



BRECON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 12/08242/FUL **Case Officer:** Ms Helen Lillow
Site Notice Posted: 25th Jul 2012 **Consultation Date:** 24th Jul 2012
Date Valid: 18th Jul 2012 **8 Week Target:** 12th Sep 2012
Decision Type: Delegated Decision
Proposal: Erection of detached garage with ancillary accommodation, demolition of existing garage (retrospective) and creation of swimming pool.
Address: Vine Tree Cottage, Common Road, Gilwern

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Monmouthshire County Council Highways	3rd Sep 2012	I would offer no adverse comments to this proposal and therefore have no highway objections subject to the imposition of recommended conditions.
Llanelly Community Council		No response received.

CONTRIBUTORS

Miss Louise Mitchell, 1 Grove House, Common Road

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application has been advertised by direct neighbour notification and the erection of a site notice. One letter of objection has been received and is summarised as follows:

The swimming pool will require an electric pump to maintain the ph. I am concerned about the humming noise which this pump will make. If it is housed correctly, in a stone/ block building which is soundproofed then this noise could be reduced.

Noise from the pump could be a problem if the pump was to be activated at night which will disturb the quietness and amenity of the gardens.

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)

LPG3: "Development in the National Park." (Local Plan 1999)

LPG7: "Design and energy conservation." (Local Plan 1999)

LPH14: "House extensions and ancillary buildings" (Local Plan 1999)

PLANNING HISTORY

App Ref	Description	Decision	Date
07/01508/FUL	Erection of detached garage with ancillary accommodation, demolition of existing garage and swimming pool	Application Permitted	1st May 2008
06/00496/FUL	Extension at first floor level to provide a bedroom	Application Permitted	17th Nov 2006
M19983	Two storey extension	Application Permitted	14th Mar 2005

OFFICER'S REPORT

INTRODUCTION

This application seeks retrospective consent for a detached garage with ancillary accommodation and full planning permission for the installation of a swimming pool at 'Vine tree Cottage', Upper Common, Gilwern. The dwelling is located within the settlement development boundary of Gilwern as defined by the Brecon Beacons National Park ('BBNP') Local Plan 1999 and the BBNP Unitary Development Plan 2007 ('the UDP').

SITE DESCRIPTION

The host dwelling is a detached, two-storey property with a pitched main element with two projecting two-storey gable elements to the north-west. The dwelling itself is finished with rendered walls, white uPVC windows and doors and a tiled roof.

The property is set within an irregularly shaped plot that measures at its greatest 58m wide and 28m deep. The adopted but unclassified, single lane road that provides access to the application site and adjacent dwellings to the south-east, is located to the south-west of the dwelling and partially adjoins with the boundary of the plot. The dwelling benefits from enclosed front, rear and side gardens which are defined by a combination of stone walls with vertical timber fence panels behind. On-site parking is provided on a gravel surface driveway to the south-east of the dwelling and within confines of the garden. All works forming part of this application are within the established garden of the property.

The property is positioned on the north-western edge of Gilwern Common. In general the surrounding area is located on a gentle slope falling from south to north. The property is however level with the adjacent residential properties: Talherian to the north, The Gables and Grove Houses to the south-east. Gilwern Primary school is located to the north-east of the site

APPLICATION DETAILS

The application seeks retrospective consent for the garage as constructed and full planning permission for installation of a swimming pool.

The garage is located in the south-eastern most part of the garden close to the existing vehicular access. The building measures 9.6m wide, 6m deep with a hipped roof with a maximum height of 5.2m falling to 2.45m at eaves level. The north-western (front) elevation contains one 2.4m wide, 2.1m high garage door on the right hand side of the elevation, a centrally positioned pedestrian access door and a set of 2.4m wide, 2.1m high sliding patio doors on the left hand side of the elevation. The floor plans submitted indicate the building is used as a garage and ancillary accommodation/ storage at ground floor level with a play room within the attic space.

A triple bay garage of the same size and similar design was granted consent via planning permission 07/01508/FUL on the 1st May 2008. Following the approval the Authority granted a minor amendment to the scheme on the 5th September 2008 to allow for the replacement of the central garage door with a pedestrian door. However, since this time it has become apparent that the

development has not been completed in accordance with the approved plans or minor amendments. Being mindful that the building is in excess of 10 cubic metres in volume, alterations to the external appearance of the building require full planning permission. The use of the space as accommodation/storage does not require consent providing the use is ancillary to the host dwelling.

The proposed swimming pool would measure 6.2m wide, 12.1m long and 1.2m deep. The development would be positioned adjacent to the north-western boundary of the site. The proposed site layout plans submitted indicate an existing timber building to the north-east of the pool. It is assumed that this building would be used to accommodate the pump and filters. A swimming pool of the same size and position was also granted consent as part of planning permission 07/01508/FUL.

PLANNING CONSIDERATIONS

Whilst the development plan for the area includes the adopted Local Plan (1999), it has been largely superseded by the more up to date UDP (2007) which stopped short of formal adoption but was adopted for development control purposes. The UDP therefore provides a more up to date and relevant planning framework. This application is considered against policies G3, G6 and ES27 of the UDP and policies G3, G7 and H14 of the Local Plan. Local Plan policies will only be considered where they differ significantly from their UDP counterparts. The Brecon Beacons National Park Authority Local Development Plan has been published in draft and progresses 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.

As identified above the application site is located within a residential housing estate within the settlement development limits of Gilwern and the community of Llanelly. As a result the principle of development is considered acceptable. The key considerations with regards to the application have therefore been determined as the impact on the character and appearance of the host dwelling and surrounding area, the amenity of neighbouring properties and on the highway safety and free flow of traffic.

Character and appearance

Whilst the garage structure is large, the principle of developing a building of this size and scale has been established by the granting of planning permission 07/01508/FUL. Although the unauthorised alterations to the external design of the building namely the replacement of the left hand side garage door with sliding patio doors does change the emphasis, character and appearance of the building from parking to more residential ancillary accommodation it is considered that the position of the building within the garden boundaries, the existing boundary treatments and gates which largely screen the building from the county highway and the orientation of the building towards the host dwelling prevent the alterations from having a detrimental impact on the character and appearance of the host dwelling or wider area. It is also considered that the building remains of a size and scale commensurate with the dwelling and plot as a whole.

Being mindful that a swimming pool of the same size and position as that currently proposed has been previously approved as part of planning permission 07/01508/FUL, the position of the development well within the garden of the host dwelling, and the ancillary use of the pool to the host dwelling, it is also considered that this development would not have a detrimental impact on the character and appearance of the host dwelling or wider area.

Neighbouring amenity

Being mindful of the orientation of the building and the maintenance of at least 21m between the new patio and the boundary with Talherian, it is considered that the alterations to the external elevation of the garage building would not allow for an increased level of overlooking or infringement of privacy.

Following direct neighbour consultation and the erection of a site notice, one letter of objection has been received, highlighting concerns in relation to potential noise disruption arising from the use of electronic pump and filter equipment associated with the pool. Although no reference is made within the application for such equipment it is considered likely that it will be required. At the time of inspection it was noted that the applicants have an existing shed to the north-east of the proposed pool. It is therefore considered likely that this will be used to house such equipment. Although issues in relation to nuisance noise generation would be dealt with by the Environmental Health Department of Monmouthshire County Council, it is considered pertinent to request details of sound proofing of the potential equipment housing to help alleviate concerns and prevent the use of the pool having a detrimental impact on the residential amenity of those living closest to the site.

Highway Safety

The application has been submitted on a householder planning application form: as such it is assumed that the pool would be for private use ancillary to the dwelling and would not be made available for use by the wider public. It is therefore considered that the use of the pool would not generate an increased number of vehicle movements to and from the site or increased demand for parking.

The use of part of the garage building for storage and ancillary accommodation inevitably reduces the number of car parking spaces at the site. However, being mindful of the overall size of the plot it would be possible for an enhanced area of on-site parking to be provided to the north-west of the garage, if required. Following consultation Monmouthshire County Council Highways department have requested conditions in relation to use of the garage being ancillary to the dwelling and three dedicated vehicles parking spaces being provided within the curtilage. On the basis of the above and subject to the imposition of the recommended conditions, it is considered that the development proposed and alterations carried would, and do have a significantly detrimental impact on the highway safety or free flow of traffic within the area

CONCLUSION

It is considered that the proposed swimming pool and the alterations to the existing garage would not have a detrimental impact on the character and appearance of the area or the highway safety and free flow of traffic along the county highways network closest to the site. It is also considered, subject to condition relating to noise abatement that the use of the pool and associated equipment would not have a significantly detrimental impact on the residential amenity of those living closest to the site. The application is therefore considered compliant with the relevant criteria of policies G3, G6 and ES27 of the UDP and policies G3, G7 and H14 of the Local Plan and is recommended for approval, subject to conditions.

RECOMMENDATION: Permit Conditions and/or Reasons:

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the 1990 Town and Country Planning Act (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the above Act, shall have been deemed to have been implemented on 18th July 2012 .
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP1v1, NP2v1, NP4v1, NP9v1 NP10v1 and NP11v1) except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to the first beneficial use of the swimming pool, details of the siting and sound proofing measures for pumping or filtering equipment required for the pool and hours of operation of any proposed equipment shall be submitted to and approved in writing by the Local Planning Authority.
- 4 The garage building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Vine Tree Cottage.
- 5 Notwithstanding the details of the approved plans, provision shall be made within the curtilage of the dwelling for the parking of at least 3 vehicles. The spaces shall be retained

unobstructed for such purpose in perpetuity. The area shall not thereafter be used for any other purposes other than the parking of vehicles.

Reasons:

- 1 To comply with Section 73A of the above Act.
- 2 To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 In the interests of the residential amenity of those living closest to the site.
- 4 It would be contrary to the policy of the Local Planning Authority to grant planning permission for a separate dwelling in this location.
- 5 To ensure sufficient parking is provided in the parking of the site, in the interests of highway safety.

Signed (Case Officer):

Ms Helen Lillow
Planning Officer (DC)

H Lillow
----- **Date:** *07.09.12* -----

Checked (Principal Planner):

H Rice
----- **Date:** *07.09.12* -----

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

R Hynes
----- **Date:** *12/9/12* -----

