



BRECON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 12/08713/FUL **Case Officer:** Mrs Kate Edwards
Site Notice Posted: 20th Dec 2012 **Consultation Date:** 12th Dec 2012
Date Valid: 5th Dec 2012 **8 Week Target:** 30th Jan 2013
Decision Type: Delegated Decision
Proposal: Demolition of garage, construction of single storey extension and replacement porch
Address: 1 Forest Hill, Gilwern, Abergavenny

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Monmouthshire County Council Highways		No comments received.
Llanelly Community Council	17th Jan 2013	No Objections
NP Ecologist	29th Jan 2013	Having reviewed the submission, including the site photographs, I wish to offer the following comment and recommendations.

Comment

1.0 On the basis of your site photographs it is my opinion, despite the presence of a gap beneath the cement tile roof, that the detached shed/garage building offers a low potential for roosting bats. Consequently I do not believe a bat survey is necessary in support of this application. However, as it is not possible to completely discount the possibility of an occasional roosting bat, I would suggest that a level of precaution is employed in demolishing the shed, if planning permission is forthcoming for the proposed development. I would advocate that the shed roof is removed by hand.

Recommendations

Should the National Park Authority be minded to grant permission for the above application I would recommend that the following matters are controlled by means of an appropriate planning condition and informative notes.

1.0 Works to remove the roof of the existing shed/garage building should be completed by hand.

2.0 The following informative notes should be provided in support of any consent notice:

2.1 Work should halt immediately and CCW contacted for advice in the unexpected event that bats are discovered during the course of the development. To proceed without seeking the advice of CCW may result in an offence being committed. CCW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX.

2.2 The timing of development works should be such as to avoid conflict with the bird nesting season

NP Tree Consultant 10th Jan 2013

It is worth noting that on the day of my visit (03/01/13) it was not possible to gain access to the base of the trees to carry out a detailed inspection of the trees and their relationship to the application site and the neighbouring properties. Thankfully the trees are visible from a number of public places which forms the basis of the comments that follow.

Although the trees make a contribution to the local amenity value and to some extent provide a screen between adjoining properties, as individuals, they are not of exceptional quality having been subject to significant works that will in time need repeating.

It is understood that until works have started on site, it is not possible to understand the exact extent of foundations needed for the proposed development to proceed. Use of the existing foundations (if possible) should be encouraged as this is likely to have a lower negative impact on the trees rooting structure. A raft foundation, installed carefully with due consideration of the rooting structures will also have a far lesser impact than a strip foundation should one be required.

It is also understood that given the restrictions of the site, although retention of the trees would be desirable, the efforts and potential expense required to retain the trees is likely to outweigh their retention value.

With the above points in mind no objection in terms of arboriculture is raised in relation to the proposed development.

Should the trees be the subject of a Tree Preservation Order (TPO) and are lost in pursuance of the planning permission, a tree replacement notice should be served under the terms of the TPO to ensure reasonable tree planting is carried out within or close to the site to compensate for the loss of the protected trees.

The exact location and type of planting can be agreed at a

later date following consultation with the owner, BBNPA planning and ecology departments and can be secured by condition.

Health And Safety Executive	12th Dec 2012	Do not advise against.
Linesearch	13th Dec 2012	Not in the Zone of Interest
Canal And River Trust	2nd Jan 2013	The British Waterways Board (Transfer of Functions) Order 2012 has substituted references to British Waterways in the Town and Country Planning (Development Management Procedure) (England) Order 2010 to the Canal & River Trust. As such, local planning authorities are now required to consult the Canal & River Trust on applications for planning permission in the same way as British Waterways was previously consulted. In addition, under the British Waterways Board Transfer Scheme 2012 (also made under the Public Bodies Act 2011) all the property of British Waterways in England and Wales has now vested in the Trust.

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.

The Trust has a range of charitable objects including:

- o To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- o To protect and conserve objects and buildings of heritage interest;
- o To further the conservation, protection and improvement of the natural environment of inland waterways; and
- o To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

After due consideration of the application details, the Canal & River Trust has no comments to make.

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

"The applicant/developer is advised to contact Phil J White on 07710 175496 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

CONTRIBUTORS

Mr A Davies, ,

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

One letter objecting to the proposed extension due to the fundament right to light and that the extension will result in loss of light. The objector considers that the issue can be overcome by reducing the height of the proposed extension.

RELEVANT POLICIES

- G3:** "Development in the National Park" (Unitary Development Plan 2007)
- G4:** "Development Affecting Trees" (Unitary Development Plan 2007)
- G6:** "Design" (Unitary Development Plan 2007)
- Q4:** "Protected and Important Wild Species" (Unitary Development Plan 2007)
- Q11:** "Sites of Archaeological Importance" (Unitary Development Plan 2007)
- Q21:** "Rights of Way and Long Distance Routes" (Unitary Development Plan 2007)
- Q8:** "Historic Landscapes" (Unitary Development Plan 2007)
- H4:** "Notifiable Installations" (Unitary Development Plan 2007)
- LPG3:** "Development in the National Park." (Local Plan 1999)
- LPG7:** "Design and energy conservation." (Local Plan 1999)
- LPCL6:** "Wildlife and landforms." (Local Plan 1999)
- LPCL9:** "Archaeology and cultural features." (Local Plan 1999)
- LPPU8:** "Fuel and Power Supply" (Local Plan 1999)
- LPT14:** "Recreational paths." (Local Plan 1999)

PLANNING HISTORY

App Ref	Description	Decision	Date
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OFFICER'S REPORT

Site Description

I Forest Hill is a detached residential dwelling located in the settlement of Gilwern. The property is at the entrance of a small housing estate. To the north of the site is a row of four detached dwellings which are orientated differently to I Forest Hill as the four dwellings are located adjacent to Church Road.

The rear boundaries of these four dwellings run along the northern boundary of the application property. The ground level of I Forest Hill is some 3 to 4 m above the ground level of the four dwellings to the north.

To the west of the application property and adjacent to the rear boundary is the Brecon and Monmouthshire Canal.

I Forest Hill is positioned on a wedge shaped plot. The front boundary of the plot is smaller than the rear boundary. I Forest Hill has a large parking area at the front of the property and private amenity space at the rear. On the northern side of I Forest Hill is a detached garage. Due to the shape of the application site and because the garage is square to the host dwelling the distance of between the side elevation of the garage and the boundary increases from 1.0 m at the front of the

garage and 2.5 m at the rear of the garage. There are a number of mature trees located along the northern boundary of the I Forest Hill.

I Forest Hill's external materials are uPVC windows and doors, brick elevations and concrete tile roof.

Proposal Description

The application seeks full planning permission to demolish the garage and construct a single storey gable style extension against the north elevation of I Forest Hill. The proposed extension will measure 6.9 m deep, 4.7 m wide, 2.3 m to eaves level and 4.5 m to ridge height. Materials are proposed to match existing dwelling. There is a minimum distance of approximately 8.0 m between the rear elevation of the nearest dwelling to the north of I Forest Hill and the northern elevation of the proposed extension.

Planning permission is also sought for a new porch with a mono-pitch roof. The existing porch will be demolished. The replacement porch will measure some 1.6 m deep, 3.2 m wide, 2.4 m to eaves level and 3.2 m to ridge height. The proposed materials used on the external elevations of the new porch will match the existing dwelling's external materials.

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 Government (hereinafter called 'WG') 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 WG 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 WG 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.

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, G4, G6, Q4, Q11, H4, Q21 and Q8 of the UDP and policies G3, G7, CL6, CL9, PU8 and T14 of the Local Plan.

Constraints highlight that the site is within the consultation buffer zone regarding a Right of Way (Policies Q21 and T14). The footpath is outside of the site boundary and there will be no detriment to or encroachment onto the Right of Way. No further consideration, therefore, will be given to Policies Q21 and T14.

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 and no further consideration will be given to Policies Q8 and CL9.

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.

An objection has been received from a member of public. The details of the comments are provided above.

In respect of loss of light it is noted that the proposed extension will be constructed against the northern elevation of the property. It is considered that the proposed extension will not detrimentally impact on residential amenities to a degree that would warrant a recommendation of refusal as the proposed extension, whilst larger than the existing garage, the ridge of the proposed extension will remain lower than the height of the existing two storey dwelling. Therefore, as the sun travels along a southerly axis, any obscuring of the sun already takes place due to the existing two storey dwelling and the height of the proposed extension will not significantly increase any loss of light.

Turning to issues of overbearing and the proposed development causing a detrimental impact on residential amenity. The proposed extension will be some 2.0 m higher and 1.6 deeper than the existing garage. It is considered that, although the proposed development is physically larger, the proposed development is not of the scale that will represent overbearing development.

In respect of the proposed porch there are no concerns regarding detriment to residential amenities caused by overbearing development, loss of light or loss of privacy.

It is considered that the proposed development meets with the requirements of the above Policies.

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 proposed extension and porch are appropriate to the existing dwelling.

It is considered that the proposed development meets with the requirements of the above Policies.

Impact on Trees

Policy G4 requires that where planning applications are submitted on sites containing trees which are considered valuable to the amenity of the area the NPA will seek to ensure that: i) the trees and their root systems will be retained and adequately protected prior to, during and after, development takes place; and ii) where it is agreed that trees are to be removed, replacements will be required, where appropriate. A scheme for replacement shall be agreed with the NPA prior to the commencement of development.

The comments of the National Park Tree Officer are provided above. Given the comments of the Tree Officer it is considered that a condition requiring the replacement of any trees that are lost or die within 5 years of the commencement of development is imposed and that the condition should include on going monitoring to ensure the replacement of trees if necessary.

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

Protected Species

Policy Q4 requires that proposals on land or buildings that support protected or important species will only be permitted where: i) the need for the development outweighs the nature conservation importance of the site, and in the case of European protected species, the criteria for derogation under the Habitats Regulations are met; ii) positive measures are provided to contribute to species and habitat conservation targets; and iii) the developer proves to the satisfaction of the NPA that a) the disturbance of the species and habitat in terms of the effect on species survival and reproductive potential or habitat function is kept to a minimum; or b) alternative areas are provided to sustain at least the current levels of populations or size of habitat affected by the proposal.

As demolition of the garage is proposed and the site is near trees, the canal and a number of bat sightings are recorded in the area, the National Park Ecologist has been consulted. Given the comments of the Ecologist it is considered appropriate that a note explaining that Countryside Council for Wales should be contacted if bats are discovered is attached to any consent.

It is considered the proposed development meets with the requirements of the above Policy.

Notifiable installation - pipeline

Constraints indicate that the proposal falls within the buffer zone of the above pipeline. Policy H4 states development proposals affecting notifiable sites will not be permitted unless the NPA is satisfied that there is no risk to public health and safety, following consultation with the Health and Safety Executive (HSE) and other relevant bodies.

The HSE and Linesearch as pipeline operator have been consulted. The comments of the HSE and Linesearch are provided above. Given the scale and location of the proposed development and the responses of the consultees it is considered the proposal meets with the requirements of the above Policy.

Highway Safety

Policy G3 criterion vii) and ix) require that proposed development is compatible with the National Park road hierarchy in that it is within the capacity of existing approach roads, and does not have an unacceptable impact on traffic circulation or highway safety and adequate means of access and parking space can be provided to cater for the traffic generated by the proposal. Policy ES27 ii) requires that sufficient on-site parking will continue to be available.

No objections have been received from the Highway Authority. It is considered that sufficient parking will be retained on the site.

It is considered that the proposals meet with the requirements of the above policies.

Sites of Archaeological Importance

Policy Q11 states that development proposals which would have a significant adverse effect on historic landscapes, sites and features of archaeological interest or of local cultural importance and their settings will only be permitted where: i) archaeological remains can be protected in situ by appropriate design and siting; or ii) in the opinion of the NPA, the benefits of the proposals outweigh any adverse effects.

The Canals Trust has been consulted due to the application site being adjacent to the Brecon and Monmouthshire Canals. The comments of the trust are provided above. It is considered appropriate to add the note suggested by the Trust to the planning permission regarding this planning application.

It is considered that the proposals meet with the requirements of the above policies.

Conclusion

The objection raised by a third party is noted. However it is considered that to refuse the planning application on the basis of loss of light would be unreasonable given the location of the proposed development, the path of the sun and the height of the existing dwelling.

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, NP4v1 and schedule of proposed materials contained in section 11 of the planning application form) except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed in writing by the Local Planning Authority.
- 3 Should any of the three trees illustrated on approved plan NP3v1 die, become diseased or damaged within 5 years of the commencement of development plans and details regarding replacement trees will be submitted to and approved in writing by the Local Planning Authority. The plans and details shall include the location, size, species and planting schedule including measures of support and protection. The plan and details approved by the Local Planning Authority shall be carried out in full during the next available planting season. Should within 5 years of planting any tree(s) require replacement due to damage, disease or death the tree(s) shall be replaced with the same species.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no windows shall at any time be placed in the northern elevation of the extension hereby permitted.
- 5 Works to remove the roof of the existing shed/garage building should be completed by hand.

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 In the interests of biodiversity and the character and appearance of the locality.
- 4 In order to protect the residential amenity of adjacent properties.
- 5 To ensure any protected species are not disturbed during demolition works.

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. 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.
- 3 Work should halt immediately and CCW contacted for advice in the unexpected event that bats are discovered during the course of the development. To proceed without seeking the advice of CCW may result in an offence being committed. CCW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX.
- 4 The timing of development works should be such as to avoid conflict with the bird nesting season.


Signed (Case Officer):
Mrs Kate Edwards
Senior Planning Officer (DC)


----- **Date:** 30-01-13

Checked (Principal Planner):


----- **Date:** 30/1/13

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


----- **Date:** 4/2/13

