

REFERENCE: P/24/206/FUL

APPLICANT: Mrs E Davies 1 South View, Pontycymmer, Bridgend, CF32 8LE

LOCATION: 1 South View Pontycymmer CF32 8LE

PROPOSAL: Retention of living accommodation in the existing detached double garage

RECEIVED: 8 April 2024

DESCRIPTION OF PROPOSED DEVELOPMENT

Retrospective planning permission is sought to retain the living accommodation established in the existing detached double garage at 1 South View, Pontycymmer.

The building was constructed following the grant of planning permission (P/14/631/FUL refers), for a detached double garage in December 2014. As the building had not been developed in accordance with the approved plans a retrospective consent was obtained in 2018 for a detached garage with a steeper pitch to the roof to provide storage in the roof space (P/18/573/FUL refers). This consent was granted subject to a condition that the building should be retained as a garage/store and shall not be occupied at any time for residential purposes.

Fig. 1 - P/18/573/FUL APPROVED GARAGE

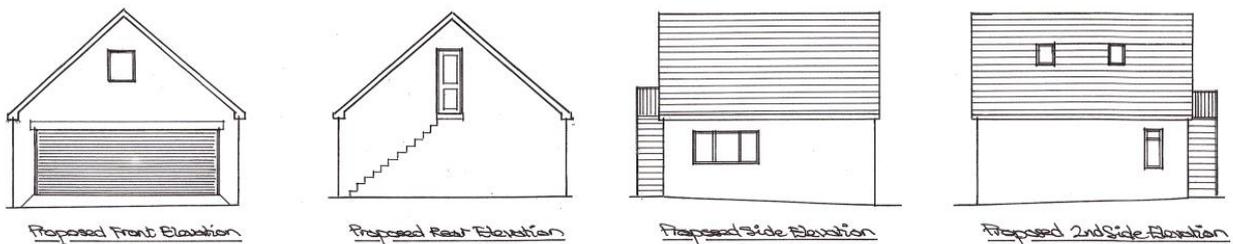


Fig. 2 - PROPOSED FLOOR PLAN

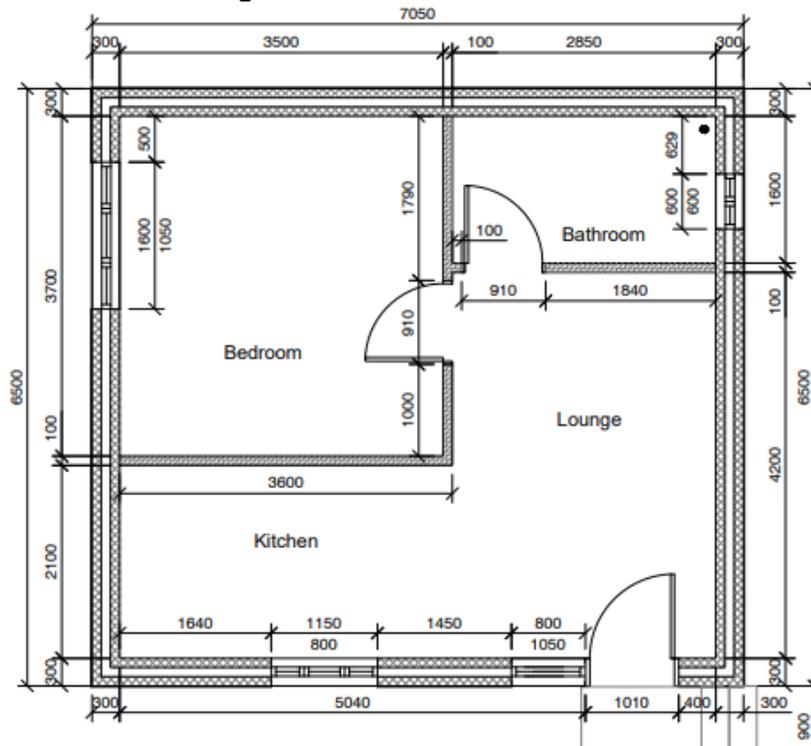


Fig. 3 - BUILDING AS CONSTRUCTED



The building as now constructed comprises a 6.5m x 7m one-bedroom residential annex with kitchen, lounge and bathroom facilities. Construction work appears to be largely completed. However, from a site inspection, it appears that the building has not been occupied and used for separate residential purposes.

The loft area of the building is accessed from a separate external rear set of stairs and is understood to be used for storage purposes.

The Applicant has advised that the accommodation is to be used for purposes ancillary to the main residential use of the property which is a four-bedroom bungalow. The new habitable accommodation is to be provided for family members or other persons who would reside at the property under an adult placement scheme operated by the local council. It is understood that the Applicant provides accommodation and care to adults with learning difficulties. These people are routinely collected by community bus on weekday mornings and taken to off-site locations for daytime activities, and then return to the property in the evenings.

SITE DESCRIPTION

The main building and garden of 1 South View is located within the settlement of Pontycymmer as defined by Policy SF1 of the adopted Local Development Plan (2018-2033). More generally, the site comprises a detached residential dwellinghouse with a number of outbuildings set within a landscaped curtilage.

Fig. 4 – Aerial View of Site

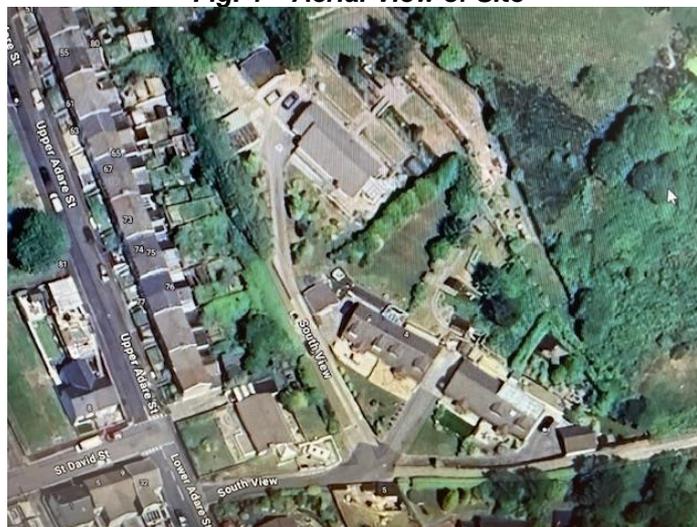


Fig. 5 – Site Location Plan



The property lies at the eastern edge of Pontycymmer on a sloping site, and below the identified Special Landscape Area. Access to the property is via South View, a formed but narrow private access which provides vehicular access to this and a number of other adjacent dwellings. The access is adjoined by a public right-of-way known as Footpath 78 Garw Valley.

Fig. 6 - Photo taken 17/05/2024



The surrounding area is generally residential in character containing a range of dwellings of different styles and finishes. There is countryside land to the rear of the property.

RELEVANT HISTORY

P/96/745/FUL – Detached bungalow and garage – Granted 10/09/1996

P/07/778/OUT – 1 No dwelling – Granted 25/10/07

P/09/459/FUL – New detached dwelling – Granted 21/08/2009

P/14/631/FUL - Construction of detached domestic garage – Granted 19/12/2014

P/18/573/FUL – Retention of detached domestic garage with steeper pitch to the roof to provide loft storage in the roof space – Granted 23/08/2018

P/23/714/FUL – Repositioning of entrance gate/boundary wall and inclusion of land within curtilage of property (retrospective) – Granted 16/04/2024

PUBLICITY

Neighbours were notified of the receipt of the Application and the period allowed for response to consultations/publicity expired on 14/05/2024.

CONSULTATION RESPONSES

Highways – No objection.

Garw Valley Community Council – Objection.

Councillor Heather Griffiths – Objection.

REPRESENTATIONS RECEIVED

Four objections were received from adjoining neighbours along with representations from Councillor Griffiths and the Garw Valley Community Council.

Concerns raised on the proposal included:

- The retrospective nature of the Application.
- The building should not be used as a habitable dwelling.
- Applicant has tried to block the rear lane.
- Site investigations have been undertaken.
- Waste could overload sewer.
- The Applicant is running a business from the property.
- The community van which travels along South View affords passengers with views into bedrooms of adjoining properties.
- Unlawful connections to services.
- South View access considered inadequate for extra habitable dwelling.
- Further residential development will require upgrade of access and street lighting of South View and adoption by the Council.
- No ability for emergency vehicles or the community bus to turn on the property.
- Development will lead to increased use of South View.
- Annex could become a separate dwelling.
- Building is being used as a commercial business.
- Only 5 dwellings were approved for the South View development.
- Highway safety concerns at the Upper Adair Street and South View junction.

COMMENTS ON REPRESENTATIONS RECEIVED

A number of the residents have raised concerns with the retrospective nature of the

Application. This Application follows an investigation by the Council's Planning Enforcement Team into the alleged use of the garage for residential purposes in breach of condition 3 of P/18/573/FUL. It was determined that there was a breach and retrospective consent is now sought.

It should be noted that it is not a criminal offence to vary development without first obtaining any necessary planning permission. Any retrospective application must be fully assessed having regard to all material planning considerations before the application is determined.

The Application as submitted is for the retention of the building for living accommodation. It is not proposed to use the building as an independent dwellinghouse. From the information submitted with the Application and discussions with the Applicant, it has been established that the intended use is ancillary to the principal residential use of the property.

The Applicant advised that family members including children and grandchildren were currently resident in the bungalow. Additionally, up to two adults with learning difficulties have also lived in the house. These residents did not live independently as the Applicant provided them with care and support, including meals. This was described as a form of fostering of the elderly. These adults are placed at the address by the local authority social services and are able to attend off-site activities where they are transported in the community bus (see below).

Fig. 7 – Evidence of Community Bus



The community bus is able to access the property via South View and can manoeuvre within the property returning down the private access to Upper Adare Street in a forward direction. Passengers are able to view the other properties on South View as can anyone else entering or leaving the site in a passenger vehicle or van.

Concerns regarding highway safety and use of the access will be discussed further in the assessment below.

It is noted that planning permission has now been granted for changes to boundary enclosures located at the entrance to the property and the inclusion of adjoining land within the curtilage of the site.

This Application has been made to regularise the proposed use of the building for ancillary residential accommodation. The Applicant does not seek consent to operate a business but provide accommodation for family members or adults under her care and supervision.

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, 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 2018-2033 which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:

Strategic Policy

- Policy SP1: Regeneration and Sustainable Growth Strategy
- Policy SP3: Good Design and Sustainable Placemaking
- Policy SP4: Mitigating the Impact of Climate Change
- Policy SP5: Sustainable Transport and Accessibility
- Policy SP17: Conservation and Enhancement of the Natural Environment

Topic Based Policy

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy COM6: Residential Density
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species.

Supplementary Planning Guidance

- SPG02 - Householder Development
- SPG19 - Biodiversity

APPRAISAL

This Application is to be determined at planning committee as there have been 4 letters of objection and representations from the community council and a local councillor raising concerns with the change of use of the garage.

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

Principle of Development

No. 1 South View is located within the main settlement of Pontycymmer. The garage is a relatively new construction and located within the established residential curtilage of the property and there is no impact on the rural edge character of the area or any conflict with the policies of the adopted LDP.

Policy COM6 Residential Density of the LDP notes that development must seek to create mixed, socially inclusive, sustainable communities by providing a range of house types and sizes to meet the needs of residents at an efficient and appropriate density. The ancillary habitable accommodation proposed is considered to meet this policy by providing additional accommodation for family members or other persons who may be under the care of the Applicant.

Policy SP3 Good Design and Sustainable Place Making of the LDP states that all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

On balance and when considering the above, it is considered that, in principle, and subject to satisfying the requirements of LDP Policy SP3, the proposed development is acceptable and accords with the Bridgend Local Development Plan (2024).

Visual Impact

Policy SP3 of the adopted Bridgend Local Development Plan (BLDP) highlights all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- Demonstrating alignment with the principles of Good Design
- Have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character

The detached garage was lawfully authorised by the grant of planning permission in 2018. The building has now been constructed to the same approved footprint, albeit the south facing elevation has been enclosed, and a door with a small porch and window added.

This building forms one of two detached structures located within the curtilage of the site at the side of the dwelling. The garage was previously found to be visually acceptable in this location and planning permission was granted. The changes to the exterior of the building are not considered significant and would not harm the character or appearance of the site or the wider residential area.

For these reasons, the proposal is considered to be acceptable in terms of its location, design and finish in accord with criterion (2) of Policy SP3 of the Local Development Plan (2024), and Supplementary Planning Guidance 02 – Householder Development. As such it is considered that the proposed development would not have any unacceptable impact in relation to visual amenity

Residential Amenity

Planning Policy Wales (Edition 12, February 2024) states at paragraph 2.7 that *“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”*.

Criterion (k) of Policy SP3 of the Local Development Plan (2024) seeks to ensure that ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

In the location proposed, the converted garage would not have an overbearing or overshadowing impact on neighbouring residential properties.

Concerns have been raised with the possible use of the building as a separate dwellinghouse. However, the Applicant has confirmed that it would be used by family members who already live on the property or by one of the adults to which she provides care.

Neighbours have raised concerns with the impact of additional vehicle movements on South View due to the increase in the number of people living at the property. While it is acknowledged that this could be the case, it should be recognised that the property contains a single dwellinghouse only. This Application proposes a one-bedroom annex which would likely result in minimal vehicle movements, if the occupier/occupiers were to own a vehicle. In the case of the community bus, if there is a need, this would visit the

property once in the morning and once in the evening.

The formed width of South View is considered adequate for the vehicle movements anticipated from the extended residential property and would have insignificant effects on the residential amenity of neighbours.

Accordingly, it is considered that the proposal complies with criterion (12) of Policy SP3 of the Bridgend Local Development Plan (2024), and guidance contained within Supplementary Planning Guidance Note 02 Householder Development which relates specifically to residential amenity.

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.”*

Policy SP3 of the adopted Local Development Plan (2024) requires development to safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP6 states *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created wherever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species.”*

Policy DNP7 states *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”*. Policy DNP8 requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network.

In this case the proposed site is located on the edge of the settlement and the proposal is located within the grounds of a residential property with some biodiversity value. Given the minor nature of the development, a bird box would be considered sufficient to enhance biodiversity at the site. A condition can be imposed to ensure this is implemented. A note can also be attached advising the Applicant of ways that they could enhance biodiversity

at this location. As such the proposal is acceptable in terms of Biodiversity.

On balance the proposed development is considered to be compliant with Policy SP3 DNP6,7 and 8 of the Local Development Plan (2024) and is therefore acceptable in terms of Biodiversity.

Highway Safety

Policy SP5 of the adopted Bridgend Local Development Plan (2024) notes that new development must be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, education, local services and community facilities. Development must also be supported by appropriate transport measures and infrastructure, and depending on the nature, scale and siting of the proposal will be required to:

2) Be designed to provide safe and efficient access to the transport network, which includes the active travel, public transport and street networks.

The policy goes on to state that development that would have a negative impact on the safe and efficient operation of the transport network will not be permitted.

The development of a one-bedroom annex which is ancillary to the residential use of the property would not significantly impact on the functioning or safety of the private access or adjacent public highway. Adequate width would be maintained for the passage of both vehicles and pedestrians.

The Highways Officer has raised no concerns with the proposed development noting that:

'The proposed change of use of the garage to an ancillary annexe is not considered to generate any additional parking and the site has sufficient space for off-street parking. Accordingly, provided the annex remains ancillary to the dwelling there would be no concerns in this respect.'

It is noted that there have been concerns raised in respect of certain larger vehicles using the access to the property however the access appears to be of sufficient width and the length of the access to the property from Lower Adare Street is not maintainable highway. As such this would be considered a private matter.'

No objection subject to the following condition: -

Use of the annexe flat shall be limited to that ancillary and incidental to the enjoyment of the dwelling and for no other purpose.

Reason: In the interests of highway safety.'

As such, the proposed development is considered to be in accordance with Policy SP5 of the Bridgend Local Development Plan (2024), and is acceptable from a highway and pedestrian safety perspective.

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 (2024). The land on which the garage has been sited forms part of the

well-established curtilage of the dwelling which comprises a detached residential dwellinghouse with a number of outbuildings set within a landscaped domestic garden. As such there is no impact on the rural character of the area and there is no conflict with or any implications for the adopted LDP.

Having regard to the concerns of neighbouring residents, on balance, it is considered that the proposal is an acceptable development, and it would not adversely impact on the character or appearance of the area or the amenity of adjoining occupants or the functioning of the private access track. Any claims of obstruction of the private access track would be a private matter between the Applicant and the landowners.

Accordingly, the proposed development is in accordance with Policies SP1, SP3, SP4, SP5, SP17, SF1, COM6 and DNP6 of the Bridgend Local Development Plan (2024).

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.

RECOMMENDATION

(R64) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans:

GARAGE CONVERSION - GROUND FLOOR

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

2. The family annex comprising the development shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling and shall not be sold, let or sublet as a separate unit of accommodation.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retain effective control over the use of the property, and to accord with Policy SP2 of the Bridgend Local Development Plan

3. 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 identified on the approved drawings.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the development, countryside location and residential amenity, and to accord with Policies SP2 of the Bridgend Local Development Plan.

4. 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), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior grant of planning permission for any such new constructions and installations.

Reason: In order to safeguard the amenities of the countryside location by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the development, residential amenity and to accord with Policies SP2 of the Bridgend Local Development Plan 2013.

5. Within 3 months of the date of this permission, an artificial nesting site for birds shall be erected on the building 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

Reasons: In the interest of enhancing biodiversity and to accord with Policy SP3 and DPN6 of the Bridgend Local Development Plan (2018-2033).

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

A. BIODIVERSITY

With respect to biodiversity, the applicant is referred to Section B1: Biodiversity Design Guidance Sheet: Bats and Development when undertaking building demolition or works that will impact on a roof space which due to its nature creates a potential risk to bats. In particular you are referred to section 8.0 Bat Warning (pp 47) which provides good practice guidelines to be followed by all applicants whose development involves any risk to bats.

The applicant is advised to incorporate bird and/or bat boxes into the development which would provide summer roosting opportunities for birds/bats and would contribute to the environmental sustainability of the development. Further information can be found on page 46 section 7.0 of the above SPG. Incorporation biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate Local Authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to '*seek to maintain and enhance biodiversity*' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.