

REFERENCE: P/16/431/FUL

APPLICANT: Mr Jonathan David Riverside View, Waterton Lane, Bridgend, CF31 3YW

LOCATION: Land Adjoining 39 Jubilee Road Bridgend CF31 3BA

PROPOSAL: Two Storey Dwelling

RECEIVED: 31 May 2016

SITE INSPECTED: 21 March 2016

APPLICATION/SITE DESCRIPTION

The application proposes the construction of a detached dwelling on land forming the rear garden of 39 Jubilee Road, Bridgend. The submitted layout plan indicates that a plot measuring 14m wide from the boundary with the neighbouring dwelling to the north west, 12 Jubilee Crescent, is to be created in the existing rear garden. The proposed new dwelling is to be sited 3m away from the boundary with this neighbour and set back 6m from the existing boundary with Jubilee Crescent so that it matches the front building line of the properties on this side of Jubilee Crescent. The dwelling will measure 9.2m wide by 7.5m deep with a hipped roof reaching 8.25m to its ridge. The eastern plot boundary, which separates the new dwelling from the host property, 39 Jubilee Road, is set 1.75m away from the eastern elevation of the proposed new dwelling which provides a rear garden for the host property measuring 8.4m (from the rear wall of the original dwelling) and 5.4m (from the rear wall of the single storey annex).

The accommodation within the proposed new dwelling will comprise a central hallway with living/dining room and kitchen/utility and study arranged on either side on the ground floor with three bedrooms, one of which will have an en-suite and dressing area together with a family bathroom served off the central landing area on the first floor. Two parking spaces are shown on the western side of the proposed dwelling (adjacent to the boundary with 12 Jubilee Crescent) accessed from an existing vehicular crossover. A new double width vehicular crossover is to be created on the eastern side of the proposed dwelling to provide access to two replacement parking spaces to serve the host property, 39 Jubilee Road. The elevational drawings annotated to show that the bottom half of the principal elevation will be finished in facing brick with the upper section and all other elevations finished in render. The roof is to be covered in natural slate with red ridge tiles. A chimney projecting 2.5m above the eaves on the eastern side of the dwelling is also indicated as serving a fire in the ground floor living/dining room. The external finishes of the chimney have not been specified.

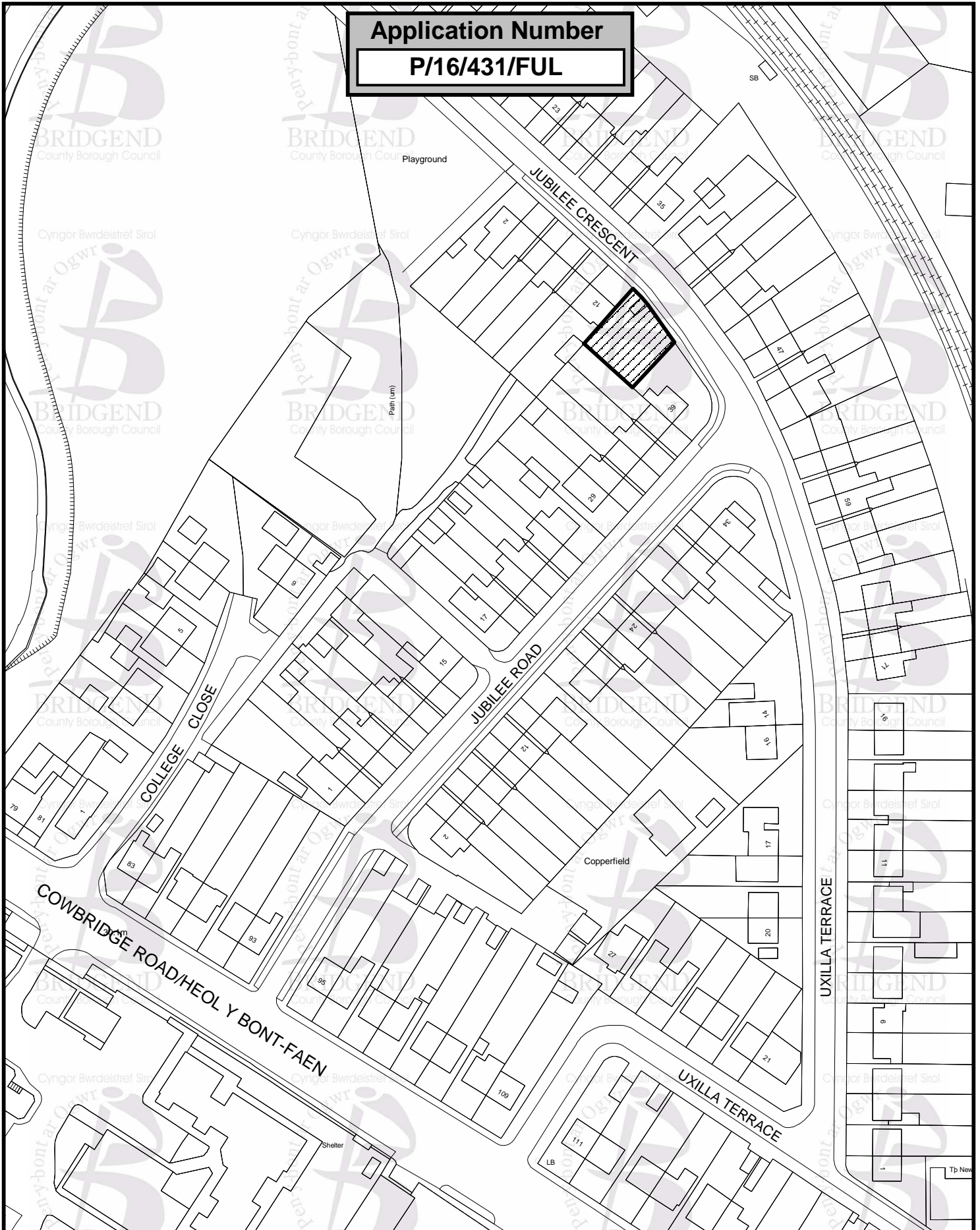
39 Jubilee Road is a corner property located on the eastern side of the junction of Jubilee Road with Jubilee Crescent. The proposed new dwelling is to be sited in the rear garden of the existing property and accessed from Jubilee Crescent. It was noted during the site inspection that the side and rear garden of 39 Jubilee Road was heavily overgrown but it appeared to be reasonably flat and level with surrounding properties.

RELEVANT HISTORY

90/0840 - Dwelling (Application in Outline)	Approved with conditions - 26/07/90
P/93/793/OUT - Erection of Dwelling	Approved with conditions - 27/08/93
P/96/648/RLX - Extend period for reserved matters	Approved with conditions -

Application Number

P/16/431/FUL



Scale 1:1,250

**Date Issued:
27/07/2016**

**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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09/08/96

P/16/193/FUL - New 2 Storey Dwelling - Refused - 25/04/16

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 7th July, 2016

CONSULTATION RESPONSES

Councillor Mrs E M Hughes - There are objections from 39,41 & 12 Jubilee Crescent on the grounds of being a two storey building, location near a busy junction and over-intensification due to lack of open space. A site visit is requested to enable Committee to see the constraints and judge the position of the proposed development.

Bridgend Town Council - No objection.

Head of Street Scene (Highways) - No objection subject to conditions.

Head of Street Scene (Drainage) - No objection subject to condition.

Welsh Water Developer Services - No objection subject to condition.

REPRESENTATIONS RECEIVED

Five letters of objection have been received from local residents

The grounds for objection can be summarised as follows:-

1. Noise, Disturbance & Dust during the construction phase.
2. Increased traffic and parking will exacerbate existing problems.
3. Adverse impact on privacy of immediate neighbour's garden & properties opposite in Jubilee Crescent.
4. Out of character with the area.
5. Devaluation.
6. Drainage issues.
7. Overbearing impact on adjoining properties.
8. Impact on highway safety given proximity to junction.
9. Development has previously been refused.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections raised by the local residents and supported by the Ward Member:-

Noise, Disruption and Dust caused during the construction phase of the development - On the basis that the construction would only be a temporary phase, which is controlled by other legislation, it is considered that these issues are not material to the assessment of the planning merits of the scheme.

Increased Traffic - Whilst the concerns of local residents are noted, it is considered that as the proposed development is a single dwelling, the impact will not be so significant as to warrant refusal of the scheme.

Car Parking - It was noted during the site inspection that currently 39 Jubilee Road benefits from a single parking space accommodated in a garage structure sited close to the boundary with 12 Jubilee Crescent. The submitted plans indicate that two parking spaces are to be provided within the revised curtilage of the host property, which represents an improvement on the current situation. With regard to the proposed new dwelling, although two spaces are shown on the site layout, this is insufficient to meet the Authority's parking standards, which require three spaces for a dwelling of this scale. The site is, however, capable of accommodating the required spaces and therefore an appropriately worded condition can secure such provision.

Overlooking and Loss of Privacy - Concerns have been expressed by the occupiers of the properties on the opposite side of Jubilee Crescent but in view of the distances and the intervening highway, it is considered that the proposed development will not so significantly impact on these neighbours as to warrant refusal.

The occupiers of the properties immediately adjoining the application site at 12 Jubilee Crescent and 37 Jubilee Road have also expressed concern regarding the impact of the proposed development on their privacy. The submitted plans do not include windows in the side elevation of the proposed new dwelling facing into 12 Jubilee Crescent. Further, given that the proposed development will be orientated with its principal elevation facing onto Jubilee Crescent, it is considered that the impact will not exacerbate the existing situation in terms of overlooking of this objector's rear garden.

With regard to the potential impact on the privacy of the rear garden of 37 Jubilee Road, it is noted that the proposed dwelling has been designed with a first floor bedroom window serving bedroom 3 facing into the objector's property. Whilst, the rear elevation of the proposed dwelling is only 4.5m away from the boundary with the objector's garden, the views obtained from this window will be of this rear garden rather than facing windows in the objector's home. Obscure glazing could be considered but, as this window serves a bedroom, such a requirement is not considered appropriate and, on balance, it is considered that this arrangement will not exacerbate the existing situation to such a degree as to warrant refusal of the scheme for this reason.

Out of character with the area - It was noted during the site inspection that the surrounding area is characterised by short terraces of two storey hipped roofed dwellings set in generous plots provided with substantial rear gardens. Whilst the proposed development will be significantly smaller in plot size and will reduce the curtilage of the host dwelling, it is considered that the site layout adequately safeguards the privacy of neighbours, includes off street parking facilities, reasonable levels of private amenity space and, in visual terms, has been designed to reflect the details of the adjoining dwellings in Jubilee Crescent onto which it will face.

Devaluation - This is not a material planning consideration.

Drainage issues - Whilst residents have expressed concern, Dwr Cymru/Welsh Water and the Land Drainage Section are satisfied that a condition requiring a comprehensive and integrated drainage scheme can be imposed to address this issue.

Overbearing Impact - The submitted layout indicates that the eastern (side) elevation of the proposed new dwelling will be located approximately 10m away from the rear elevation of the host dwelling, 39 Jubilee Road, and is off set so that it will not face onto the single storey rear extension to the host property. The Authority's Supplementary Planning Guidance (SPG) 2, although relating to household development, provides

guidance on the assessment of domination and overshadowing, which it is considered can be applied to assess the relationship of the proposed dwelling with the host property. The SPG clarifies that unreasonable domination is an issue only where a main window to a habitable room in an adjacent dwelling will directly overlook a proposed development. In addition, for unreasonable domination to be demonstrable, the development must be either:-

- Higher than a line, perpendicular to the window wall, rising at 25 degrees to the horizontal from the mid point of the affected window(s); or
- Closer than 10.5m to the window.

In this case, the proposed new dwelling only marginally infringes both of these criteria and it is therefore considered that this relationship will not so significantly dominate the host dwelling as to warrant refusal on the grounds of detriment to the residential amenities of its occupiers.

Proximity to junction - Objectors have suggested that the site layout, due to its proximity to the road junction, will be detrimental to highway safety. The Highways Department does not concur with this view.

Precedent - Objectors highlight that an earlier application P/16/193/FUL was refused and consider that this application should also be refused. Each application is assessed on its individual merits and it is considered that the revisions to the design, siting and scale of the proposed dwelling have addressed the reasons for refusal of the earlier submission.

APPRAISAL

The application is referred to Committee to consider the objections raised by local residents, which have been supported by the Ward Member.

The application seeks consent for the construction of a detached two storey dwelling on land currently forming the rear/side garden of 39 Jubilee Road, Bridgend. As indicated earlier in this report in the description of development, the application site is a corner property located adjacent to the junction of Jubilee Road with Jubilee Crescent.

The application site lies within the settlement of Bridgend as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP permits residential development within settlement boundaries, on windfall and small scale sites or the re-use of vacant or under-utilised land, provided no other LDP Policy protects the building or land for an existing or alternative use. In principle, therefore, the redevelopment of the side/rear garden of the existing property for a dwelling would accord with this Policy.

Assessment of the layout and details for the proposed new dwelling falls to be made against Policy SP2 of the LDP, which requires that all development contributes 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 and establishes criteria which development proposals are required to satisfy.

In respect of the proposed new dwelling, it is considered that criteria 1, 2, 3, 4, 6, 12 & 13 would be relevant. For the reasons outlined in the previous section of this report providing comments on representations received, it is considered that the proposed

development is now compatible with the local character, is of an appropriate scale and maximises the development potential of the land thereby meeting criteria 1, 2, 3 & 4.

Criterion 6 requires development proposals to provide satisfactory access to the development itself and linkages outside the site through good walking, cycling, public transport connection. In this case, the application site is located within a long established residential area where, it is considered, the existing connections outside the site are adequate. In terms of access to the site itself, the Highways Department consider that the layout incorporates replacement parking facilities for the host dwelling and although the scheme fails to provide adequate parking spaces for the proposed new dwelling to meet the Authority's standards, this can be satisfactorily addressed by condition.

In criterion 12, the Policy seeks to ensure that the viability and amenity of neighbouring occupiers will not be adversely affected. For the reasons outlined in the previous section of the report, it is considered that the development has been designed so that it does not unreasonably infringe the privacy of its neighbours nor does it result in unreasonable domination or overshadowing of adjoining properties. It is therefore considered that the requirements of the criterion are met. The final criterion requires the provision of appropriate drainage arrangements. The Land Drainage Section has recommended a condition to require a drainage scheme to address this matter.

Whilst determining this application Supplementary Planning Guidance 2 - Householder Development, Policies PLA1, COM3, PLA11 & SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17 - Parking Guidelines were considered.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public 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." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are: 1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment," 2. That there is "no satisfactory alternative," and 3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given that this is an existing garden area, it is considered that, overall, there will be no significant adverse impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Section 3 of 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 compromising 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 and * a globally responsible Wales.

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm 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: plan numbers JD/B/16/01A, JD/B/16/02A and JD/B/16/03A.

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

2. Notwithstanding the approved plans, 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 amenities of the area.

3. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of two off street parking spaces for 39 Jubilee Road has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed parking spaces shall be provided in permanent materials in accordance with the agreed scheme before the commencement of works to construct the new dwelling and be so retained in perpetuity.

Reason : In the interests of highway safety.

4. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of three off street parking spaces within the curtilage of the new dwelling hereby approved has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the three parking spaces shall be provided in permanent materials in accordance with the agreed scheme prior to the development being brought into beneficial use and retained for parking purposes in perpetuity.

Reason : In the interests of highway safety.

5. The proposed means of access to 39 Jubilee Road and the new dwelling, hereby approved, shall be laid out with 1m by 1m pedestrian vision splays in both frontage directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason : In the interests of highway safety.

6. No structure, erection or planting exceeding 0.6metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason : In the interests of highway safety.

7. 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.

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

8. Notwithstanding the provisions of the Town & 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 shown on the approved plans.

Reason : In the interests of visual and residential amenities.

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

Reason : To ensure the provision of effective drainage facilities and that flood risk is not increased.

10. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- (a) This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy or highway safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.
- (b) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highways Maintenance Manager. The developer should contact the Highways Maintenance Inspector for the area at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend on 01656 642541.
- (c) In order to satisfy the drainage condition, it will be necessary for the following supplementary information to be provided:-
- Specialist ground investigation/geotechnical report to confirm acceptability of any proposed infiltration system;
 - Infiltration tests to confirm the acceptability of any proposed infiltration system;
 - Design Calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface water system;
 - A timetable for its implementation;
 - A management & maintenance plan for the lifetime of the system and
 - Drawings showing the arrangement of the foul and surface water drainage systems.
- (d) The observations received from Dwr Cymru/Welsh Water are attached for the developer's information and consideration.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None