

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/16/43/FUL
APPLICANT: MR JOHN CROCKER
5 TEAL CLOSE NOTTAGE PORTHCAWL

LOCATION: WINDRUSH HEOL LAS MAWDLAM TO HEOL DREWI TON KENFIG
KENFIG BRIGDEND

PROPOSAL: NEW DWELLING

RECEIVED: 18th January 2016

SITE INSPECTED: 18th February 2016

APPLICATION/SITE DESCRIPTION

The application seeks planning permission to erect a single detached dwelling in the grounds of the Windrush. The proposed dwelling will be located directly to the south of the existing building, which was formally occupied by a restaurant extension to the Windrush which has been demolished.

The proposed dwelling will measure 13.7m x 8.6m and will be finished with a pitched roof reaching a maximum height of 7.6m. The dwelling will accommodate two ensuite bedrooms, a snug, cloakroom, store and a utility/cleaning area at ground floor level and an open plan living area/ kitchen, 2 bedrooms and a bathroom at first floor level. The development proposes a balcony to the front elevation. Access to the rear of the property and parking area would be via the existing access road to the side of the 'Windrush'.

The application is set back from the main road between Kenfig and Porthcawl.

RELEVANT HISTORY

P/09/147/FUL REFUSED 12-05-2009
ERECTION OF A DETACHED RESIDENTIAL DWELLING HOUSE

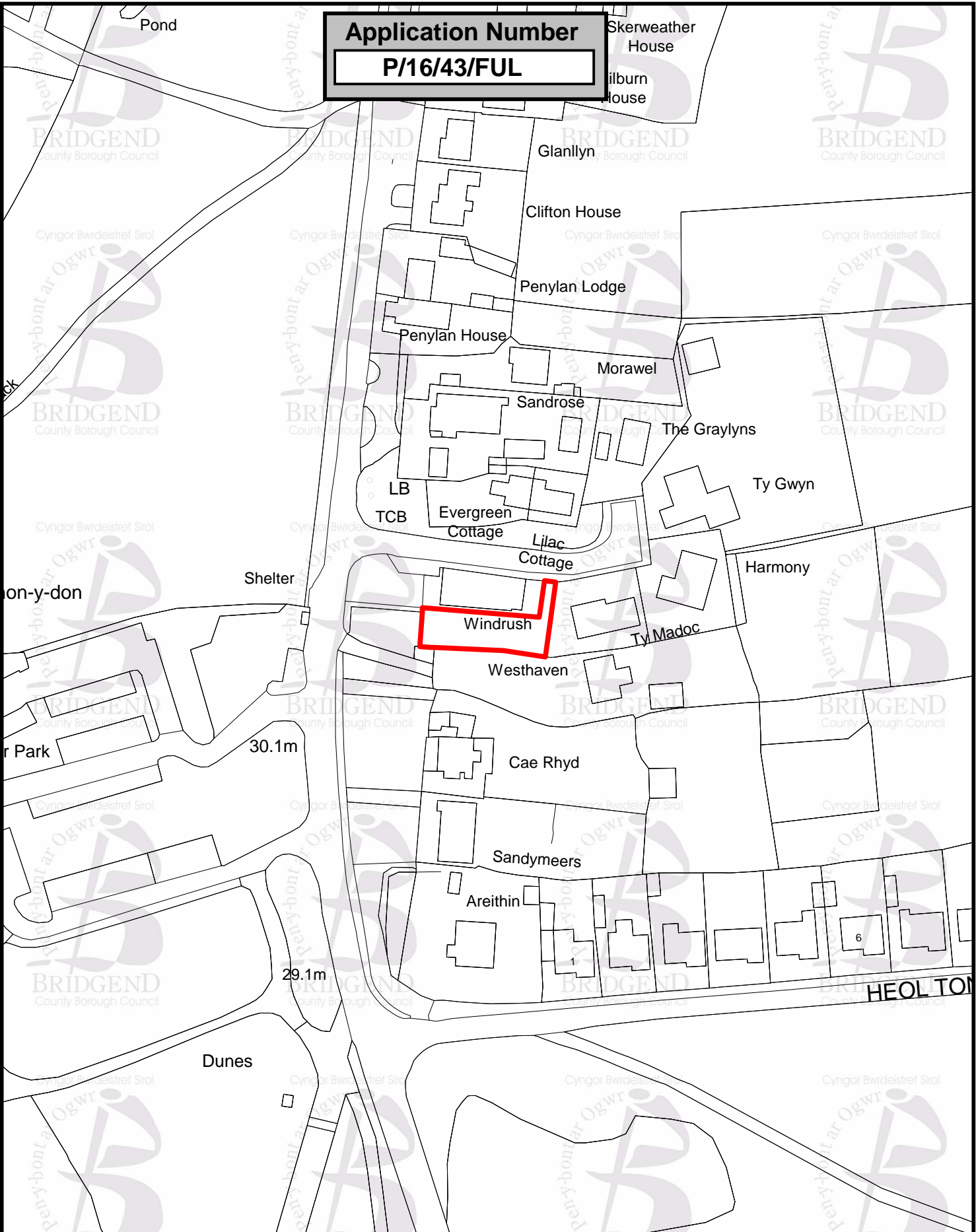
P/13/626/FUL REFUSED 14-01-2014
BUILD DETACHED FAMILY HOUSE OF SIMILAR SIZE TO EXISTING 'WINDRUSH'

P/14/410/FUL REFUSED 30-10-2014
BUILD DETACHED FAMILY HOUSE OF SIMILAR SIZE TO EXISTING 'WINDRUSH'

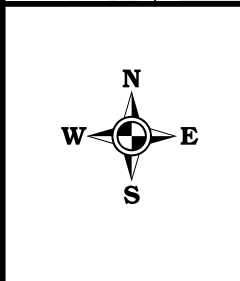
APPEAL REF: 1604 - DETACHED DWELLING - DISMISSED 19/10/2009
APPEAL REF: 1754 - DETACHED DWELLING - DISMISSED 29/07/2015

PUBLICITY

Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations expired on 3 March 2016.



Application Number
P/16/43/FUL



Scale 1:1,250

Date Issued:
04/05/2016

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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NEGOTIATIONS

The applicant advised that the development does not propose a Bed and Breakfast element.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 11th February 2016

Head Of Street Scene (Drainage)

Requested that two conditions be attached to any permission granted.

Natural Resources Wales

Has no objection to the proposal.

Welsh Water Developer Services

Advised on sewerage.

REPRESENTATIONS RECEIVED

Objections Were Received From The Following:, -

E Dykstra - Evergreen Cottage

G Lewis - The Graylins

Kenfig Corporation Trust

The objections are summarised as follows:-

- Impact on visual amenities of the area
- Overdevelopment of the site
- Lack of parking
- Scale and design would dominate the adjoining property
- Development will be used as a Bed and Breakfast
- Right of access is required on land outside of the applicants ownership
- Damage to private road
- Disturbance during construction phase
- Lack of plans of the proposed development

COMMENTS ON REPRESENTATIONS RECEIVED

The impact on visual amenities, residential amenities and the issue of overdevelopment are addressed in the 'Appraisal' section of this report.

The applicant has confirmed that the development will not be used as a bed and breakfast. The applicant has also been advised that if that is a future intention a separate planning application will be required to change the use of the building if the number of bedrooms used as a bed and breakfast facility exceeds 50% of the overall number of bedrooms in the dwelling (i.e. more than 2 bedrooms).

Any damage caused to private property is a private matter between the parties involved.

Issues of landownership and rights of access are not planning matters.

Any disruption caused during the construction phase will be short term only and is not a reason to preclude planning consent.

Plans of the proposed development were provided with the application.

APPRAISAL

The application is referred to the Development Control Committee for determination in view of the number objections received.

The application seeks planning permission to erect a single detached dwelling within the curtilage of 'Windrush'.

There is a history of planning decisions associated with the application site which is outlined below:-

* In 2009 an application was submitted for a detached dwelling on the site which was refused for the following reasons:-

1. The proposed development would detract from the privacy and amenities reasonably expected to be enjoyed by occupiers of nearby residential properties, contrary to Policy EV45 of the Bridgend Unitary Development Plan.

2. The design of the proposed dwelling would result in a miserable outlook from the proposed ground floor reception area to the detriment of the future occupiers of the dwelling contrary to Policy EV45 of the Bridgend Unitary Development Plan.

* An appeal was subsequently submitted which was dismissed in October 2009.

In respect of reason No.1, the Inspector was of the view that the first floor bedroom and lounge windows would be within close proximity to the front garden of the neighbouring house and would result in an unacceptable level of overlooking that would harm the living conditions of the neighbouring residents. The Inspector also advised that even if the windows were obscurely glazed to a high level there would still be an imposing degree of perceived overlooking.

In respect of reason No. 2, the Inspector considered that as the ground floor reception area was not going to be used as a habitable space, the limited outlook would not be sufficient to withhold planning permission.

* A further application for a detached dwelling on the site was submitted in 2013 (P/13/626/FUL refers) and was refused for the following reasons:-

1. The proposed development would detract from the privacy and amenities reasonably expected to be enjoyed by occupiers of nearby residential properties, contrary to Strategic Policy SP2 of the Bridgend Local Development Plan.

2. The proposed development, by virtue of its size and design would represent an incongruous element in the street scene to the detriment of local visual amenities, contrary to Strategic Policy SP2 of the Bridgend Local Development Plan.

* Following the refusal in 2013 the applicant entered into pre-application discussions with the Local Planning Authority and was advised that in order to overcome the reasons for refusal, the side facing windows should be amended and the two storey side element removed.

* A further application for a detached dwelling was submitted on 18 June 2014 (P/14/410/FUL refers). The application proposed an amended design in order to attempt to overcome the

previous reasons for refusal. The windows on the southern elevation were high level windows and the two storey element on the southern elevation was replaced with a single storey element. The application was refused for the following reasons:-

1. The proposal constitutes an over development of the site as there would be insufficient amenity space available for future use of occupiers of this development contrary to Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02: Householder Development.

2. The proposed development by virtue of its scale and design would dominate adjoining property to an unacceptable degree thereby resulting in a significant loss of residential amenity contrary to policy SP2 of the Bridgend Local Development Plan.

An appeal was subsequently lodged which was dismissed in July 2015.

In respect of reason No.1, the Inspector was of the view that the level of amenity space proposed was substandard to meet both the parking requirements and the ancillary needs of a large dwelling.

In respect of reason No. 2, the Inspector considered that, as the first floor lounge window on the side elevation of the Windrush had been removed since the refusal of planning permission, the proposal would not result in a degree of dominance that would be harmful to the outlook from the adjacent property.

The current application differs from the previously refused application in that it proposes a dwelling which has been reduced in depth by 2.3m and the side facing first floor window at the adjacent property, The Windrush, has been removed.

The site is located within the settlement boundary of Ton Kenfig. Strategic Policy SP2 of the Bridgend Local Development Plan - Design and Sustainable Place making - states:-

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.

The existing dwelling, 'Windrush' is finished in a mix of materials including smooth render and brick with a brown tile roof. It is a large, dominant building which has few architectural features of merit and is an imposing structure in this prominent location. Since the demolition of the attached single storey restaurant, its overall appearance has deteriorated.

The scale and design of the proposed dwelling mirrors the main part of the existing dwelling and the submitted plans indicate that the dwelling would be finished in render, however, the final details have not been confirmed. The proposed dwelling would also include a balcony on the front of the building. The other dwellings in this area are finished in a mix of materials, with the ones nearest to the application site being finished in smooth render painted white.

Given that the proposed dwelling is replicating the design of an existing dwelling in the area, the Windrush, the development is not considered to be so harmful to the visual amenities of the area as to warrant refusal of the scheme for this reason.

The application site is currently the subject of an enforcement investigation due to its untidy appearance and its close proximity to Kenfig Nature Reserve. The proposed development would remove this area of unkempt land and would enhance the visual amenities of the area. Furthermore, the proposed development would screen the side elevation of the Windrush from public views.

In terms of residential amenity, the proposed windows on the first floor elevation directly face the front garden of the property to the south, Westhaven, and these windows are considered likely to have a detrimental impact on the privacy standards of Westhaven. In order to address the overlooking caused by the windows, a condition is recommended requiring the windows serving the open plan lounge/kitchen and the rear bedroom to be fixed and fitted with obscure glazing. The imposition of such a condition will ensure that privacy standards are not adversely affected and the residential amenities of the future occupiers of the dwelling will not be compromised as the windows are all secondary windows. It is considered that the proposed condition overcomes the first reason for refusal in the 2013 application.

In respect of the amenity space serving the proposed dwelling, a private garden area measuring 6m x 9.7m will be provided together with an area for 3 off street parking spaces measuring 7.5m x 9.7m, totalling an area of 132.48sqm. This level of amenity space is considerably more than the area previously proposed with the refused application (P/14/410/FUL refers), which proposed a shared area of parking and amenity space measuring 11.2m x 9.7m (108.64 sqm) for a larger dwelling. The proposed outdoor amenity area is considered to be of a suitable size to serve the proposed detached 4 bedroom dwelling and, as such, the proposed development is considered to address reason for refusal No. 1 attached P/14/410/FUL.

Given the location and design of the proposed dwelling there are no overriding concerns in regard to overshadowing of the properties to the rear or south.

In respect of the impact on residential amenities, the property to the rear, Ty Madoc, has a first floor window which is less than 21m from the first floor windows on the rear elevation of the proposed dwelling, however, as the window at Ty Madoc does not serve a habitable room, it is considered that privacy standards will not be impinged.

The development also proposes a balcony along the front elevation which will also be used as amenity space. A condition is attached to the recommendation requiring details of a 1.8m screen to be installed to the southern end of the boundary to preserve the amenities of Westhaven.

Furthermore, there is an area of common land directly to the front of the site and Kenfig Nature Reserve is located approximately 100m to the west of the site.

The site is located adjacent to the main road from Porthcawl to Maudlam and is served by public transport with a bus stop almost directly opposite the site, sufficient parking will be provided to the rear of the dwelling. There is no objection from the Highways Section in respect of parking provision or highway safety.

As the previously developed site has a concrete base there would be no effect on biodiversity.

Whilst determining this application Policies ENV1 & SP2 of the Bridgend Local Development Plan (2013) and Notes 1,2,6,8,10,11 & 12 of Supplementary Planning Guidance 2: Householder Development (2008) and were considered.

CONCLUSION

Notwithstanding the objections received, this application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities or highway safety 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:-

- Proposed First Floor WR_PL002 Rev B (received 3rd February 2016)
- Proposed Ground Floor layout & Elevations WR_PL001 Rev B (received 3rd February 2016)

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

2 Notwithstanding the submitted plans, the development shall not be brought into beneficial use until the first floor windows facing Westhaven as shown on Drawing No. WR_PL002 Rev B(received 3 February 2016) are obscurely glazed to a minimum of level 5 on the Pilkington index of obscurity for a minimum of 1.7m above first floor level. The obscured glazing element shall also be of a fixed pane design and shall be retained as such in perpetuity.

Reason: In the interest of residential amenities.

3 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 building 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.

4 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, E & F 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 residential and visual amenities.

5 The property hereby approved shall be used as a dwelling house and for no other purpose including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: For the avoidance of doubt as to the extent of the consent granted and in the interests of residential amenities.

6 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed and prior to beneficial use.

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

7 No development shall commence on site until a ground investigation report and infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme must be implemented prior to beneficial use.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

- 8** The parking area as shown on plan No. WR_PI001 Rev B shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) The applicant is advised that the creation of the driveway access is likely to require the adjacent street lighting column to be relocated. Approval for such works must be secured from the Highway Network Manager.

b) It is a requirement under Section 153 of the Highways Act 1980 that any gates must be located and fitted so as not to open out over the highway.

c) The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the parking area, although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of the parking area should not be considered as a first option.

d) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Waterton Depot, Waterton Lane, Waterton Industrial Estate, Bridgend. Telephone No. (01656) 642541.

e) The applicant should be advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

f) 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.

g) The applicant is advised that the creation of the driveway access is likely to require the adjacent street lighting column to be relocated. Approval for such works must be secured from the Highway Network Manager.

h) It is a requirement under Section 153 of the Highways Act 1980 that any gates must be located and fitted so as not to open out over the highway.

i) The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the parking area, although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of the parking area should not be considered as a first option.

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k) The applicant should be advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

l) 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.

m) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None