

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/48/FUL
APPLICANT: MR M J VOWLES
43 HUNTERS RIDGE BRACKLA BRIDGEND

LOCATION: SANDFORD BRYNEGLWYS AVENUE PORTHCAWL

PROPOSAL: DEMOLISH EXISTING DWELLING & REPLACE WITH NEW 3 BED DWELLING

RECEIVED: 27th January 2015

SITE INSPECTED: 10th February 2015
SITE INSPECTED: 2nd July 2015

APPLICATION/SITE DESCRIPTION

The application seeks consent to demolish the existing pre-fabricated dwelling on site and to erect a two storey dwelling (with rooms in the loft) in its place. The proposed dwelling will include 4 bedrooms together with a garage and garden store within its grounds.

The application site is located within the settlement boundary of Porthcawl and is outside, but adjacent to, Newton conservation area.

The bulk of the proposed dwelling would have a rectangular footprint, measuring approximately 6.5m x 10m and be finished with a hipped roof, reaching maximum heights of 5m (eaves) and 8.7m (ridge). Attached to this structure would be two-storey projecting wings at both front and rear elevations and a single-storey rear lean-to structure. This increases the floorspace of the property and contributes to the three-dimensional appearance of the dwelling. The dwelling would also include other projecting features which as a small porch, bay windows and a chimney.

The proposed garage/store would be a single-storey structure, measuring 11.3m x 3.6m and would be finished with a hipped roof, reaching maximum heights of 2.5 (eaves) and 3.5m (ridge). It would be partially attached to the south-eastern corner of the proposed dwelling and extend into the rear garden.

RELEVANT HISTORY

None.

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/publicity expired on 25 February 2015.

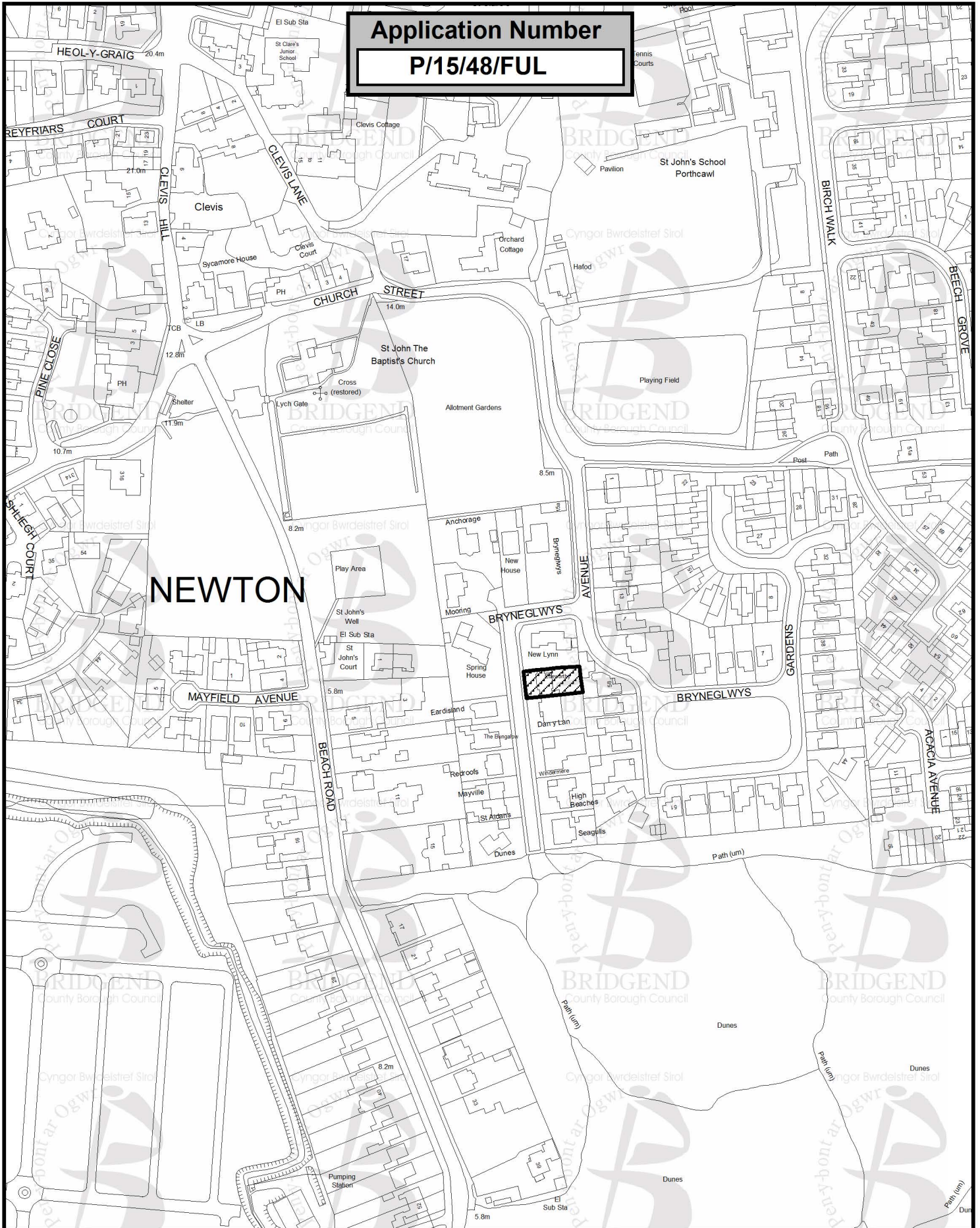
NEGOTIATIONS

The agent was requested to:

1. Submit a bat survey
2. Reduce the impact (height) of the rear-projecting two-storey wing on the property 'New Lynn'

Application Number

P/15/48/FUL



NEWTON



Scale 1:2,500

Date Issued:
15/07/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



3. Submit an accurate side elevation drawing to show the position of all windows

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 29th January 2015

No objections to the proposal.

Councillor K J Watts

Can be dealt with by delegated officer.

Please note I shall not comment on this as I live only 4 doors away from the site.

Head Of Street Scene (Highways)

No objections to the proposal subject to a condition and an advisory note.

Destination & Countryside Management

No objections to the proposal subject to a condition.

Head Of Street Scene (Drainage)

No objections to the proposal subject to a condition and advisory notes.

Head Of Street Scene (Engineers)

No objections to the proposal subject to advisory notes.

Welsh Water Developer Services

No objections to the proposal subject to advisory notes.

Group Manager Public Protection

No objections to the proposal subject to an advisory note.

REPRESENTATIONS RECEIVED

Mrs Joan N Williams, Eardisland

Supports the proposal.

Kathryn Thomas, 57 Bryneglwys Gardens

Objects to the proposal:

1. Scale and height of the proposed dwelling
2. Loss of light and overshadowing

Christine Griffiths, 58 Bryneglwys Gardens

Objects to the proposal and requests to speak at Committee:

1. Scale and height of the proposed dwelling
2. Loss of light/overshadowing

Requested that a fence is erected along the rear boundary of the site.

Dr Simon Jones, Newlynn

Objects to the proposal and requests to speak at Committee:

1. Overshadowing/Loss of light
2. Domination
3. Loss of privacy
4. Overdevelopment
5. Impact on trees
6. Impact on streetscene/visual amenity
7. Access for maintenance

8. Lack of details on the plans
9. Highway safety and parking

COMMENTS ON REPRESENTATIONS RECEIVED

1. Residential amenity - With regards to the impact of the proposal on the residential amenities of New Lynn, 58 Bryneglwys Gardens, with specific regards to loss of light/overshadowing, privacy, outlook and dominance, refer to the 'appraisal' section of the report.

2. Overdevelopment - The site covers an approximate area of 0.038 hectares. The dwelling and garage/store would cover an approximate area of 0.016 hectares which equates to 42% of the plot size. This ratio is considered comparable to other properties in the immediate locality and the proposed dwelling would benefit from sufficient parking spaces at the front/side and a rectangular area of private amenity space approximately 10.5m x 9.5m. It is, therefore, considered that the scheme would not represent an overdevelopment of the site.

Notwithstanding the above, it is considered prudent to remove certain permitted development rights, to avoid the site being overdeveloped or unreasonable detriment to neighbouring properties.

3. In respect of trees, there are no trees within the grounds of the application site which have significant public amenity value as to warrant a Tree Preservation Order. There are, however, two protected trees located within the grounds of the neighbouring property, Dan-y-Lan. Given the proximity of the garage/store to the trees, it is considered prudent to impose a condition for a construction method statement to be submitted prior to the commencement of development. This would detail the method of excavation and measures of protecting any roots of the protected trees that may be encountered during development. Subject to this condition, it is not considered that this scheme would have any significant adverse impact on the protected trees.

4. Impact on streetscene/visual amenity - Refer to the 'appraisal' section of the report

5. Highway safety and parking - Refer to the 'appraisal' section of the report

6. Whilst it is generally recommended to allow a gap between the development and a boundary to enable access for maintenance purposes, this is primarily a private matter between the interested parties. This alone is not considered to be such a material consideration in the determination of the application as to warrant refusal of the scheme.

7. Whilst the plans do not specify measurements, they are scaled drawings which enables the scheme to be assessed using a ruler and other measuring tools. The submitted location plan demonstrates the footprint of the proposed dwelling with neighbouring properties. The plans are of sufficient detail to enable the fundamentals of the scheme to be assessed. Where appropriate and reasonable, planning conditions have been recommended to control aspects of the scheme which lack detail.

APPRAISAL

The application is referred to Committee due to three objections being received from neighbouring properties.

The application site is located within the settlement boundary of Porthcawl, as defined by Policy PLA1 of the adopted Bridgend Local Development Plan (BLDP), and, as such, the development of this site for residential purposes could be regarded as a 'windfall and small-scale' site in a settlement boundary under Policy COM3 of the BLDP. Since this application seeks to replace an

existing dwelling within a designated settlement, it is considered that the proposed development, in principle, is considered acceptable in the context of Policy COM3 of the BLDP.

Strategic Policy SP2 of the BLDP relates to the acceptability of the design of new development and the aim of achieving sustainable place making. Additionally, Supplementary Planning Guidance 02: Householder Development (SPG02) sets out guidelines on the design of residential-type uses. Whilst SPG02 relates to householder development, the principles of the guidance are applicable to any new dwelling.

The site is located within a residential area and is located outside but adjacent to Newton Conservation Area. The existing dwelling is in disrepair and has no significant design merit so as to warrant retention. Properties along Bryneglwys Avenue vary considerably in their scale, design and appearance and this enables a degree of flexibility in the design of any replacement dwelling. In this particular case, the replacement dwelling would have reasonable design quality, expressing a hipped-style roof, with projecting gable elements and bay-type windows.

Whilst the proposed replacement dwelling would be significantly larger in scale, it would predominantly occupy the footprint of the existing bungalow (excluding the garage and garden store). A forward-projecting gable element would extend the building towards the road of Bryneglwys Avenue, however, this would not unreasonably disrupt the building line or the architectural rhythms of the street-scene. This is especially since the property would represent the first dwelling in the row fronting this section of Bryneglwys Avenue.

There is also a mixture of materials used within dwellings at Bryneglwys Avenue which emphasises the diversity of property styles within the street-scene. The dominant external finishes appear to be red/brown roof tiles and painted render with limited use of red/brown brick for the elevations. Whilst the external finishes of the replacement dwelling have not been specified on plan, it is considered that such details could be controlled via a condition. This would ensure that the appearance of the dwelling is sympathetic to the visual amenities of the area. Overall, it is considered that the scheme would enhance the visual appearance of the streetscene and the outer perimeter of Newton Conservation Area. The scheme, therefore, satisfies the design criteria of Policy SP2 of the BLDP and the guidelines within SPG02.

The site is surrounded by other residential properties, most notably New Lynn (to the North), Dan-y-Lan (to the South) and 58 Bryneglwys Gardens (to the East).

The proposed dwelling would be built in close proximity to the boundary with New Lynn. This neighbouring property is positioned approximately 0.5m higher than the application site with its amenity space being generally the same level as the site. New Lynn has been positioned at a right angle to the application site in a north-south orientation. Its rear elevation, therefore, backs onto the side boundary of the site, whereas the front and rear elevations of the existing and proposed dwelling would be in a west-east orientation.

The rear elevation of New Lynn contains a number of windows on the ground floor, including a glazed utility/conservatory, a living room, a study and a kitchen/dining room. Some of the rooms, particularly the living room and kitchen/dining room are in an open-plan configuration and benefit from light and outlook from windows located on other elevations. Since New Lynn is located on a corner plot, it also benefits from a generous amount of amenity space.

Given the siting of the proposed dwelling (within the plot and being south of New Lynn), its scale, massing and design, it was considered that the proposed development would be likely to result in a degree of dominance and some loss of light to the neighbouring property and its amenity space. However, the agent has subsequently reduced the eaves and ridge height of the two-storey rear wing of the proposed dwelling from 5m and 7.5m to 4.5m and 7m respectively. Furthermore, the roof of the dwelling would slope away from this neighbouring property, thereby, reducing its immediate impact.

This development would meet the recommended distances and guidelines of SPG02, particularly with regards to light (overshadowing) and dominance and a reasonable amount of the rear garden would not be positioned immediately adjacent to the new dwelling.

The occupier of New Lynn commented on this application in February, stating that they intended to commence building a single-storey rear extension by utilising permitted development rights. A site inspection by the Case Officer on 2 July confirms this this extension has not commenced. Only limited weight could, therefore, be given to this matter and the application is, therefore, assessed on its own merits based on the current circumstances of the site.

Having regard to the above, it is concluded that the harm generated by the proposed development on the amenities of the occupiers of New Lynn would not be so unreasonable so as to warrant refusal.

Notwithstanding the above, it is acknowledged that the site appears to be relatively flat, however, it is considered prudent to impose a condition for the levels of the new dwelling to be agreed, to ensure that the dwelling is kept as low as possible, in the interests of the amenities of neighbouring properties.

The side elevation of the proposed dwelling facing New Lynn would contain windows, however, the plans indicate that these would be fitted with obscure glazing. This would be subject to a condition to ensure that privacy standards are maintained. Additionally, it is unclear whether the existing boundary treatments surrounding the site would be modified or replaced as part of the overall development. It is, therefore, considered prudent to impose a further condition for the agreement of full details of all boundary treatments. This would ensure that all boundaries would safeguard the privacy of the new dwelling, neighbouring properties and the visual appearance of the area.

58 Bryneglwys Gardens is a two-storey property, located to the East of the application site. The plans indicate that the nearest part of the rear elevation of the proposed dwelling would be 10.5m from the boundary shared with No.58. This neighbouring property has a rear garden of approximately 7.5m deep, thereby, providing an overall distance between the rear elevation of the proposed dwelling and No.58 of approximately 18m. The bulk of the dwelling would, however, be 21m away from No.58 and this is considered sufficient to avoid any unreasonable loss of amenity with regards to light, outlook and dominance.

Whilst the first floor rear-facing window of Bedroom 3 and the ground floor rear-facing windows of the proposed dwelling would be within the recommended distance of 21m between habitable room windows, the concerned window would directly face the garage of No.58. This allows a degree of flexibility to the guidelines as specified under Note 6 of SPG02.

Furthermore, it is acknowledged that there is a degree of mutual or casual overlooking between properties in this area, especially since the first floor rear-facing windows of No.58 can view into the rear amenity space of the application property at a distance which is less than the recommended distance of 10.5m.

The agreement of all boundary treatments would also assist in ensuring reasonable privacy of both properties. All other rear-facing windows at first floor level and loft space of the proposed dwelling would meet the privacy guidelines within SPG02.

The proposed garage/store would be approximately 300mm off the boundary of No.58. Despite its proximity to this boundary it would only have a single storey scale (2.5m to eaves), finished with a hipped roof which slopes away from No.58, reaching a maximum height of 3.5m.

Having regard to the above, it is concluded that the proposed dwelling and garage/store would not have such an adverse effect on the amenities of No.58 so as to warrant refusal.

Dan-y-Lan is a two-storey property located to the South of the application site. The bulk of the proposed dwelling would be sited along a similar building line as Dan-y-Lan. The side elevation of this neighbouring property, facing the application site, is a blank wall. Furthermore, a void, equivalent to the width of a driveway, would be provided between the two properties.

It is noted that bedroom 3 of the proposed dwelling would have a window on the side elevation facing Dan-y-Lan. Whilst this window would be approximately 9.5m from the boundary with the neighbouring property, it would directly face a blank wall and over a single-storey rear element. Only limited and indirect views into the rear garden of Dan-y-Lan would be possible and this would be further limited by the proposed single-storey garage/store that would be sited alongside the boundary with Dan-y-Lan.

The proposed garage/store would be approximately 300mm off the boundary of Dan-y-Lan. Despite its proximity to this boundary and that it would extend almost the entire depth of the garden of the neighbouring property, it would only have a single storey scale and be finished with a hipped roof which slopes away from the boundary. Furthermore, the garage/store would be to the north of the garden of the neighbouring property.

Having regard to the above, it is not considered that the proposed dwelling and garage/store would have any significant adverse effect on the amenities of Dan-y-Lan, with specific regards to light, outlook, dominance and privacy.

There are other properties located on the opposite site of the road of Bryneglwys Avenue and it is considered that these dwellings would not be unreasonably affected by this proposal and the scheme complies with Policy SP2 of the BLDP and the guidelines within SPG02.

Notwithstanding the above, it is considered prudent to remove certain permitted development rights, to avoid the site being overdeveloped or unreasonable detriment to neighbouring properties.

The habitable rooms of the proposed dwelling would benefit from a reasonable degree of amenity. The dwelling would also have an adequate amount of outdoor amenity space which would be sufficiently usable and private.

Due to the vacant and derelict condition of the existing bungalow, a bat survey has been conducted. Bats have been found and a derogation licence will be required from the Welsh Government. The Council's Ecologist has no objections to the proposal subject to a condition.

The proposed dwelling would have a garage, drive and turning area. Sufficient off-street parking would be provided and the Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to a condition and advisory notes. It is, therefore, considered that this scheme would not have any significant adverse effect on highway/pedestrian safety.

The Drainage Section of the Council has no objections to the proposal subject to a condition for the submission of a scheme for the comprehensive drainage of the site. Welsh Water has no objections to the proposal subject to advisory notes. It is, therefore, considered that this scheme would not have any significant adverse effect on drainage or flooding. The site is located within the urban area and in reasonable proximity to other utilities. The Council's Structural Engineer and the Group Manager Public Protection have no objections to the proposal subject to advisory notes.

The proposal complies with Policy SP2 of the LDP and SPG02 and is considered acceptable.

CONCLUSION

Notwithstanding the objections received this application is recommended for approval because

the development complies with Council policy and guidelines and does not adversely affect privacy, highway safety, drainage, ecology/biodiversity or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

RECOMMENDATION

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

- 1 The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan (received 27 January 2015)
Ground Floor Plan as Proposed (received 27 January 2015)
First Floor Plan as Proposed (received 13 July 2015)
Roof Level Plan as Proposed (received 27 January 2015)
Section through Property showing Access to Roof Space (received 27 January 2015)
Front Elevation as Proposed (received 27 January 2015)
Rear Elevation to Garden (received 5 May 2015)
Side Elevation as Proposed (received 13 July 2015)
Side Elevation as Proposed [Side Elevation of Garage & Main House] (received 13 July 2015)

Section 6 [Conclusions and Recommendations] and Section 7 [Mitigation & Compensation] of Bat Activity Surveys conducted by Merlin Bio-Surveys (received 3 June 2015).

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

- 2 No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwelling and garage/store hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

- 3 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable with the boundary treatments retained thereafter.

Reason: To ensure that the general amenities of the area are protected.

- 4 No development shall take place until details of the proposed floor levels of the building in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

- 5 No development shall commence until a scheme for the comprehensive and integrated

drainage of the site, showing how road and roof/yard (surface) water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be implemented in full prior to the occupation of the dwelling hereby approved

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

- 6** The proposed drive, parking and turning areas shall be completed in permanent materials before the beneficial occupation of the dwelling hereby approved and shall be retained in permanent materials thereafter.

Reason: In the interests of highway safety.

- 7** The following windows serving the dwelling hereby approved shall be fitted with obscure glazing to a minimum of level 3 on the Pilkington index of obscurity:

Ground Floor windows facing north (towards New Lynn): Kitchen, Utility and W.C.

First Floor Windows facing north (towards Dan-y-Lan): Bedroom 2, En-Suites

The windows shall be fitted prior to the beneficial occupation of the dwelling hereby approved and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

- 8** Notwithstanding the requirements of condition 1, no development shall commence until there has been submitted to and agreed in writing by the Local Planning Authority details of the design of the foundations and the method for excavation of the proposed garage/store and the specification of any root protection measures for the trees protected under TPO (1978) OBC No.01 [G34]. Development and protection measures shall be carried out in accordance with the agreed details

Reason: To ensure the protection of important trees in the landscape.

- 9** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A, B, C, and E of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenities.

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

a. Notwithstanding the objections received this application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway safety, drainage, ecology/biodiversity or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b. Foul water and surface water discharges shall be drained separately from the site.

c. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

d. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

e. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru/Welsh Water's Developer Services on 0800 917 2652.

f. An adoption agreement from Dwr Cymru/Welsh Water may be required if a connection to the public sewerage system is required. For further information. Please contact Developer Services.

g. Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times.

h. In respect of Condition 5 (drainage) the applicant/developer is required to submit an assessment into the potential for disposing of surface water by means of a sustainable drainage system, in accordance with the principles set out in Technical Advice Note 15. The submitted details must include:

(1) A ground investigation report sufficient to support the design parameters and suitability of the proposed system.

(2) Information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures to prevent the pollution of the receiving groundwater and/or surface water.

(3) A timetable for its implementation; and

(4) A management and maintenance plan, for the lifetime of the development and any agreements to secure the operation of the scheme throughout its lifetime.

j. Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under Section 163 of the Highways Act 1980.

k. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be brought to the attention of the Public Protection Department of the Council.

l. The applicant/developer is advised to undertake intrusive site/soil investigations to determine the nature of the founding material prior to the foundations being designed.

m. The applicant/developer is advised that any hazardous waste encountered from the demolition of the existing bungalow must be handled by a licenced contractor and disposed at a registered site.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None