



## BRECON BEACONS NATIONAL PARK AUTHORITY

### DELEGATED DECISION REPORT

**Application No:** 11/07075/FUL      **Case Officer:** Mrs Kate Edwards  
**Site Notice Posted:** 11th Aug 2011      **Consultation Date:** 10th Aug 2011  
**Date Valid:** 5th Aug 2011      **8 Week Target:** 30th Sep 2011  
**Decision Type:** Delegated Decision  
**Proposal:** Rear Conservatory  
**Address:** Cherry Tree Cottage, Twyn-Wenallt, Gilwern

### CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly Community Council	15th Sep 2011	No objections.
Llanelly Community Council	30th Aug 2011	Req to defer decision until after the 12th September when Community Council will hold meeting.

### CONTRIBUTORS

### NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

No comments received.

### RELEVANT POLICIES

**G3:** "Development in the National Park" (Unitary Development Plan 2007)  
**G6:** "Design" (Unitary Development Plan 2007)  
**ES27:** "House Extensions and Ancillary Buildings" (Unitary Development Plan 2007)  
**Q8:** "Historic Landscapes" (Unitary Development Plan 2007)  
**LPG3:** "Development in the National Park." (Local Plan 1999)  
**LPG7:** "Design and energy conservation." (Local Plan 1999)  
**LPHI 4:** "House extensions and ancillary buildings" (Local Plan 1999)  
**LPCL9:** "Archaeology and cultural features." (Local Plan 1999)  
**Q5:** "Biodiversity and Development" (Unitary Development Plan 2007)  
**LPCL5:** "Wildlife and landforms." (Local Plan 1999)

### PLANNING HISTORY

App Ref	Description	Decision	Date
BG6918	House	Application Permitted	7th Jan 1985

07/01246/FUL	Proposed single storey double garage.	Application Permitted	11th Oct 2007
10/05343/FUL	Relocation of vehicle entrance with new garage/workshop and granny annex above to replace existing garage and car port	Application Refused	27th Oct 2010
MI9153	Erection of two storey double garage	Application Permitted	29th Jul 2003

## OFFICER'S REPORT

### Site Description

Cherry Tree Cottage is a two storey detached residential dwelling on land allocated as open countryside in the Brecon Beacons National Park Unitary Development Plan (April 2007).

The dwelling is positioned centrally in its associated private amenity space. The dwelling's materials are wooden windows and doors, rendered elevations and slate roof.

Within the environs of Cherry Tree Cottage are a number of scattered dwellings. There is one dwelling, Ty Cerrig, which shares a boundary with Cherry Tree Cottage. There is approximately 15 m between Ty Cerrig's boundary and Cherry Tree Cottage. There is approximately 32 m between the two dwellings.

### Proposal Description & Appraisal

The application seeks full planning permission to construct a single storey, lean-to conservatory extension against the rear elevation of the property. The extension will measure 3 m deep, 7.5 m long, 2.4 m to eaves and 3.0 m to ridge. Materials are a wooden frame, glass panels and a small section of tile where the ridge meets with the elevation of the existing dwelling. Supporting the wooden frame there will be a rendered wall which will be approximately 1 m in height.

### Further information submitted with the application

Supporting Statement (summary)

- The application meets the requirements of Brecon Beacons National Park Unitary Development Plan (April 2007) Policies G3, G4, G5 and G6.
- The design and materials are in keeping with the vicinity.

### Officers appraisal

Following statutory adoption of the Brecon Beacons National Park Local Plan 1999 (hereinafter called 'the Local Plan'), work on the Brecon Beacons National Park Unitary Development Plan (hereinafter called 'the UDP') commenced in 2000. The UDP was subject to all the statutory consultations and procedures associated with the preparation of development plans, including a local inquiry and an Inspector's report.

The Brecon Beacons National Park as Local Planning Authority (hereinafter called 'the Authority') received a direction from the Welsh Assembly Government (hereinafter called 'WAG') under Section 17(1) of the Town and Country Planning Act 1990 (as amended) in relation to the safeguarding of sand and gravel in the National Park. The Authority resolved not to comply with the WAG direction to modify the UDP as it was not considered that the quality of the resource had



been adequately established or that the environmental constraints relating to the sites had been sufficiently considered.

The UDP was subsequently approved by the Authority for development control purposes in March 2007 and sets out the policies and proposals to guide development in this area from 2001 to 2016 and beyond. As a point of clarification, the direction from the WAG relates solely to sand and gravel issues and does not relate to any matters raised in this application.

Whilst the adopted Local Plan and its associated Structure Plans remain the formal statutory policy framework for the area, the UDP provides a more up-to-date and relevant planning framework in line with current National Planning Policy. Planning Policy Wales (hereinafter called 'PPW') advises that the weight to be attached to emerging plans will increase as successive stages are reached. Whilst the development proposal will be considered against both the Approved UDP and Adopted Local Plan policies, greater weight shall be given to the more up to date UDP policies unless the Local Plan policies materially differ to warrant a departure from the UDP.

The Brecon Beacons National Park Authority Local Development Plan (LDP) has been published in draft and progressed to public deposit state. Legal Advice is that whilst the emerging LDP is now material, little weight can be given to it in planning decision making at this stage.

This application is, therefore, considered against policies G3, G6, Q5, Q8 and ES27 of the UDP and policies G3, G7, CL5, CL9 and H14 of the Local Plan.

Constraints show the site is within a Historic Landscape (Policies Q8 and CL9). Due to the scale of the proposed development it is considered there will be no detrimental impact on the Historic Landscape. No further consideration will be given to these policies.

As there will be no material increase in traffic using the access to the adopted highway this proposal does not fall within the parameters of Article 10 (f) of the Town and Country Planning (General Development Procedure) Order 1995. Monmouthshire County Council as the Local Highway Authority has not, therefore, been consulted on the proposed development.

### **Neighbour Amenity**

Policies G3 (v) and ES27 (iv) of the UDP aim to ensure that any proposed development does not have an unacceptable impact on the amenity of the area, adjacent properties or the general public.

There are a number of dwellings in the general area of Cherry Tree Cottage. However, as described above in Site Description, the proposed extension is some distance from these properties. It is considered the proposed building will not create any detriment to the amenities of the public or residential amenities of neighbours.

It is considered the requirements of the Policies are met.

### **Visual Amenity**

Policies G3 (iii) aim to ensure that the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surrounding and will maintain or enhance the quality and character of the Park's landscape and built environment. Policy G6 refers to design and states that development will be expected to meet the WAGs key design objectives and respond to the local context. ES27 refers to extensions to dwellings and aims to ensure that (i) the proposal is appropriate to the scale and design of the existing dwelling, (ii) no loss of on-site parking space will result, and adequate on-site parking provision can be made for the extended dwelling, and (iii) sufficient curtilage is retained to provide an area of private open space compatible with the proposed size of the dwelling.

It is considered that the materials, scale and design of the proposal are appropriate to the existing dwelling.



In terms of volume increase the extension will represent a percentage increase of 19.8% over the existing volume. Therefore, the proposal meets with the requirements of the ES26 and ES27 Guidance Notes regarding acceptable volume increases.

It is considered the proposal meet with the requirements of the above Policies.

### **Biodiversity**

Policy Q5, Biodiversity and Development requires that development will only be permitted where; i) the developer proves to the satisfaction of the NPA that there is no unacceptable loss or fragmentation of a characteristic habitat or landscape feature and/or increased isolation of important species as defined in the NPA's LBAP; ii) the developer identifies habitats and landscape features of importance for wildlife within the site and provides for the further creation, positive management, restoration, enhancement or compensation for these habitats and features to ensure that the site maintains its nature conservation importance; and iii) full provision is made for the future management of the site's habitats and features of nature conservation value. This will be secured either through planning obligations or the imposition of planning conditions.

An inspection on site has confirmed that it will not be necessary to remove any trees as a result of this proposal.

During the site visit the building was inspected for small gaps which may enable access by bats. No gaps were observed and it is considered that the likelihood of bats actively using the building is relatively low. It is, therefore, considered appropriate and sufficient to attach a note to any consent explaining that the Countryside Council for Wales should be contacted if bats are discovered during the demolition and replacement of the extension.

It is considered the proposal meets with the requirements of the above proposal.

### **Conclusion**

Recommendation is one of consent subject to conditions.

### **RECOMMENDATION: Permit**

#### **Conditions and/or Reasons:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP1v1, NP3v1, NP5v1, NP6v1 received 05/08/11) except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed in writing by the Local Planning Authority.
- 3 The frame of the extension hereby approved shall be constructed from environmentally sustainable sourced timber. The development shall be carried out strictly in accordance with the agreed details and maintained as such in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

#### **Reasons:**

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 To maintain the appearance of the building and ensure an environmentally sustainable development.

**Informative Notes:**

- 1 The developer shall note if there are changes to the plans hereby approved due to building regulation requirements or any third party requirements, details should also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work.
- 2 Without the appropriate licence it is a criminal offence to harm or disturb many protected species of mammal (for example bats), reptile, amphibian, bird, plant and habitat. It is also an offence to disturb the nests or eggs of any wild bird during their breeding season. For further information about protected species visit [www.ccw.gov.uk](http://www.ccw.gov.uk). If, during any works in relation to the development hereby permitted any protected species are discovered or nesting birds disturbed, works must immediately cease and the Countryside Council for Wales be contacted on 0845 1306229.

**Signed (Case Officer):**

Mrs Kate Edwards  
Planning Officer (DC)

 ..... **Date:** 20-09-11

**Checked (Principal Planner):**

 ..... **Date:** 23/9/11

**Signed (National Park  
Authorised Officer):**

 ..... **Date:** 30/9/2011

1. The information provided in this report shall not be used for any purpose other than that for which it was prepared, and its use for any other purpose shall be at the user's own risk. The user shall be responsible for ensuring that the information is accurate and complete, and for taking appropriate steps to protect the information from unauthorized access, use, disclosure, alteration, and destruction.

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Date: 11/11/11

Date: 11/11/11

Date: 11/11/11

Signed (Author):

Checked (Reviewer):

Signed (Author):