in dialogue with neighbours and their concerns have been outlined above. The determination of the application must be made on its merit and on sound material Planning considerations notwithstanding the current enforcement case

The Brackla Community Council’s comments about the credibility and confidence in the Planning system at Bridgend is not evidenced. The consideration of the Planning applications and enforcement case has been carried out within the bounds of the legislative Planning system taking all material considerations into account.

Compliance with the Building Regulations is governed by separate legislation and is not part of the determination of this Planning application.

## **CONCLUSION**

Having regard to the above, the history of the development and the objections raised by neighbours and the Community Council, it is considered that, on balance, the revisions to the scheme are acceptable in planning terms and will sufficiently limit the impact of the extension on the occupiers on both sides of the development.

The development as currently carried and proposed through this application is considered to be appropriate in terms of its size, scale and prominence in accord with Policy SP2 of the Local Development Plan (2013) and does not detract from the character or

appearance of the wider residential area.

The development is acceptable in highway safety terms and having now addressed the potential unreasonable overlooking and overshadowing impact of the development on adjoining properties, the scheme is considered to comply with the relevant policies of the Local Development Plan (2013), and the advice contained with SPG02 – Householder Development.

It is not considered that there are sufficient material planning grounds to refuse consent.

The part retrospective application is therefore recommended for approval subject to the following planning conditions.

## **RECOMMENDATION**

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

1. The development shall be carried out in accordance with the drawing numbers 20.116 05, 20.116 07A, 20.116 17 and 20.116 18 received on 25 July 2022.

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

2. The parking area for three off-street parking spaces shall be retained in perpetuity to serve the extended property.

Reason: In the interests of highway safety and to ensure a satisfactory form of development.

3. Notwithstanding the plans as hereby approved, prior to its installation on site and within 1 month of the date of this consent, a detailed specification indicating the position, design, materials, type and appearance of the proposed boundary treatment with 40 Hunters Ridge shall be submitted to and agreed in writing by the Local Planning Authority. The fence shall be installed in accordance with the agreed scheme within 2 months of this consent and the boundary treatment shall be retained thereafter in perpetuity.

Reason: To ensure a satisfactory form of development and to ensure that the residential amenities of neighbouring occupiers are protected.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

## **Background Papers**

None