

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

16 JULY 2014

REPORT OF CORPORATE DIRECTOR - COMMUNITIES

REPORT OF A DEPARTURE PLANNING APPLICATION P/13/938/FUL

1. Purpose of Report

- 1.1 On 26th June 2014 the Development Control Committee considered planning application P/13/938/FUL as a departure from the Development Plan. The Development Control Committee resolved not to refuse permission so the application has been referred to Council which is requested to grant planning permission subject to conditions.

2. Connection to Corporate Improvement Plan/Other Corporate Priority.

- 2.1 The delivery of the County Borough Council's planning functions has links to most of the Council's corporate priorities as outlined in the Corporate Improvement Plan. The objective of *A Diverse and Sustainable Economy* are the most pertinent.

3. Background

- 3.1 Planning application P/13/938/FUL to include a parcel of land to the rear of 29-34 Cwrt Pant yr Awel, within the curtilage of 30 Cwrt Pant yr Awel, Blackmill Road, Lewistown, has been submitted to the Local Planning Authority. The Development Control Committee has resolved not to refuse this application.

4. Current Situation/Proposal

- 4.1 The retrospective planning application seeks planning permission to include a parcel of land to the rear of 29-34 Cwrt Pant yr Awel, within the curtilage of 30 Cwrt Pant yr Awel, Blackmill Road, Lewistown.

4.4 PUBLICITY

The period allowed for response to consultations and publicity expired on 18th March 2014.

4.5 NEGOTIATIONS

A full Committee Site Visit was held on Wednesday 25 June 2014. The Local Member and the applicant were in attendance.

4.6 CONSULTATION RESPONSES

Town/Community Council Observations:

Notified on 10th January 2014

4.7 REPRESENTATIONS RECEIVED

Kelly Williams, 28 Cwrt Pant Yr Awel

Supports the proposal.

Mark Greenwood & Laura Greenwood, 31 Cwrt Pant Yr Awel

We are somewhat surprised to receive this application for planning permission as we were under the impression from the applicant that this land belonged to them and that we were under no choice but to allow their use of it for this reason. Although we do not wish to cause upset or bad feeling with good neighbours, we do feel we need to emphasize that contrary to what is written within this application, we were not consulted prior to the land being utilized in this manner and so cannot claim to have expressed being 'pleased' with it.

We did have a conversation some time back about methods of decreasing possible fire risk from wild bushes growing on the slope, following which we suggested that the surrounding houses club together to purchase some suitable materials to create a barrier. It was not mentioned at this time, nor indeed until sometime later that the land belonged to our neighbours. This was later done so only after we cut the top half of our fence down in order to enjoy the view to its full extent- we were then informed by the applicant that if he wished to place items such as a shed or any other structure that could block the view on the far side of our fence, they would have the right to do so as this land belonged to them. I'm sure you can understand we were actually quite upset by this as our main reason for purchasing the property was the wonderful view.

It was some time following these conversations that they began to expand on their garden space in multiple directions. We had checked before buying the house if there was any reason we should not be able to reduce the height of our fence so as to see more of the valley and were told by the housing company (Lovell) that there was not - this had therefore always been our intention. We were therefore upset initially when the applicant extended the garden area to create a double tiered decking structure on stilts that blocked a portion of our view from the upstairs windows of our house. Also, then to find our privacy significantly intruded upon as our neighbours and their relatives regularly and frequently go back and forth across this pathway as we sit in our garden and house. We have also noticed a significant reduction in local wildlife such as butterflies and foxes at the end of our garden since the garden extension and path were put in place.

However we did not feel able to raise these issues previously as we did not want to cause bad feelings and we were under the impression we had no choice in the matter.

David Williams, 30 Cwrt Pant Yr Awel

Notification of intention to speak outlined in letter dated Sat 21 June 2014

4.8 COMMENTS ON REPRESENTATIONS RECEIVED

The objection received from the neighbouring property 31 Cwrt Pant yr Awel has been considered whilst determining this application. Whilst a number of the objections raised relate to a civil matter with Lovells, the objection in regards to privacy has been assessed.

The land to the rear of the boundary fence is within the private ownership of the applicant and as such they have the right to access the land. The reduction in the height of the boundary fence of 31 Cwrt Pant yr Awel was undertaken by the owner

and thus resulted the privacy issue. This issue can be rectified by the owner of 31 Cwrt Pant yr Awel through the reinstatement of the original 2m high fence.

4.9 APPRAISAL

The application is reported to the Development Control Committee, as part the development is out-of-accord with the Local Development Plan, with an approval recommendation.

The retrospective planning application seeks planning permission to include a parcel of land to the rear of 29-34 Cwrt Pant yr Awel, within the curtilage of 30 Cwrt Pant yr Awel, Blackmill Road, Lewistown.

The parcel of land which is the subject of the application has been cleared and now includes a gravelled area with a small domestic shed, green house and a number of flower beds.

The majority of the land subject of this application is located within the designated settlement boundary as defined by Policy PLA1 of the adopted Bridgend Local Development Plan (LDP) and is therefore acceptable in principle. However, some of the land (the extended garden curtilage directly behind 30 Cwrt Pant yr Awel) extends marginally beyond the settlement boundary.

Accordingly, this application has been advertised as being out-of-accord with the Local Development Plan. However, after further consideration of the settlement boundary and the ground conditions, which suggest that this application takes the boundary to its logical extent, as the gradient of the land beyond the boundary of this extended curtilage falls steeply limiting any further extension, the development is considered to be acceptable in policy terms and does not prejudice the character of the area.

The existing shed and green house are screened by the boundary fencing of the adjacent neighbouring properties, however, they are partially visible from the adjacent community route.

Subject to conditions, it is considered that the development does not have such a significant impact on the visual or residential amenities of the area as to warrant a refusal.

4.10 CONCLUSION

This retrospective application is recommended for approval because the development complies with Council policy and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

5.0 Effect upon Policy Framework & Procedure Rules

- 5.1 Whilst the proposal is deemed to be out of accord with the adopted Bridgend Local Development Plan, this application is recommended for approval on the basis that after further consideration of the settlement boundary and the ground conditions, which suggest that this application takes the boundary to its logical extent, as the

gradient of the land beyond the boundary of this extended curtilage falls steeply limiting any further extension, the development is considered to be acceptable in policy terms and does not prejudice the character of the area.

The development would not be so detrimental to the countryside protection policies of the Local Development Plan, visual amenity, highway safety or residential amenity so as to warrant refusal.

6. Equality Impact Implications

- 6.1 A screening for Equality Impact has been undertaken and no negative issues have been identified.

7. Financial Implications.

- 7.1 None.

8. Recommendation

That the Council resolves to approve planning application P/13/938/FUL subject to the following conditions:-

1. Within 1 month of the date of this consent full details of a landscaping scheme/landscape maintenance plan along the rear boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed landscaping works shall be carried out within the next planting season (November 2014 - March 2015) in accordance with the agreed schedule.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

2. If within a period of three years from the date of the planting of any tree that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

3. 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 further development which would be permitted under Article 3 and Class E of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the revised curtilage of the dwelling, known as 30 Cwrt Pant yr Awel, 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

This retrospective application is recommended for approval because the development complies with Council policy and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

MARK SHEPPARD
CORPORATE DIRECTOR COMMUNITIES

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Background documents

Planning Application file P/13/938/FUL
Bridgend Local Development Plan