

**REFERENCE:** P/22/692/FUL

**APPLICANT:** Ms A Tibbs 13 Reynallt Place, Porthcawl, CF36 3DR

**LOCATION:** 13 Reynallt Place, Porthcawl CF36 3DR

**PROPOSAL:** New single garage in side garden

**RECEIVED:** 5 October 2022

### **APPLICATION/SITE DESCRIPTION**

Planning permission is sought for a single garage, at the side of 13 Reynallt Place in Porthcawl, CF36 3DR (the “**Property**”) which is within the residential settlement boundary of Porthcawl as defined by Policy PLA1 of the LDP (2013).

The Application site comprises a semi-detached dwelling with a side garden and small rear garden. Access is via a narrow lane known as Reynallt Place, which is a small private cul-de-sac within easy walking distance of Porthcawl town centre. The Application site is shown below in figure1.

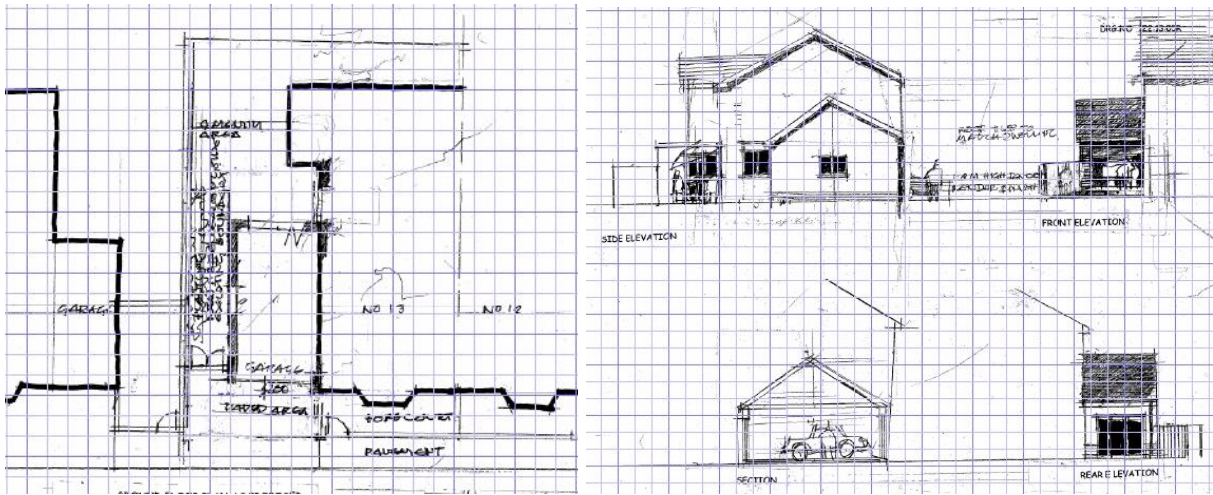
**Figure 1 – Site Location Plan**



The proposed garage will be located immediately to the side of the main dwelling house and measures approximately 3.6m wide by 6.7m in depth. It will be 2.7m high at the eaves raising to 5m at ridge level with the gradient of the roof to match the roof pitch of the main house. The garage is positioned in line with the front elevation of the main dwelling. The garage will be finished in a combination of matching brickwork, render and tiles to match the main dwelling.

A small, paved area will be provided to the front of the garage and part of the front boundary wall will be removed to allow access. A gate will be provided adjacent to the garage to provide rear access to the Property. A 1.8m high fence will be erected along the boundary between No.13 and No.14 Reynallt Place. Other boundaries at the rear of the property are over 1.8m in height. The drawings below in Figures 2 and 3 show the proposed development and the photos in Figure 4, shows how the site currently looks.

**Figure 2 –Layout and Elevations**



**Figure 3 –Street Scene elevation**



**Figure 4 – Photographs of the application site and the development**





## **RELEVANT HISTORY**

P/22/319 Single person dwelling on side garden of 13 Reynallt Place - Withdrawn

## **NEGOTIATIONS**

Prior to the submission of this Application, the Applicant sought guidance from the Local Planning Authority, in relation to scale, design and highway safety.

## **PUBLICITY**

The Application has been advertised on site.

Neighbours have been notified of the receipt of the Application.

The period allowed for response to consultations has expired.

## **CONSULTATION RESPONSES**

**Porthcawl Town Council:** No objections, however, members raised concerns that there are insufficient dimensions/levels provided with this Application. And that there are patio doors proposed for the rear.

**Highways:** No objection

**Drainage:** No objection

## **REPRESENTATIONS RECEIVED**

4 letters of objection have been received from neighbouring residents - three on Reynallt Place and one on Philadelphia Road whose comments have been summarised into the following categories below:

### **Residential Amenity**

- The development will result in loss of light caused by the pitched roof.
- Overlooking from patio doors at rear to 39 Philadelphia Road.
- Construction noise would disturb residents.

### **Highways issues**

- Concern over lorries coming down the street as it is a private road and residents are responsible for repairs.
- There is a hole outside No. 13 which has not been repaired.
- The drain outside No. 10 has been reinforced and has dipped.
- The proposal would result in excessive construction traffic which will impede access to the road and cause issues to residents.

### **Visual amenity**

- The garage has a pitched roof which is not needed and looks unusual next to No.

14s flat roof garage and not in keeping with the area.

### **Other**

- The drawings are not to scale and have no dimensions.
- The garage is clearly not being built as such, the plans show a garden not accessible from the house, and has windows and French doors at the rear it will be used as lodgings or as an Air B&B.
- Why is a wall being removed only for another wall to be built further back.
- The applicant is in the process of erecting a fence and secured to the existing wall. The fence has still not been finished and no consultation has been made with neighbours.
- A neighbour was unable to locate the amended plans.
- A neighbour wanted a site meeting to discuss the proposal.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of comments raised above have been addressed within the appraisal section of this report, however, in response to comments raised to those that are not:

In response to the drawings not being to scale and having no dimensions. There was some issue with the original drawings, and these were amended in October 2023, and a new consultation undertaken. The amended plans are to scale, as such the dimensions are not required.

In relation to the representations that the garage is not being built for use as such, that the plans show the garden would not be accessible from the house and the window and French doors to the rear of the proposed garage indicate potential use as lodgings or an Air B&B, the submitted plans show a garage and one private garden area. The inclusion of French doors does not mean that the garage will be utilised for another purpose. However, to ensure the garage is for parking of domestic vehicle(s) only and no other purpose a condition can be imposed.

In response to part of the front boundary wall being removed '*only for another wall to be built further back*', there is no indication on the plans that a replacement wall is proposed. It is noted that a 1.8m high fence will be erected along the boundary between No. 13 and No. 14 Reynallt Place. The dwelling will remain as one planning unit including a single garage once built.

In relation to the unfinished boundary fence between No. 13 and No. 14 Reynallt Place and lack of consultation with the relevant neighbour(s), the Applicant has shown a boundary fence on the submitted plans and it will be erected together with the garage. In relation to consultation with neighbours, there is no requirement for the Applicant to consult with neighbours for an application of this type.

In response to not being able to locate the amended plans, like all applications, they are available on the Council's website, the confusion may have been that the amended plans looked very similar to the original plans and only showed the garage being set back slightly and being to scale. This was explained to the neighbour in question.

In relation to a site visit, one was undertaken with the highways officer and the Applicant was present. The neighbour in question was not present, however, as stated above, the Application has been discussed with the relevant neighbour and their observations were considered as part of this Application.

## **PLANNING POLICY**

### **National Planning Policy and Guidance**

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (**PPW**) are of relevance to the determination of this Application.

Paragraph 1.30 of PPW confirms that “Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications.”

“All development decisions...should seek to contribute towards the making of sustainable places and improved well-being” (Paragraph 2.2 of PPW refers). Para 2.3 states “The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.”

At Para 2.7 PPW it states: “Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.”

PPW states at paragraphs 2.22 and 2.23 that the Planning system should: “ensure that a post-Covid world has people’s well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being.”

#### Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 – Transport (2007)

### **Well-being of Future Generations (Wales) Act 2015**

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 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.

## **The Socio Economic Duty**

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to 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.

## **Local Policies**

The Development Plan for the area comprises of the Bridgend Local Development Plan 2006-2021 which was formally adopted by the Council in September 2013 and within which the following policies are of relevance:

- Strategic Policy SP2: Design and Sustainable Place Making
- Strategic Policy SP3: Strategic Transport Principles
- Strategic Policy SP4: Conservation and Enhancement of the Natural Environment
- Policy PLA1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy ENV7: Natural Resource Protection and Public Health

## **Supplementary Planning Guidance**

- SPG02 – Householder Development
- SPG17 – Parking Standards

## **APPRAISAL**

This Application is referred to the Development Control Committee as there have been four letters of objection.

Having regard to the above, the main issues to consider in this Application relate to the principle of development, the amenities of neighbouring residents, visual amenity, biodiversity, drainage and highway/pedestrian safety.

## **Principle of Development**

The Application site is located within the main settlement of Porthcawl as defined by **Policy PLA1** Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (**LDP**) adopted in 2013. Policy PLA1 states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

**Policy SP2** Design and Sustainable Place Making of the LDP states 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.

On balance, it is considered that in principle, subject to satisfying the requirements of LDP Policy SP2, the proposed development is acceptable and accords with the Bridgend Local Development Plan (2013).

## **Visual Impact**

Policy SP2 of the adopted Bridgend Local Development Plan (LDP) highlights all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- 1) Complying with all relevant national policy and guidance where appropriate.
- 2) Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character.

3) Being of an appropriate scale, size and prominence.

Note 12 of SPG02 states that *“an extension should be in scale with the existing dwelling.”*

The proposed garage is considered to be of an appropriate scale and design that would incorporate materials to match the finish of the main dwelling and a pitched roof design that would be the same pitch as the main house. The proposed extension is therefore considered to reflect the character of the main dwelling house and compatible with the existing appearance of the residential area where there is a mix of various features and designs.

There have been objections stating that the garage is out of keeping with the area and that it should have a flat roof like the neighbour's garage. Whilst these comments are noted, it is considered that the scale and the pitched roof design of the garage has a positive impact and would not be out of keeping with the dwelling or the wider residential area. Permitted development rights can be removed for future windows and roof alterations to ensure the development cannot be altered without the Local Planning Authority considering any changes.

As such the proposed garage is, on balance, considered to be appropriate and is of a reasonable scale and accord with criterion (3) of Policy SP2 of the Bridgend Local Development Plan (2013). As such it is considered that the proposed development would not have any unacceptable impacts in relation to visual amenity.

### **Residential Amenity**

#### Overbearing and overshadowing

In terms of overbearing and overshadowing impact, Note 1 of Supplementary Planning Guidance 02: Householder Development (SPG02) states that *No extension should unreasonably dominate the outlook of an adjoining property.* Further to this, Note 2 states *“No extension should unreasonably overshadow adjoining property.”*

Paragraph 4.2.1 of this note continues *“A poorly-designed extension can reduce daylight and sunlight to an unreasonable extent. Neighbouring houses and their gardens can be made gloomy and unattractive in worst cases rights to light may be infringed.”* The garage is single storey and at the side of the host dwelling. It is approximately 1.9m off the boundary and 4m from the side of the neighbouring garage. It is considered that, due to the restricted height, design and siting, there would be no unacceptable impacts upon neighbouring properties in terms of overbearing and overshadowing.

A neighbour has objected that the pitched roof would result in loss of light, however, it is considered that the pitched roof design would not cause any unacceptable overshadowing, due to its location adjacent to the existing dwelling (which is a much larger structure) and its orientation.

#### Overlooking/loss of privacy

In terms of overlooking and loss of privacy, SPG02 refers at Note 6 to privacy and states that *“extensions and outbuildings should respect the privacy of neighbouring houses.”*

The proposal is for a single storey garage which is not considered to be a habitable room. As such, the proposal would not result in any loss of privacy. However, the applicant has stated that they will be erecting a 1.8m high fence along the boundary between 13 and 14 Reynallt Place.

There have been objections which submit that there would be overlooking from the development. However, as stated above, this Application is for a garage and not a

habitable room. Nevertheless, the boundary treatments to the rear are in excess of 1.8m high and to the side between No 13 and 14 Reynallt Place there will be a 1.8m high fence. This will ensure residents retain a suitable level of privacy.

In relation to disturbance from construction activities disturbing residents, this is not a material consideration as it is an expected disturbance and would only be temporary in nature.

#### Amenity of the occupiers

Whilst the proposal would take up a section of side garden, the property would retain a small amenity area to the rear of the garage. It is considered that this space would be sufficient, however, to preserve this space in the future, permitted development rights will be removed relating to any further outbuildings and extensions so that the Local Planning Authority can assess any future developments.

To conclude, the proposal complies with criterion (12) of Policy SP2 of the Local Development Plan (2013) and guidance contained within Supplementary Planning Guidance Note 02 Householder Development which relates specifically to residential amenity.

#### **Highway Safety**

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.

Supplementary Planning Guidance Note 17 Parking Standards (SPG17) stipulates that *“garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m”*.

The Highways Officer has noted that the proposal seeks to create a garage on an area which is currently a side garden. During the site visit it was noted that parking was at a premium on Reynallt Place and an additional off-street parking space is welcomed at this location. As such, the Highway Authority offers ‘no objection’ to the proposal. A condition can be imposed to ensure the garage is used solely for the purposes of parking domestic vehicle(s).

The fact that the street is private, with residents being responsible for any repairs, is not a material planning consideration. In relation to there being a hole outside No. 13 which has not been repaired. This is not a material planning consideration and a private matter for residents. Likewise, the reinforced drain outside No. 10 which is understood to have “dipped” is not a material planning matter.

To conclude, the proposed development is considered to be compliant with the Note 9 of SPG02 and Policy PLA11 of the Local Development Plan (2013) and is acceptable from a highway and pedestrian safety perspective.



## **Drainage**

The Local Authority's Drainage Officer has advised that a review of the OS database notes the development is not located within a flood risk zone and is not located within 20 m of a watercourse.

The Application form does not state how foul sewage will be managed. No foul drainage layout has been provided. Given the Application is for a garage no toilets are assumed.

The Application form does not state how surface water will be managed. No surface water drainage layout has been provided. The area currently covered appears to be in impermeable concrete. The proposed garage and associated hardstanding are estimated to be approximately ~32 m<sup>2</sup>. Given this additional area is less than 100 m<sup>2</sup> no SAB application is required.

The Drainage Officer has suggested that no surface water is allowed to discharge to the public highway and that no land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

## **Biodiversity**

In assessing a planning application, the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales and, in so doing, promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016.

Planning Policy Wales 12 (PPW12) states in Section 6.4.4: *"It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals."* it further goes on to state that: *"All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission."*

Technical Advice Note 5: Nature Conservation and Planning states that: *"Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife."*

In this case the proposed site is located within the settlement boundary and given the garage's location within the side garden, which has limited biodiversity value, there would be little impact upon biodiversity. However, to ensure that the biodiversity value of the site is enhanced a bird box could be erected within the curtilage of the site. A condition can be imposed to ensure this. As such the proposal is acceptable in terms of Biodiversity.

## **CONCLUSION**

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

The concerns raised by neighbouring residents have been noted and taken into consideration. It is considered that, on balance, the proposal represents an appropriate form of development that would provide a much needed off-street parking space in a road

where parking is restricted. There would be no unacceptable impacts on visual amenity residential amenity, drainage, biodiversity or highway and pedestrian safety and, as such, the proposal is recommended for approval. Accordingly, the proposed development is in accordance with Policies SP2, SP3, SP4, PLA1, PLA11, and ENV7 of the Bridgend Local Development Plan (2013)

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and sustainable development principles in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

## **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:

- Location plan
- DRG No. 22:13:02R plan as proposed
- DRG No. 22:13:05R Elevation sheet two as proposed
- DRG No. 22:13:04R Front elevation as proposed

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 development hereby permitted shall match those used in the existing building.

Reason: In the interests of the visual amenity of the area and to ensure the development complies with Policy SP2 of the Bridgend Local Development Plan.

3. Prior to the first beneficial use of the development hereby permitted, an artificial nesting site for birds shall be erected on the garage, dwelling or within the curtilage and installed to one of the following specifications, and retained as such thereafter:

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reason: In the interests of enhancing biodiversity and to accord with Policy SP2 of the adopted Bridgend Local Development Plan.

4. The proposed 1.8m high boundary fence between 13 and 14 Reynallt Place, as shown on drawing 23:13:02R, shall be erected before the first beneficial use of the garage and retained as such thereafter.

Reason: In the interests of residential amenity and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

5. The garage hereby permitted shall be used for the parking of domestic vehicles associated with the dwellinghouse known as 13 Reynallt Place only and for no other purpose whatsoever.

Reason: To safeguard the character and amenity of the area, highway safety in and around the site and to ensure that the garage is used for parking of vehicles in accord with Policy SP2 of the Bridgend Local Development Plan 2013.

6. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and as identified on the approved drawings.

Reason: In order to safeguard the residential amenities of the future occupiers of the property and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alterations to the garage building hereby approved.

Reason: In order to safeguard the visual and residential amenities of the area to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

8. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

The concerns raised by neighbouring residents have been noted and taken into consideration. It is considered that on balance the proposal represents an appropriate form of development that would provide a much needed off-street parking space in a road where parking is restricted. There would be no unacceptable impact on visual amenity residential amenity, drainage, biodiversity or highway and pedestrian safety and as such proposal is therefore recommended for approval. Accordingly, the proposed development is in accordance with Policies SP2, SP3, SP4, PLA1, PLA11, and ENV7 of the Bridgend Local Development Plan (2013)

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

b) Drainage Note

The proposed garage and associated hardstanding are estimated to be approximately ~32 m<sup>2</sup>. Given this additional area is less than 100 m<sup>2</sup> no SAB application is required.

Please note that infiltration systems must not be situated within 5m of buildings or boundaries. Infiltration systems must be designed in accordance with BRE-Digest 365

and a minimum of three infiltration tests for each trial hole must be provided.

The utilisation of water butts to collect and reuse rainwater in the garden is recommended. Alternatively, the creation of a small rain garden could be adopted to reduce the amount of additional surface water generated by this development.

No surface water is allowed to discharge to the public highway.

No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None