



BRECON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 17/14510/FUL **Case Officer:** Miss Lisa Hughes
Site Notice Posted: 23rd Mar 2017 **Consultation Date:** 23rd Mar 2017
Date Valid: 14th Feb 2017 **8 Week Target:** 10th May 2017
Decision Type: Deleted Decision
Proposal: Material change of use of land to extend curtilage to dwelling including repositioning of boundary fence and creation of additional parking spaces.
Address: 9 Hooper Close, Gilwern, NP7 0BL

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly Community Council	27th Mar 2017	Comments: Further to the above Planning Application. I would like to make the following observation relating to the coving letter dated 23 March 2017. The community council next meeting will be convened on April 10 2017. The community council would ask for a deferral of seven Days, this will enable elected members to consider the proposed application
NP Tree Consultant	18 Apr 2017	I have carried out an accompanied site visit with the applicant (Mrs Hannam) on the 12th April, and attach 2 photographs from the visit. I have reviewed the submitted information and my comments are set out below: 1) The application is for the change of use of land and the creation of 2 additional parking spaces to the side of 9 Hooper Close. 2) The area is currently grass open space with a close bordered fence around the West and North boundaries and a tarmac car parking area to the East.

3) There is a large mature Oak tree immediately beyond the boundary fence to the West and its crown substantially overhangs the grass open space with the East edge of the crown almost touching the gable wall of 9 Hooper Close. This tree is covered by a Tree Preservation Order.

4) It is proposed to re-position the boundary fence of 9 Hooper Close by moving it to the South to be more in line with the ridge line of the gable wall and the adjacent Oak tree. The last paragraph on p2 of the Design and Access statement details that the holes for the wooden fence posts are to be hand dug within 3 metres either side of the Oak tree, and where roots of diameter greater than 50mm are found, the fence post will be re-positioned to avoid damage to the root.

5) Two additional car parking spaces will be constructed to the South West of the house on the current open grass area and the Design and Access statement does not mention any construction method for the proposed car parking. Drawing no. L-02 (NP3v1) shows an area highlighted in yellow as the proposed hardstanding area, and states that the exact finish to be confirmed prior to construction.

6) I advised Mrs Hannam about the damage that any excavation works would cause to the roots of the protected tree, and suggested that she will need to submit details of a suitable 'No Dig' style of construction for the proposed hard standing area.

Overall, I have no objections to the proposal, providing that the following is added as a condition to any permission granted:

1) The applicant shall submit an Arboricultural Method Statement detailing how a 'No Dig' hard surfacing area will be installed beneath the Oak tree so as to prevent any damage to its roots.

Monmouthshire County
Council Leisure And
Recreation

No response received

CONTRIBUTORS

Mr Scott Gable, 73 Dan-Y-Bryn, Gilwern
Tania Cleveland, 69 Dan Y Bryn, Gilwern

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

This application has been advertised through direct neighbour notification and the erection of a site notice. Two objections have been received and are set out below:

“Reason for comment:- Noise, Residential Amenity

The proposed development is a significant area of hard standing. The use of hard standing has been well documented to increase flooding risk in residential areas and developments without appropriate mitigation.

The area being covered with hard standing is currently laid to grass, grassed areas within residential developments are valuable resources for insects which act as food sources for bats and birds. This site not 12 months ago was a field that hosted multiple bird and bat species, being a valuable larder of food resource. These animal since development are notable by their absence.

To the boundary of the proposed hard standing is a valuable oak tree which has protected status. Siting of fence posts and digging foundations will inevitably damage the root structure of this tree. impermeable hard standing will prevent water penetration watering the tree, this may impact on root spread to adjacent properties and the potential to cause both undermining and other root damage.

The property owner has already 'built' a significant structure within the garden which has covered ground causing potential drying and denial of access to services.

The property already benefits from two dedicated parking spaces as drawn into the original design. The additional area causes concern being big enough for up to 6 more vehicles, this is unnecessary in a residential development of this nature”.

“1. This property has already been given extra land by the Housing Association and the back garden consists of a “L” shape. The Brecon Beacons National Park have replied to another issue I am investigating with regards to this property as below:

“ I will need to contact Powys County Council (PCC) in respect of the area of land that was part of the public Open space for the whole development, and which appears to have been given into private ownership by the Housing Association, and is now fenced off as part of the garden of no.9 Hooper Close. The loss of this area of public open space may or may not be acceptable to PCC”.

If this is supposed communal land for the whole of the scheme why should someone claim it?

2. The resident has taken upon himself to build an extremely large building in the back garden which again The Brecon Beacons National Park are looking into and I have to look out on from my bedroom window.

3. Why should a 2 bed house require more than 2 parking spaces?

4. When the resident moved in a very large camper van was parked out the front of the house or many weeks – I really do not want to look out of my bedroom window onto that.

5. If hearsay is correct and the building in the garden is a dwelling for their son or the additional car park spaces is a place for his son to live on then the property is obviously not big enough for the family and they should be moved.

Therefore I strongly disagree with and object to this proposal “material change of use to extend curtilage to dwelling including repositioning of boundary fence and creation of addition parking spaces”.

RELEVANT POLICIES

Brecon Beacons National Park Authority Local Development Plan (2007-2022)

Policy 1 - Appropriate Development in the National Park

Policy 8- Trees and Development

Policy 59 - Impacts of Traffic

In the determination of a planning application, regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

PLANNING HISTORY

App Number	Address	Proposal	Date Received	Status	Officer
17/14510/FUL	9 Hooper Close Gilwern NP7 0BL	Material change of use of land to extend curtilage to dwelling including repositioning of boundary fence and creation of additional parking spaces.	14.02.2017	PCO	Miss Lisa Hughes
16/13791/DISCON	Land at The Alders, Cae Meldon, Gilwern	Discharge Condition 3 Pursuant to Planning Permission 13/10295/FUL	19.07.2016	APP	Miss Lisa Hughes
15/12338/CON	Land at Cae Meldon, Gilwern	Variation of condition 2 of planning permission 13/10295/FUL to allow for minor material amendments to the layout, external works and house finishes layout of plots 1, 2, 64, 65, 66, 67, 68 and 69.	17.06.2015	APP	Mrs Kate Edwards
14/11697/DISCON	Land Off Abergavenny Road Gilwern	Discharge condition 3 pursuant to planning permission 13/10295/FUL	17.12.2014	APP	Mr Rhodri Davies
14/11695/DISCON	Land Off Abergavenny Road Gilwern	Discharge conditions 9 and 17 pursuant to planning permission 13/10295/FUL	16.12.2014	APP	Mr Rhodri Davies

14/11516/DISCON	Land Off Abergavenny Road (Cae Meldon)	Discharge conditions 20 and 26 pursuant to planning permission 13/10295/FUL.	05.11.2014	APP	Mr Rhodri Davies
14/11411/DISCON	Land At Cae Meldon Gilwern	Discharge conditions 8, 12, 14 and 28 pursuant to planning permission 13/10295/FUL	13.10.2014	APP	Mr Rhodri Davies
13/10295/FUL	Land At Cae Meldon Gilwern	The development proposal comprises the construction of 92 residential units and associated works, including a new road, public open space and recreational space.	13.12.2013	PS106	Mr Rhodri Davies
11/06976/PREAPP	Rosedale Abergavenny Road Gilwern Sir Fynwy	Site meeting to discuss plans for site	10.05.2011	PREAPP	Mr Ryan Greaney
11/06738/PAYPRE	Land At Abergavenny Road Gilwern	Planning advise meeting at above site.	23.05.2011	PREAPP	Mr Rhodri Davies
10/05252/PAYPRE	Land At Crossroads Gilwern	Development opportunities for area of land	03.08.2010	PREAPP	Mr Rhodri Davies

OFFICER'S REPORT

Full planning permission is sought for the extension of domestic garden curtilage and provision of a boundary fence at 9 Hooper Close.

Site Description

The application site is located within the Level 3 settlement boundary of Gilwern, as defined by the Brecon Beacons National Park Local Development Plan 2013. The application site is positioned in the north western corner of Hooper Close which forms part of the wider development for 92 houses approved under 13/10295/FUL.

The site itself comprises an end terrace dwelling house with existing L shaped garden to rear with parking spaces to the front.

There is an Oak tree located on the western boundary of the application site. The Oak tree is not the subject of a Tree Protection Order, as the applicant and third party correspondents seem to believe, but it is identified as a tree to be retained and therefore is protected for 5 years following completion of the development by virtue of planning condition 16 of 13/10295/FUL issued on the 7 October 2014.

Proposal

The proposed development is for the extension of domestic garden curtilage and provision of a boundary fence at 9 Hooper Close, Gilwern.

The proposed extension of domestic garden is located to the west of the existing dwelling house. The land is currently owned by the 'Melin' Housing Association. It was allocated as Public Open Space during the planning application for the development of 92 houses on the site (of which 9 Hooper Close is one of the completed properties), but it is not allocated play area or used for any other purpose. The proposal will result in an approximate increase in curtilage of 315 square metres.

The proposed boundary fence will measure 1.8 metres in height and will be installed approximately 10 metres to the North of the Southern boundary of the application site and the car parking area will be to the front (south of the fence). The fence will be of timber with timber posts and close boarded and stained to match the existing fence line. No change is proposed to the existing ground levels within the site.

Design

The proposed extension of domestic garden curtilage does not detract from the overall character and appearance of the area. Given the residential nature of the wider area, and position within a settlement boundary, the extension of residential curtilage is considered to be of an appropriate scale. The extension of domestic garden area will not significantly detract from the visual approach to the residential development. The proposal is thus considered to be appropriate in terms of size, scale and design.

The repositioning of the boundary fence in a style to match the existing is considered to be minor in nature, and given its residential style and proposed material, is not considered to be detrimental to the character and appearance of the host dwelling house, or wider area. The installation of the boundary fence is considered to be compliant with the criteria of Policy 1 of the Local Development Plan 2013.

Trees

The fence and hardstanding are well within canopy of tree that is to be retained as part of the planning permission 13/10295/FUL. Although the applicant and third parties and Tree Consultant are under the impression that the tree is subject to a TPO, this is not the case.

The National Park's Tree Consultant has been consulted and conditions are recommended to protect the rooting environment and the existing roots of the tree and subject to the imposition of such conditions the proposed development is compliant with the criteria set out in Policy 8 of the Local Development Plan 2013.

Neighbour Amenity

Concerns which have been raised by the residents of properties outside of the Cae Meldon Development site and are from houses at Dan-y-Bryn which is to the west of the site and separated by a line of trees, a strip of no-man's land and a change in land levels, with the site being lower than Dan y Bryn, include: loss of habitat, impact of development on the tree, concerns over use of impermeable hardstanding and an unauthorised building in existing garden and hearsay ^{regarding} its intended use.

A condition will be added that requires details of the proposed hardstanding and other surfacing of the area to be agreed prior to the commencement of development. The unauthorised building referred to is the subject of a separate enforcement investigation.

The area, although allocated as Public Open Space is not considered to offer significant amenity or recreational value to the resident community. Monmouthshire County Council Leisure and Recreation Section have been consulted but have not commented on the proposal.

Conclusion

The proposal is considered to be appropriate to the scale and design of the original dwelling house and the character and appearance of the immediate area. It would not result in a loss of privacy or amenity to neighbouring properties and it therefore considered to be compliant with Policy 1 of the Brecon Beacons National Park Local Development Plan 2013. It is also compliant with Policy 8 of the Local Development Plan 2013, and is therefore recommended for approval subject to the following planning conditions:

RECOMMENDATION:

Conditions

- 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 and NP3v1), unless otherwise agreed through application to the Local Planning Authority.
- 3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, amending and re-enacting that Order) no development of the types described in Part 1 Classes A, B, C, D, E, F, G, H; Part 2 Classes A, B of Schedule 2, other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.
- 4 No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until an arboricultural method statement has been submitted and approved by the Authority. The arboricultural method statement shall include details and a plan of the type of 'no dig' surfacing to be used for the area south of the relocated fence and for the car parking area, how this will be constructed without damaging any tree roots in that area. Development shall be carried out in accordance with the approved arboricultural method statement and plan.
- 5 The holes for the fence posts are to be hand dug within 3 metres either side of the tree trunk. If roots greater than 50mm in diameter are encountered, the fence post should be moved to a new position, and no roots shall be cut through.
- 6 No alterations in ground level are to occur beneath the canopy spread of the tree without first obtaining written permission from 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 In order to safeguard the character and visual amenities of the locality.
- 4 To protect the rooting environment and the existing roots of the established Oak tree on the western boundary of the site.
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Signed (Case Officer):
Miss Lisa Hughes
Enforcement Officer

LCH **Date:** 18/04/2017

Checked (Principal Planner):

DMS **Date:** 19/04/2017

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

C Morgan **Date:** 19th April '17