



## BRECON BEACONS NATIONAL PARK AUTHORITY

### DELEGATED DECISION REPORT

**Application No:** 16/13906/FUL      **Case Officer:** Miss Lisa Williams

**Site Notice Posted:** 29th Sep 2016      **Consultation Date:** 27th Sep 2016

**Date Valid:** 15th Sep 2016      **8 Week Target:** 10th Nov 2016

**Decision Type:** Delegated Decision

**Proposal:**

Part retrospective application to include the reduction of ground levels and construction of retaining walls to the rear of the property. Retention of existing climbing frame. Construction of screen boundary fencing and installation of brick pavia to the front garden and driveway and light tunnel to front roof.

**Address:** 17 Orchard Close, Gilwern, Monmouthshire

#### CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly Community Council	17th Oct 2016	A site meeting has been convened for this afternoon (17 October) at 4pm. I will make a formal response by close of play on Wednesday 19 October. Many thanks and kind regards
Llanelly Community Council	28th Sep 2016	Further to the above planning application. I would like to make the following observation; the coving letter is dated 27 September 2106. The community council next meeting will be convened in October 2016 which will be just outside the consultation period. The community council would ask if a deferral of seven days, this will enable elected members to consider the proposed application. Can you please acknowledge receipt of this document
Monmouthshire County	24th Oct 2016	No objection, The applicant has not forwarded any detail

Council Highways

of the fencing that fronts onto the highway and the height of the gate.

I am concerned that pedestrian and vehicular safety is compromised with the lack of highway frontage detail provided.

The principle of improvement is supported subject to detail being confirmed.

Further comments received 08.11.2016

The visibility splay should be protected and a fence of 1.2m is the absolute maximum that would be acceptable and that would presume the level of the driveway appropriate. The application mentions an arch topping of the fence.

The height of 1.2 m is a maximum height. Fence and arch included for the distance of the visibility and not the full side or frontage of the site.

It is still not clear what frontage treatment is being proposed. But must not exceed the 1.2m.

This is for safety reasons of the general public using the highway and footway as well as the users of the driveway.

NP Planning Ecologist

18th Oct 2016

Thank you for consulting me on the above application. I previously provided comments on proposals at this site in a Memorandum dated 23rd February 2016. Provided the biodiversity enhancement scheme can still be secured through that approval, I have no further comments to make on these latest proposals.

I hope this is of help - please let me know if you need anything further.

Health And Safety  
Executive

27th Sep 2016

No Comments

Dwr Cymru Welsh  
Water - Developer  
Services

No comments received

Llanelly Community  
Council

13th Oct 2016

Comments:

Following the meeting of the community council meeting the community council received a number of representations regarding this application.

Local elected members have resolved they would like to attend a further site meeting to see the extent of the groundwork undertaken. This meeting has been convened for Monday 17 October.

The community council would ask for a deferral so the site meeting can be convened, this will enable elected members to consider the proposed application.

Can you please acknowledge receipt of this document

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24-10-16

Llanelly Community Council convened a site meeting on the 17 October and locally elected members inspected the site.

Members of Llanelly Community Council have expressed some concerns relating to the retrospective Planning Application that has been submitted to the Planning Authority. Llanelly Community Council recommends that planning consent should only be granted if the following observations or requirements can be met. If these requirements are not met, then Llanelly Community Council would formally object to this application.

The applicant should seek advice from the Land Drainage section from Monmouthshire County Council, for the discharge of ground and surface water.

Sufficient ground water drainage is installed to channel the ground water from the proposed paved areas.

The climbing frame should be reduced in height to comply with condition 5 within the consent dated 23 March 2016. If the climbing frame remains in its current state members believe this would also detract from the personal enjoyment of the dwelling houses that surround this property.

The painting of the climbing frame should be painted to comply with condition 6 within the consent dated 23 March 2016.

## **CONTRIBUTORS**

Mr And Mrs Parton Frost, 15 Orchard Close, Gilwern  
Kirsty Rogers, ,

## **NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY**

The application has been advertised through the erection of a site notice and through direct neighbour notification, the following comments have been raised:

- The play equipment still towers over the fences to Number 19
- Extra top soil for the lawn will raise the towers back up
- The siting of the play equipment must be centralised as shown on the plans, a section of the garden has been paved so this may not be possible
- The frame is still visible from Church Road
- A 1.8 metre fence along the front of the property will restrict visibility of the highway
- A child standing on the climbing frame is still able to overlook into the garden of Number 15
- The retaining wall at the back of the garden will result in surface water channelling behind and into the garden of Number 15

### **RELEVANT POLICIES**

**Policy 1:** *“Appropriate Development in the National Park”* (Local Development Plan 2013)

**Policy 6:** *“Biodiversity and Development”* (Local Development Plan 2013)

**Policy 7:** *“Protected and Important Wild Species”* (Local Development Plan 2013)

**Policy 27:** *“House Extensions and Ancillary Buildings”* (Local Development Plan 2013)

**SP 3:** *“Environmental Protection”* (Local Development Plan 2013)

**SP 11:** *“Sustainable Design”* (Local Development Plan 2013)

**Planning Policy Wales 8<sup>th</sup> Edition** (January 2016)

**Technical Advice Note 5:** *Nature Conservation and Planning* (2009)

**Technical Advice Note 12:** *Design* (2016)

### **PLANNING HISTORY**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
15/12580/FUL	Rear and side extensions to form utility and garden room	Application Withdrawn	15th Oct 2015
15/12919/FUL	Proposed rear garden room and side utility room extensions and rear garden timber climbing frame.	Application Refused	18th Dec 2015
16/13162/FUL	Proposed rear garden room and side utility room extensions and timber climbing frame to rear garden	Application Permitted	23rd Mar 2016
16/13913/MIN	Minor amendment to Planning	Application	1st Sep 2016

OR                      Application    16/13162/FUL    for    Permitted  
                                 extension, to create single door  
                                 access to rear and side gardens

## **OFFICER'S REPORT**

### **Introduction**

This application is a part retrospective application including the reduction of ground levels and construction of retaining walls to the rear of the property and retention of an existing climbing frame. The application also includes the construction of screen boundary fencing and installation of brick pavia to the front garden and driveway and light tunnel to the front roof.

### **Policy Context**

The application is considered against the adopted policies of the Brecon Beacons National Park Authority Local Development Plan (2013), the comments made by consultees, other interested parties and the following National guidance:

- Planning Policy Wales (PPW, 2016)
- Technical Advice Note 12, Design (2016)

### **Site Description**

The application site lies within a residential estate within the Level 3 Settlement of Gilwern as defined by the Brecon Beacons National Park Authority's Local Development Plan (2013) and is within the community of Llanelly. The area is primarily made up of bungalows with some two storey dwellings also present. The majority of the properties are finished with painted render and a concrete tiled roof. The application site itself is located on a slope with bungalows on either side and features a private driveway to the front and a private amenity space to the rear. The nature of the topography of the land within the immediate area of the site creates an element of overlooking to all of the properties within the row.

### **Relevant Planning History**

Planning permission was granted by the Authority for the construction of a rear garden room, side utility extension and retention of timber climbing frame, under application reference 16/13162/FUL on 23rd March 2016. The application was subject to a number of conditions which to date have not been complied with. This current application seeks to remedy unauthorised engineering operations and non-compliance with conditions.

### **Description of Development**

The development proposed consists of a number of elements including:

- The reduction of ground levels and construction of retaining walls in the rear garden of the property
- Retention of existing climbing frame
- Construction of screen boundary fencing
- Installation of brick pavia to the front garden and driveway
- Insertion of a light tunnel in the front roof of the property

These matters are dealt with separately below.

The reduction of ground levels and construction of retaining walls in the rear garden of the property were identified as a form of unauthorised engineering operations by one of the Authority's Enforcement Officers. . The ground levels have been reduced on the western boundary by 900mm falling to 400mm

on the eastern boundary. A faced brick retaining wall has been constructed along the western and northern boundary and measures a maximum height of 900mm.

The existing timber climbing frame was granted consent in March 2016 subject to conditions relating to the height of the timber unit. Condition 5 of the consent stated '*Within one month of the date of this permission hereby permitted, the timber climbing frame should be moved to its approved location as shown on plan reference NP2v1, lowered in height so that the platforms are reduced by at least 1m in height above existing ground level and the overall height of the climbing frame shall not exceed 2.2m above the existing ground level*'. This application seeks to regularise the engineering operations which have been carried out to partly comply with condition 5 of the previously approved application.

As part of the previously granted consent a condition was imposed requesting details of screen boundary treatments along the north, east and western boundaries of the property. Again, these details have not been received by The Authority and this application seeks to approve a 1.8 metre fence along the whole of the eastern and the rear western boundary of the property. The fence details have been provided, which include 1.8 metre wide and 1.8 metre high standard arch-top lattice fence panels which will be painted Willow Green from the Cuprinol Shades Range. The northern boundary is proposed to be enclosed with post and wire fencing to a maximum height of 900mm.

It is proposed to install brick pavia to the majority of the front garden and driveway, leaving a small area for shrubs and plants.

The proposal also features the addition of a light tunnel into the roof towards the front of the property to gain additional lighting to the internal hallway. The light tunnel will be a small circle area section measuring approximately 300cm in diameter.

The applicant has submitted additional information in respect of the application, an email dated 6<sup>th</sup> November, the contents of which are referred to in the considerations below.

The main considerations in relation to this application are:-

Character and appearance and Visual Amenity,

Neighbour Amenity

Highway Safety

Protected Species

### **Character and appearance and Visual Amenity**

Policy 1(i) requires that the scale, form, design, layout, density, intensity of use of materials will be appropriate to the surroundings and will maintain or enhance the quality and character of the Park's Natural Beauty, wildlife, cultural heritage and built environment.

Policy 27: House Extensions and Ancillary Buildings of the Local Development Plan requires ancillary buildings to be; a) appropriate to the scale and design and setting of the original dwelling; b) that there is no loss of onsite parking and adequate parking space can be provided for the extended dwelling; c) that the area of private amenity retained is reasonably proportionate to the proposed size of the dwelling; and d) there is no significant loss of privacy to an adjoining property.

Throughout the application process, the applicant has provided justification and reasoning behind the unauthorised engineering operations, why the existing climbing frame cannot be physically lowered in height from its bottom and why the garden cannot be lowered any further to comply with the condition. The justification and reasoning includes the following points:

- Any alterations to the climbing frame would render the unit unfit for purpose and unsafe
- A drainage system and soakaways have already been installed and any further lowering would cause a 'swimming pool' effect as rain would settle on the grassed area
- The lowering of the garden has created more privacy to neighbouring properties
- Any further flooding issues should now be alleviated due to proper measures being put in place
- The climbing frame is by no means a permanent structure and will be removed when it is no longer required

It is considered that the justification provided is sufficient to enable the climbing frame to remain in its proposed form. As a result of the works that have been undertaken, and once in its proposed location, it is considered that the timber climbing frame will not cause a detrimental impact on the character and appearance of the host dwelling and surrounding area.

The proposed northern boundary fence and other fencing to be installed is considered acceptable and should assist in reducing any potential overlooking into the neighbouring properties on either side of the application site.

The brick pavia to be installed to the front of the property is considered appropriate in terms of materials used and will not cause a detrimental impact on the character and appearance of the host dwelling house.

The proposed light tunnel to be installed into the existing roof of the dwelling would be of limited impact and will not have a detrimental impact on the character and appearance of the existing property and surrounding area.

### **Neighbour Amenity**

Objections have been received in relation to the current application. The main points raised by objectors are that the timber climbing frame continues to tower over the neighbouring properties and remains highly prominent from Church Road, Gilwern. Concerns have been raised with regards to the proposed installation of a 1.8 metre fence along the boundary to No. 15 at the front of the property and the possible drainage problems that may occur.

In taking these concerns into consideration, the applicant has undertaken extensive works to reduce the impact of the timber climbing frame on neighbouring properties and clear justification has been provided to explain why the equipment cannot be reduced in height any further. It has been stated that appropriate drainage channels and soakaways have been installed to eliminate any further surface water issues. With regards to the concerns raised in relation to the 1.8 metre fence to the front of the property, the applicant has stated, in an email dated 6<sup>th</sup> November 2016, that the proposals are amended to reduce it to a 1.2 metre fence panel to reduce any highway safety concerns.

Whilst some of the works that have already been carried out at the property, without the benefit of planning permission, it is considered that the timber climbing frame in its proposed location, with the benefit of screen fencing, will not cause such a detrimental impact upon neighbouring properties to warrant refusal of this application.

### **Highway Safety**

Following a consultation with Monmouthshire County Council Highways Department, concerns were raised due to the lack of detail of the fencing to the front of the property which fronts onto the highway. It is considered that pedestrian and vehicular safety may be compromised with the lack of detail received. Further information has been received from the applicant which states that the section

of fencing to the front of the property along the boundary to No.15, will measure a width of 1.8 metres and a height of 1.2 metres. Further comments from Monmouthshire County Council Highways Department were received which stated a height of 1.2 metres was acceptable.

**Protected Species**

Further to a consultation with the National Park Planning Ecologist, it has been stated that comments were provided on the previous application, 16/13162/FUL which included the extension Biodiversity enhancement measures were secured under Condition 3. Therefore no further comments have been made.

**Conclusion**

In summary, whilst the concerns of neighbouring residents have been taken into consideration, the works that have been carried out and those that are proposed, are considered acceptable in terms of the main considerations set out above, and therefore this application is recommended for approval subject to the following 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, NP2v1 and NP3v1), except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed in writing by the Local Planning Authority.
- 3 The proposed timber fence along the eastern boundary of the property forward of the building line of the dwelling, shall be constructed to a maximum height of 1.2 metres.
- 4 Within six months of the date of this permission hereby permitted, the timber climbing frame and screen boundary fencing shall be painted in Cuprinol Willow Green.

**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 highway safety for users of the public highway and adjacent footpath.
- 4 To reduce the overall impact of the timber climbing frame and boundary fencing.

**Informative Notes:**

**Signed (Case Officer):**  
Miss Lisa Williams  
Planning Services Technician (DC)

  
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**Date:** 09.11.2016  
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Checked (Principal Planner):

JMB

Date:

09.11.2016

Signed (National Park  
Authorised Officer):

J. Wetten

Date:

10th November 2016

