

AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 1

APPLICATION NO.

2014/1461

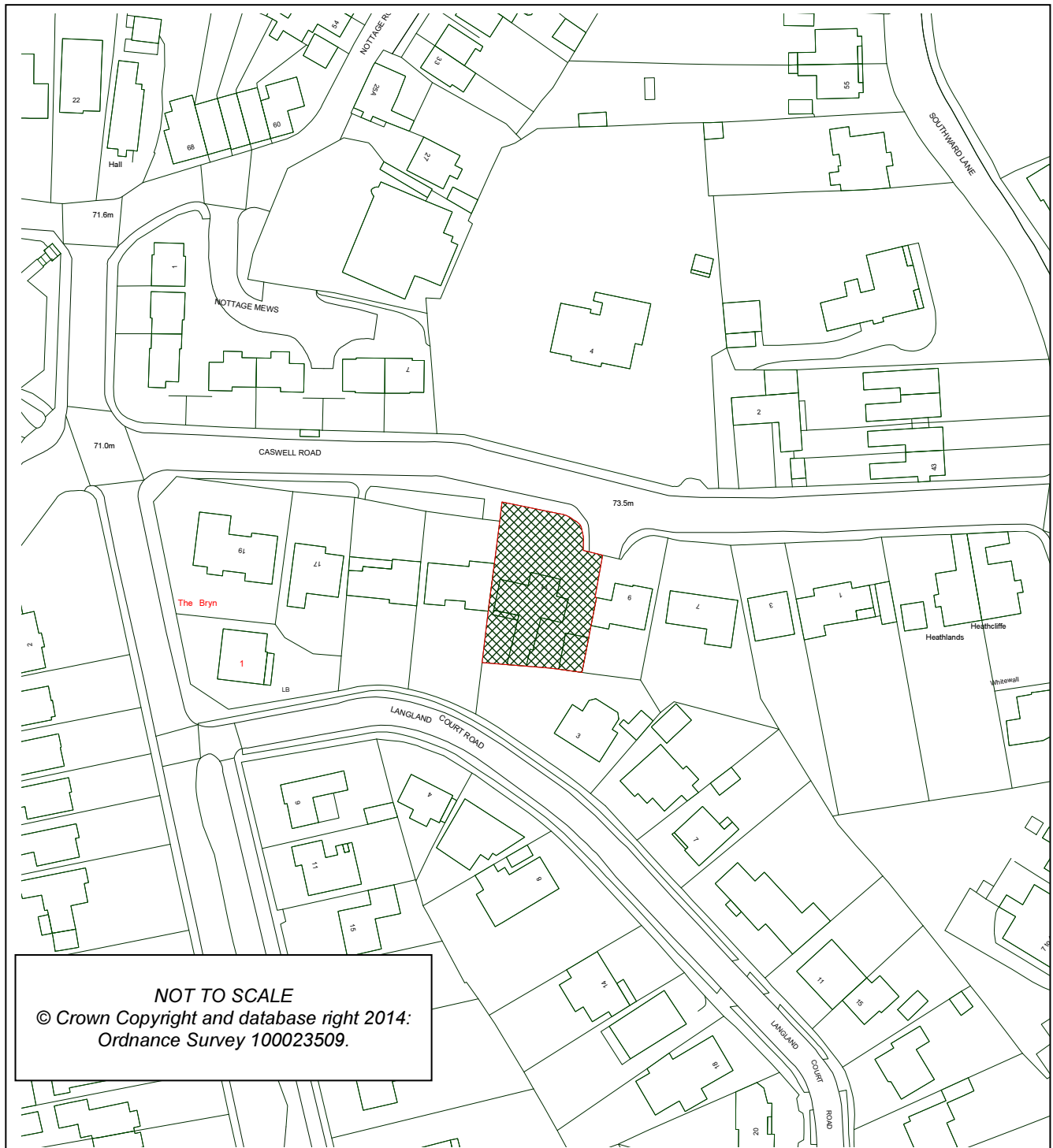
WARD:

Newton  
Area 2

**Location:** 11 Caswell Road, Langland, Swansea, SA3 4RA

**Proposal:** Removal of condition 04 of planning permission 2008/2092 dated 28/06/2010 to allow the completion of the build without installing the Louver system

**Applicant:** Mr David Jones



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/1461

### BACKGROUND INFORMATION

#### POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, affect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

App No.	Proposal
92/0968	Erection of dwelling house (Outline) Decision: Appeal Allowed Decision Date: 16/06/1993
2008/2092	Two storey side extension, two storey part single storey rear extension, detached garage, boundary wall up to 2.3 metres in height, trellis structure and chimney Decision: Grant Permission Conditional Decision Date: 28/06/2010

#### RESPONSE TO CONSULTATIONS

The neighbouring occupants at No.9 Caswell Road, No.13 Caswell Road and No.3 Langland Court Road were sent letters of consultation on 7<sup>th</sup> October 2014, and the application was advertised on site on 10<sup>th</sup> October 2014. Four letters of objection have been received, of which two are from the same objector and one had attached previous letters sent to the Council prior to this submission of this application, enquiring to the Council's action on the applicants' lack of adherence to the condition on the original application. These can be summarised as:

- The removal of the condition requiring the louvered vents would cause an unacceptable loss of privacy as was considered in the original determination of the application requiring the louvered vents.
- The window as existing is not obscurely glazed as required by the original permission but a 'film' has been put on the window and this is considered to be a breach of the original condition.
- The film as installed goes only to 1.5m and can be looked over. The removal of the requirement for the louvered vents coupled with the approximate 1m change in levels between No.3 Langland Court and No.11 Caswell Road would allow direct overlooking into my private amenity space and bedroom window.

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- The light from the room, through the temporary film, shines into my bedroom window and onto my private amenity space.
- The room is in use, in breach of the original condition and this is illustrated in photos sent by one of the objectors showing the lights on in the room and people within.
- The obscure glazing can be seen through and allows overlooking of my bedroom, especially given the fact that the application property is higher than ours. There hasn't been any allowance to view the obscure glazing internally.
- The film is not permanent and can be seen through when the external conditions are wet.
- Permission for this extension was only granted because of the proposed louvered vent installation.
- The pre-application exercise which took place before this application did not have any consultation with neighbouring properties.
- A meeting took place between the applicants and the Council prior to the submission of this application and I would like to see the minutes of this meeting.
- Complaint over the lack of action by the authority over the lack of installation of the louvered vents.
- A feeling that if this application is approved it will allow future applications to install a balcony to this window.
- The original condition 2 does not state that the obscure glazing should be to a height of 1.5m but that it should be unopenable to this height.

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Miles Thomas in order to allow the current Committee to consider the overlooking impact of this application.

The application site comprises of a detached two storey dwelling on Caswell Road, which is situated within the ward of Newton. The site benefits from a modest curtilage incorporating off-street parking and a modest sized rear garden plot.

This application seeks permission for the removal of Condition 04 of the previously granted planning permission, No.2008/2092, at No.11 Caswell Road Langland. The original permission was for a two storey side extension, two storey part single storey rear extension, detached garage, boundary wall up to 2.3 metres in height, trellis structure and chimney. Planning permission was granted at the Area 2 Committee on the 28/06/2010. The permission had four conditions. Condition 4 is stated below:

*Condition 04:*

*Prior to the first floor element of the two storey rear extension being brought into beneficial use the proposed louver system, as shown on Drawing No. C108/PL/013 received on 24th February 2010, shall be erected and attached to the building in accordance with the approved plans and shall thereafter be retained as such.*

*Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.*

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The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenities having regard to the provisions of Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan (UDP), which was formally adopted in November 2008. The application is also considered with respect to the Council's Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'.

The application property is located on a main highway comprised of mostly detached properties. It is considered that the proposed removal of the condition requiring the louvered vents would not have any negative impact on the character of the host dwelling. The louvered vents although sited to the rear of the dwelling would be visible from Llangland Court Road, however the non-installation of the vents is not considered to have any unacceptable impacts on the visual amenities of the streetscene, as the vents are not a feature of neighbouring properties or a characteristic of the area.

With regard to residential amenity, the proposed removal of the condition is not considered to have any negative overshadowing or overbearing impacts additional to the original extension.

In terms of overlooking, the window to which the louvered vents relates, given its proximity of approximately 4.3m to the shared boundary with 3 Llangland Court Road, and the fact that the application dwelling is at a raised level to this neighbouring dwelling, has direct views of 3 Llangland Court Road's side garden and allows oblique views of a first floor side bedroom window within this property. The separation distance to the boundary is below the recommended 10m distance (advised in the Council's Supplementary Planning Guidance document entitled 'A Design Guide for Household Development') between two storey rear extensions and rear garden boundaries. The louvered vents were therefore designed and conditioned as a mitigating measure to prevent any unacceptable overlooking brought about by the lack of adherence to SPG guidelines. For the avoidance of doubt, the window is not considered to adversely overlook any other properties.

The original planning permission has an additional condition relating to the rear first floor window, requiring the installation of unopenable and obscure glazing to a height of 1.5m. This condition is currently being complied with. The obscure glazing does prevent some of the overlooking impacts from the window; however it is possible to see over the obscured glazing. It is accepted that the overlooked amenity space, serving 3 Llangland Court Road, is semi-private, given that it is to the side of the dwelling, and despite having a front boundary fence there are views from the highway into this garden.

It is also acknowledged that there are several trees within the garden of No.3 which have been planted along the common boundary with the application site, which do prevent some negative overlooking and views of the amenity space. Their effectiveness of mitigating overlooking impacts would be increased further as the trees mature. However, as these trees are not within the applicants' property it is not possible to use a condition that will secure their retention. Therefore, they could be removed or lopped at any time allowing the aforementioned overlooking impacts. It is therefore considered that on balance, the removal of the requirement for the louvered vents would allow some negative overlooking to occur. However this could be prevented by increasing the obscured glazing to a height of 1.7m.

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If this application is approved, it is recommended that a condition be used that will secure the increase in the height of the obscure glazing. The imposition of such a condition will also address the issue of overlooking into the first floor bedroom window of No 3.

The various points of objection raised by local residents are discussed below.

The objections relating to the potential increase in overlooking from the removal of the condition has been discussed above. The obscure glazing has been observed both externally and internally, and it is considered that the obscure film placed on the window is sufficient and of a level of obscurity that prevents visibility from the room to the outside. The photos provided do show that when the lights are on within the room, there is a degree of visibility from the outside into the room. However, the obscure glazing is intended to prevent overlooking from the extension onto neighbouring property. As stated above, it is considered that it achieves this aim. Any increase in “perceived” overlooking is not considered to be of sufficient concern as to require the substitution of the obscured glazing with an alternative.

The objections on the grounds of light from within the room causing a negative impact are noted. However it is not considered that this is a material planning consideration in the determination of this application. The supposition that the room is in use before satisfying the condition is an enforcement matter, as is any action to be taken on this and is not material to this application.

The comments made by the objector to the pre-application discussions that have taken place are not material to the determination of this application.

All applications are judged on their own merits and the determination of this application will not prejudice the determination of any future application on this or any other site. Condition 02 of the original application requires that the glazing be both obscured and unopenable below a height of 1.5m, contrary to the claims of the objector.

The application is not considered to have any impact on highway safety, given that it will not increase demand for on-site parking nor impact the availability of spaces on site. It was therefore not considered necessary to consult the Council’s Head of Transportation and Engineering.

In conclusion, having regard to all material considerations including the Human Rights Act, the proposal is considered acceptable, subject to the height of the obscure glazing serving the relevant window being increased to 1.7m above internal floor level. Subject to the imposition of such a condition, the proposal is considered to comply with current development plan Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan 2008 and the Supplementary Planning Guidance document entitled A Design Guide for Householder Development.

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### RECOMMENDATION

#### **APPROVE, subject to the following conditions;**

- 1 Within a period of three months from the date of this decision notice, the first floor window in the south-facing rear elevation serving the study, as indicated on Plan No: C108/PL/009 Rev A (approved as part of planning permission 2008/2092) shall be obscure glazed, and unopenable below a height of 1.7 metres above internal floor level and shall thereafter be retained as such.

Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1 and HC7.

### PLANS

Site location plan dated 3rd October, 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 2

APPLICATION NO.

2014/1519

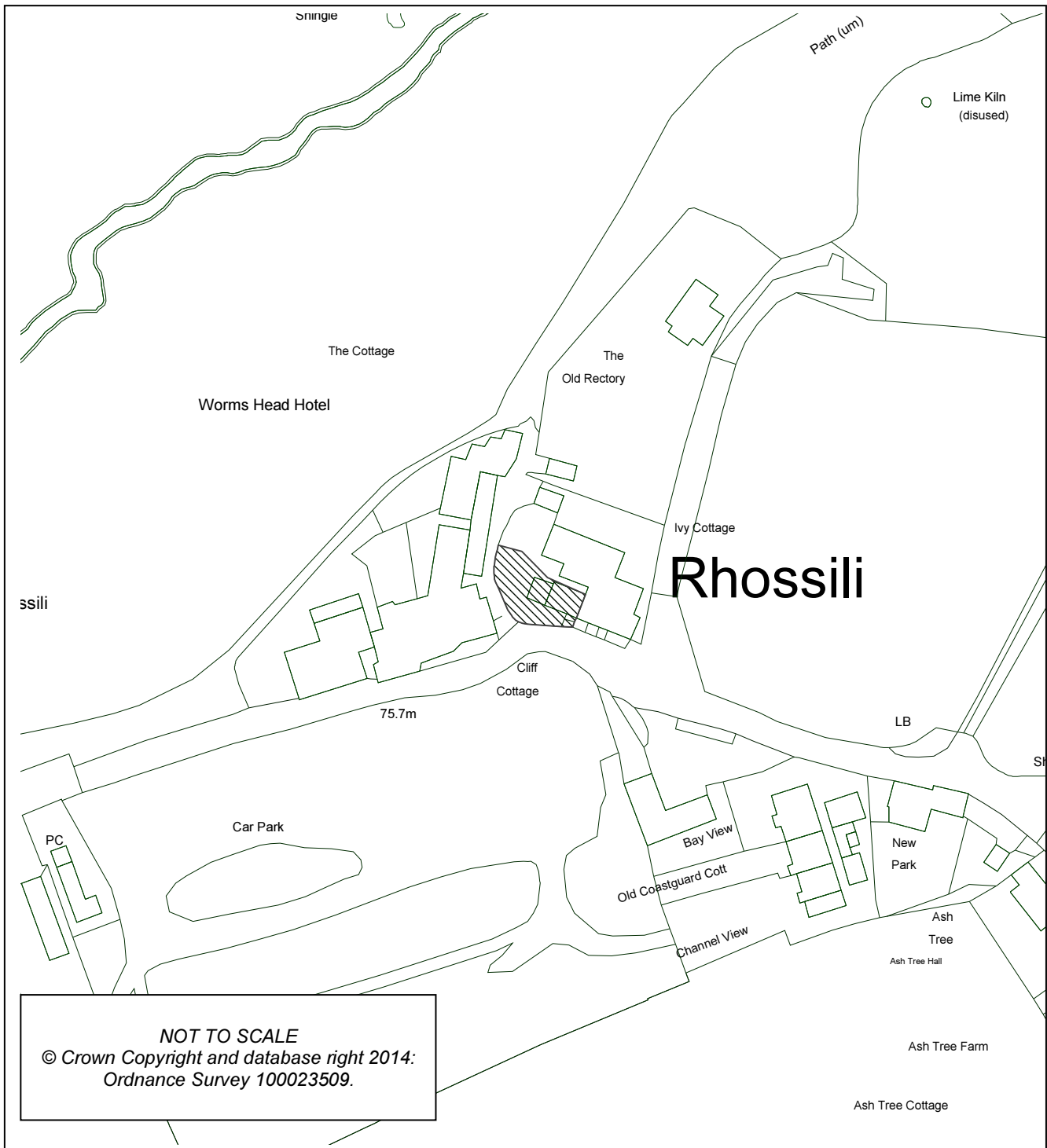
WARD:

Gower  
Area 2

**Location:** The Cottage, Rhossili, Swansea SA3 1PL

**Proposal:** Single storey side extension with first floor roof terrace

**Applicant:** Mrs Sue Hullin



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/1519

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, affect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
90/1664/13	APPLICATION FOR CONSERVATION AREA CONSENT TO DEMOLISH PART OF A WALL TO ENLARGE THE ACCESS Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 28/12/1990
90/1434/03	ENLARGE ACCESS AND FIT DOUBLE GATES. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/12/1990
2002/1446	Two storey side extension Decision: Grant Permission Conditional Decision Date: 04/10/2002

#### **RESPONSE TO CONSULTATIONS**

The neighbouring occupants at Ivy Cottage, Bayview Bistro and Coffee Shop and Worms Head Hotel were sent letters of consultation on 16<sup>th</sup> October 2014. A site notice was posted outside the application property on 3<sup>rd</sup> November 2014. A press notice was issued on 3<sup>rd</sup> November 2014.



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ONE LETTER OF COMMENT has been received from the Gower Society which is summarised below:

- We are concerned that this proposal does not conform with the Design Guide.
- The property is within a very small plot that is in the heart of the Rhossili Conservation Area. Over development springs to mind regarding this proposal.
- A roof terrace is somewhat incongruous although cleverly concealed. However it is hardly vernacular and certainly does not accord with the Design Guide.

Council's **Head of Transportation and Engineering** observations;

*There is no increase in demand for parking and current parking arrangements are unaffected.*

Council's **Ecology Officer** observations;

### **BATS**

*Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal.*

*If evidence of bats is encountered e.g live or dead animals or droppings, work must cease immediately and the advice of National Resources Wales sought before continuing with any work (01792 634960).*

### **BIRDS**

*Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (Intentionally or recklessly for Schedule 1 birds) to:*

- *Kill, injure or take any wild bird*
- *Take, damage or destroy the nest of any wild bird while that nest is in use or being built*
- *Take or destroy an egg of any wild bird*

*Care should be taken when working on buildings, trees and clearing bushes, particularly during the bird nesting season, March - August*

### **APPRAISAL**

This application is reported to Committee for decision at the request of Cllr Richard Lewis in order to assess the impact of the proposed development on the Rhossili Conservation Area. A site visit has also been requested by Cllr Lewis.

Rhossili sits at the south westerly point of the peninsula, to the southern end of the extensive curve of Rhossili Bay and Rhossili Down. The village supports a church, shop, and public house and hotel which, together with tea shops and a gallery, serve tourist trade. Initial development of the village was limited to the south-west and north-east of the Church and adjacent triangular green and comprised of farms and groups of cottages.

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The late 20<sup>th</sup> Century saw the extension of the village eastwards through the development of detached villas and bungalows to the northern side of the B4247. This ribbon of development linked Rhossili to the village of Middleton to the east.

The site comprises of a property known as the Cottage, Rhossili which lies in close proximity to the eastern side of the Worms Head Hotel. The application site therefore lies both within the Rhossili Conservation Area as well as the wider Gower Area of Outstanding Natural Beauty (AONB) designation. The Rhossili character map within the Gower AONB Design Guide shows that there is also a public footpath leading from Worms Head to the beach (via the car park) which runs immediately past the proposed location of the extension.

Full planning permission is sought to construct a single storey extension to the side elevation of the property with a roof terrace above, partially concealed by a parapet, taking the appearance of a flat topped hipped roof when viewed from the front (south western) and north western side elevations. The proposed extension will necessitate the demolition of a detached garage which is currently in the location of the proposed extension. The proposed single storey side extension will measure approximately 5.3 metres wide and approximately 5.1 metres deep. At the rear (north-eastern) elevation this parapet is omitted and a glass balustrade with stainless steel uprights is provided. The extension incorporates double patio doors to the front elevation, a double window to the north-western side elevation and a door within the rear elevation, all finished in white uPVC to match the existing property. The proposals also include other alterations to the existing dwelling such as single rooflights windows to the front and rear roof planes of the main roof and a Juliet balcony to the rear of the main dwelling. The proposed extension is to be finished in painted render walls, fibre cement roof slates and with white uPVC rainwater goods and doors and windows all to match the existing property.

The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenity, having regard to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance documents entitled 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide'.

The settlement statement for Rhossili in Appendix 5 of the Gower AONB Design Guide states that 'generally roofs are simple pitches with additional subservient pitched roofs to extensions'. The proposed extension is therefore not considered acceptable due to its over complicated roof design, incorporating a roof terrace, which does not compliment that of the original dwelling. The single storey side extension is proposed to have a false hipped roof in order to accommodate the roof terrace, whilst the host dwelling has a simple gabled roof. Therefore it is not considered that the proposed roof scape compliments that of the original dwelling and does not therefore adhere to the guidance contained with the Gower AONB Design Guide.

Section A1.44 of the Gower AONB Design states that 'an extension should generally be subordinate to the existing building in terms of scale, massing and volume'. Section A1.51(b) also reiterates this key guiding principle by stating that 'extensions should remain subordinate to the original dwelling in order that they do not have an adverse impact upon the overall composition of the building'.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 2 (CONT'D)

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Whilst it is recognised that the proposed extension is only single storey, due to its substantial width, it is not considered to be sufficiently subordinate to the host dwelling.

Section A1.51(c) of the Gower AONB Design Guide states that 'the cumulative effect of numerous extensions over a period of time can prove detrimental to the character of both the building and its surroundings and, as such should be avoided'. The application property already benefits from a two storey side extension which was granted planning permission in 2002 under application 2002/1446. This extension increased the width and matched the height of the original dwelling; therefore the appearance of the original cottage has already been altered. It is considered that the addition of another significant extension would detrimentally alter the character and appearance of the host dwelling and would contravene the guidance contained within the Gower AONB Design Guide.

The footprint of the proposed single storey side extension is larger than that of the existing detached outbuilding and lies closer to the western side boundary, where it would impact upon the sycamore tree and vegetation screen in this location and would create a greater perceived sense of enclosure and would 'narrow the lane' when compared to the existing garage. It is considered that the current proposals would result in a detrimental change to the character and appearance of the existing footpath, which would be harmful to the character of the Conservation Area as well as to the wider Gower AONB setting, contrary to Policies EV9 and EV26 of the City and County of Swansea Unitary Development Plan.

The proposed patio doors to the front of the extension are not characteristic of the host dwelling and hence fail to respect its fenestration. Furthermore, they are not characteristic of the locality and hence would detract from the visual amenity of the Conservation Area and wider Gower AONB.

The proposed rooflights windows and Juliet balcony are considered acceptable given their small scale and design. Notwithstanding this, the proposed single storey side extension is considered to be harmful to the character and appearance of the host dwelling and the wider Rhossili Conservation Area, contrary to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan.

In terms of residential amenity it is not considered that the proposed single storey side extension with roof terrace will have an adverse impact on the residential amenity of any neighbouring occupant by virtue of any overlooking, overbearing or overshadowing impact.

In conclusion it is considered that the proposed single storey side extension represents an unacceptable form of development. The proposed development would have a detrimental impact upon the character and appearance of the host dwelling, the wider Conservation Area and the Gower Area of Outstanding Natural Beauty, contrary to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide. Refusal is therefore recommended.

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ITEM 2 (CONT'D)

APPLICATION NO.

2014/1519

### RECOMMENDATION

#### REFUSE, for the following reason;

- 1 The proposed single storey side extension would have a detrimental impact on the character and appearance of the host dwelling, the Gower AONB and Rhossili Conservation Area, by virtue of its inappropriate scale and design, contrary to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV9, EV26 and HC7

### PLANS

1900L(90)01 Site plan, 1900L(90)92 block plan, 1900L(2-)01 existing floor plans, 1900L(2-)-2 existing elevations, 1900L(2-)03 proposed floor plans, 1900L(2-)04 proposed elevations dated 13th October 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 3

APPLICATION NO.

2014/1368

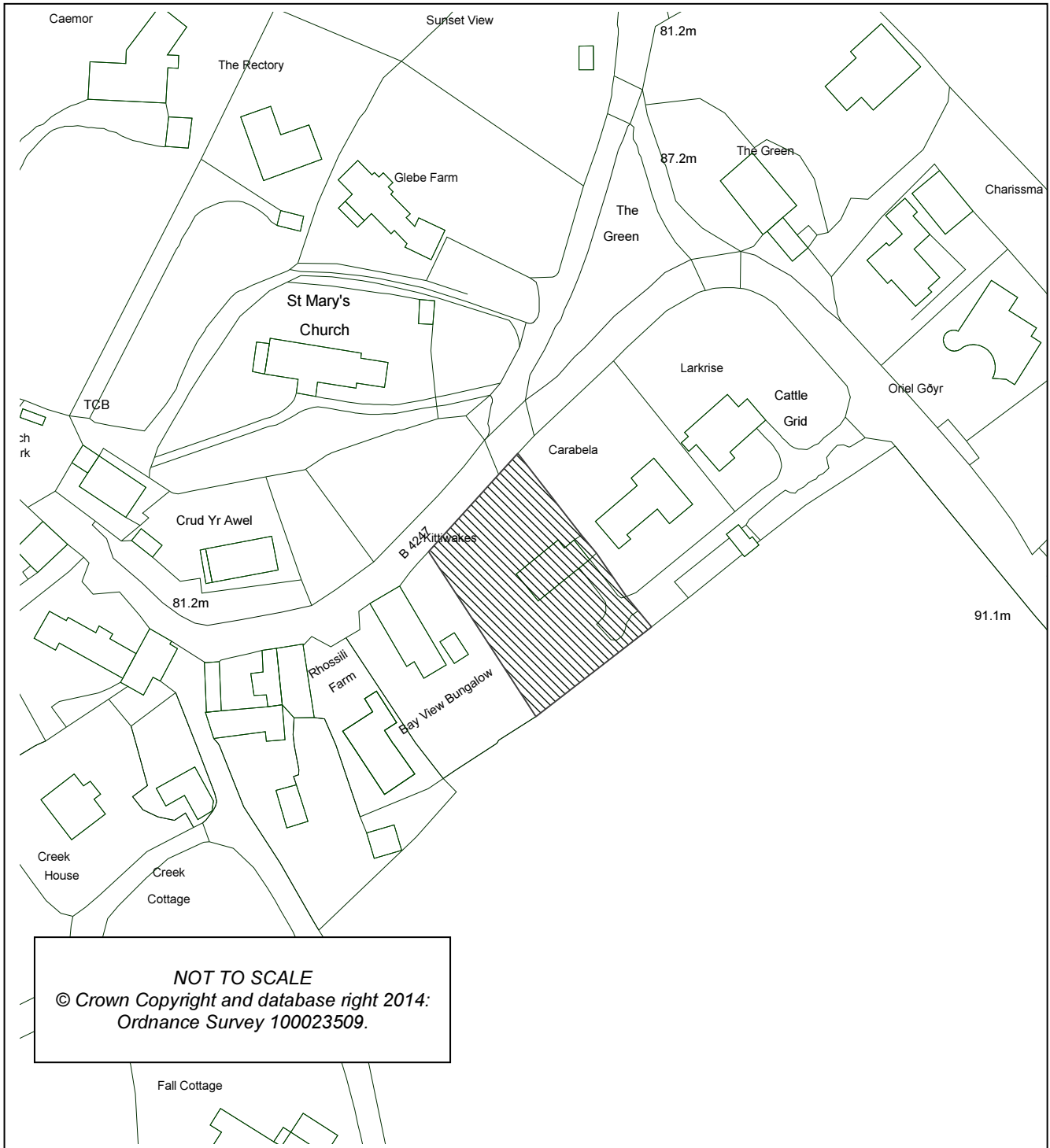
WARD:

Gower  
Area 2

**Location:** Kittiwakes, Rhossili, Swansea, SA3 1PL

**Proposal:** Retention of rear dormer, retention of front rooflights and construction of single storey side extension

**Applicant:** Mr Spencer



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 3 (CONT'D)

APPLICATION NO.

2014/1368

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, affect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2012/1616	Rear dormer Decision: Grant Permission Conditional Decision Date: 04/02/2013
98/1274	ERECTION OF A DETACHED GARAGE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 27/11/1998
2013/0488	Rear dormer (amendment to Planning Permission 2012/1616 granted 4th February 2013) Decision: Grant Permission Conditional Decision Date: 28/05/2013
A00/1460	ERECTION OF DETACHED GARAGE (AMENDMENT TO PLANNING PERMISSION 98/1274 GRANTED ON 27TH NOVEMBER 1998) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 19/12/2000

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ITEM 3 (CONT'D)

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### RESPONSE TO CONSULTATIONS

The neighbouring occupants at Carabella and Bay Farm were sent letters of consultation on 7<sup>th</sup> October 2014. A site notice was posted within the vicinity of the application site and a press notice was issued on 20<sup>th</sup> October 2014.

THIRTY THREE LETTERS OF OBJECTION were received to this first publicity exercise which are summarised below. It is noted that thirty one of these letters are identical.

- The proposal would increase the size of the property to a four bedroom dwelling with two en-suites, suitable for a commercial holiday let.
- It will be a substantial increase which will over develop the site and impair visual amenity
- The frontage will be extended by ten feet which is disproportionate to the overall width of the site. This will restrict an important vista between the property and the neighbouring property in this important Conservation Area set within the AONB.
- The implications of the increased size is that more vehicles would be looking to access and park in this restricted area.
- The approved plans from previous applications (2012/1616) and (2013/0488) have not been adhered to leading to a larger rear dormer and a different number and arrangement of velux windows. We are concerned that future developments of this property and future developments in the village will be allowed to ignore restrictions imposed by planning approvals.
- The lack of adherence to planning permission has resulted in the erection of a boundary fence which is out of keeping with the open character of the area.
- The application states single storey but the plan shows an elevated roof with a velux window and an interior bathroom and is therefore not single storey.
- The written information and the drawings on the plan are inconsistent – the first floor plan shows 4 single velux and 2 doubles but the elevation plan shows 3 single velux and 2 doubles.
- The specifics for the materials/sizes are illegible and cannot be checked
- Plan states single storey but drawings show extension with an elevated roof to match existing
- Upstairs plan shows an existing large sunroom and bathroom but this is incorrect and misleading as the space has already been divided and does not resemble the plan
- The application form is full of inaccuracies and misleading information – e.g question 11 – can the property be seen from a main road? Answer 'no' – the property, is on the side of a main road and can be clearly seen.
- As it is a second home an additional ten foot double storey extension is gross over development.
- The current development has not been built in accordance with 2013/0488. There is an unresolved dispute regarding this, in the meantime no further application should be considered.
- The front roof will have four single and two double velux windows facing the village green and church. No other village property has been allowed such excessive velux space due to the sensitivity of the area

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ITEM 3 (CONT'D)

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- Plan number 2013/0488 has not been adhered to so we cannot trust that any further plan will be observed. If this does occur will they be allowed to submit more plans to cover any misdemeanours again? We already have three sets of plans in existence for this development.
- This property is situated in one of the most sensitive areas of the village directly opposite the village green and church in an Area of Outstanding Natural Beauty and Conservation.
- The development appears to be in direct conflict with the guide lines for development within a Conservation Area and AONB. If allowed this will set a precedent and encourage over development which would slowly erode the originality and beauty of his special village and area.

THREE LETTERS OF COMMENT were received which are summarised below:

- The property is in a sensitive position overlooking the church and village green and is in an Area of Outstanding Natural Beauty. It should be ensured that the alterations being carried out are in accordance with the approval which has been granted.
- Ongoing works from previous applications for this property do not appear to comply with approved plans
- The plans for 2014/1368 illustrating the existing situation show a mix of the unapproved dormer and velux windows, alongside an out of date photo of Kittiwakes. This situation is misleading and confusing.
- The application description for 2014/1368 is for a single storey side extension. The plans show the extension continuing upstairs where a new bathroom is proposed.
- In the AONB planning permissions granted should be adhered.

**The Gower Society** responded with a letter of comment which is summarised below:

- We are concerned that previous applications for this property do not appear to have been carried in accordance with the approved plans
- The rooflights are not in accordance with application 2013/0488
- The four light fixing is unacceptable and incongruous in the street scape
- The whole roof of the property has been recovered in slate. This is not indicated on the application.
- The drawing that shows the existing building has a photograph without rooflights
- The proposed side extension should not impact greatly upon the street scape but we ask that the Design Guide is followed implicitly and the development appraised as a whole
- The property lies in an elevated conspicuous position within the Rhossili Conservation Area.

It was found on visiting the site that the plans submitted were not accurate. Amended plans were received and the neighbouring occupants were re-consulted on 13<sup>th</sup> November 2014. A new site notice was posted within the vicinity of the application site on 17<sup>th</sup> November 2014.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2014/1368

ONE FURTHER LETTER OF OBJECTION was received which is summarised below

- There appears to have been a cavalier approach to the interpretation of the initial permission.
- The proposed changes are incongruous and out of character in such a sensitive area
- This would set a precedent which could encourage further overdevelopment, eroding the character of this special village.

ONE LETTER OF COMMENT was received which is summarised below:

- The existing plans shows the roof lights aligned but the four pane light has already been placed higher than the other three.
- The double garage with the original roof tiles is not shown.
- The connecting door between the lounge and dining room has already been bricked up.
- A new opening has already been constructed from the kitchen to the dining room and all the rooms have been decorated
- The sun room upstairs has already been divided into bedrooms and the whole area decorated
- The single extension will be 8.3 metres high and the existing roof line, if this was single storey would have a stepped roof line and the new extension should be the same height as the existing single storey garage
- Why have another roof light if this is only a single storey extension?
- The rooflights are in breach of the AONB guide lines and another would be a further breach.

**The Gower Society** responded with further comments on the proposals which are summarised below:

- We are concerned with the cluttered appearance of the double roof lights that were installed without planning permission
- The rooflights should be reduced to a single unit in order to produce a clean and uncluttered view of the roof from the North of the property and be in sympathy with the elevations of the other two bungalows
- The rear dormer appears to have a deeper vertical installed face than shown.

**Highway Observations** – it was not considered necessary to directly consult the Head of Transportation and Engineering in this instance as the proposed development would not increase the demand for parking.

### APPRAISAL

This application is reported to Committee for decision and a site visit has been requested by Councillor Richard Lewis in order to assess the impact of the development on the Conservation Area.

The application site lies within the Rhossili Conservation Area and the Gower Area of Outstanding Natural Beauty (AONB). Rhossili sits at the south westerly point of the peninsula, to the southern end of the extensive curve of Rhossili Bay and Rhossili Down.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2014/1368

The late 20<sup>th</sup> Century saw the extension of the village eastwards through the development of detached villas and bungalows to the northern side of the B4247; ultimately this ribbon of development linked Rhossili to the village of Middleton to the east.

The existing dwelling faces towards the beach and lies opposite St Mary's Church which is a listed building. The dwelling forms part of a row of three detached bungalows which are set back from the road in an elevated position and which are accessed to the rear via a shared access drive.

The application property is a detached bungalow finished in render with a slate tile roof. To its north-eastern side elevation it has a small extension which is set down from the ridgeline and set back from the front elevation. The front of the dwelling incorporates a set of patio doors as well as wide squat windows finished in white uPVC. The site benefits from off road parking and a modest curtilage.

Full planning permission is sought for the retention of a rear dormer, retention of front rooflights and the construction of a single storey side extension. The single storey extension will measure approximately 3.3 metres wide and approximately 7.7 metres deep. It will comprise of a pitched roof measuring approximately 3.4 metres to the eaves and approximately 6 metres to the ridge. The rear dormer measures approximately 5.1 metres wide and approximately 3 metres deep. It comprises of a flat roof measuring approximately 2 metres in total height. Three single rooflights and one, four panel rooflight have already been constructed. One rooflight is proposed in the roof plane of the proposed side extension.

With regards to the objections regarding the inaccuracy of the plans these refer to the first set of plans which were received. The amended plans received are however accurate. Furthermore there are comments stating that the writing on the plans is illegible. The plans have been submitted at A1 size and the writing at this scale is legible.

The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenity, having regard to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance documents entitled 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide'.

The single storey side extension is relatively minor in scale and is considered proportionate to the host dwelling, in accordance with the provisions of Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide.

Whilst it is recognised that the proposed single storey side extension is not set down from the ridgeline or set back from the front elevation, it is considered that, given the small scale of the proposed extension and the fact that the application property is a bungalow, it will not significantly or detrimentally alter the character and appearance of the host dwelling. Furthermore, the row of three bungalows, of which the application property is one, are not uniform in their appearance. Therefore it is considered that the proposed extension will not upset the proportions of the existing dwelling or either Larkrise and Carabela.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 3 (CONT'D)

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A rear dormer was granted planning permission on 4<sup>th</sup> February 2013 and an amendment to this was granted on 28<sup>th</sup> May 2013 under planning applications 2012/1616 and 2013/0488 respectively. However on receiving complaints regarding the size of the dormer, the Council's Planning Enforcement section investigated and found that it was not being built in accordance with the plans as approved under either planning application. Therefore this application seeks to regularise the rear dormer as built.

The principle of a rear dormer in this location has already been established; therefore the main issues to consider is whether the amendments made have an unacceptable impact upon the visual amenities of the host property and the surrounding street scene. The dormer as constructed is set down from the ridge of the main dwelling and is set up from the eaves. Therefore the dormer does not dominate the plane of the original roof, in accordance with Section 5.6 of the Design Guide for Householder Development and Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan.

The front rooflights were constructed without planning permission, therefore this application seeks to regularise these as built. There are rooflights on a number of properties in the locality, including the adjacent property, Bay View Bungalow, and Larkrise which is in the row of bungalows to which Kittiwakes belongs. The front rooflights are not considered to adversely affect the character and appearance of the host dwelling, the Conservation Area or wider Gower AONB. They do not therefore run contrary to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan.

In terms of residential amenity it is not considered that the single storey side extension, front rooflights or rear dormer have a detrimental impact upon the residential amenity of any neighbouring occupant by virtue of any overlooking, overbearing or overshadowing impact.

### **Response to objections/comments:**

The majority of the comments and objections raised have been addressed in the main body of this report. However for the sake of clarity the following comments are made:

- There have been a number of objections which state that the dormer and rooflights have not been built in accordance with the previously approved plans and are fearful that the applicants will not adhere to the current proposals if planning permission is granted. This is not a material planning consideration and should not prejudice the determination of the current application.
- The internal arrangement and decorating of the property is not a material planning consideration.
- The slate roof covering is not indicated on the submitted plans as it does not form part of this application. The re-roofing of the property falls within the parameters of permitted development by virtue of Class C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 3 (CONT'D)

APPLICATION NO.

2014/1368

- The development has been described as a single storey side extension as the application property is a bungalow. Accommodation in the roofspace does not constitute a second storey.
- With reference to the boundary fence, this does not form part of this application and is therefore not considered here.
- The garage is not shown on the submitted plans as it does not form part of this application.

In conclusion, having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the proposed development represents an acceptable form of development. The proposed single storey side extension, rear dormer and front rooflights cause no significant adverse effect to the privacy or residential amenity of any adjoining neighbour. Furthermore the proposed development bears no detrimental impact upon the character and appearance of the host dwelling or the wider Gower AONB and Rhossili Conservation Area. Therefore the development complies with the provisions of Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development or the Gower AONB Design Guide.

### RECOMMENDATION

### APPROVE

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV9, EV26 and HC7.

### PLANS

001E amended - existing elevations & floor plans, 002E amended - proposed elevations, floor plans & block plan, dated 5th November 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 4

APPLICATION NO.

2014/1584

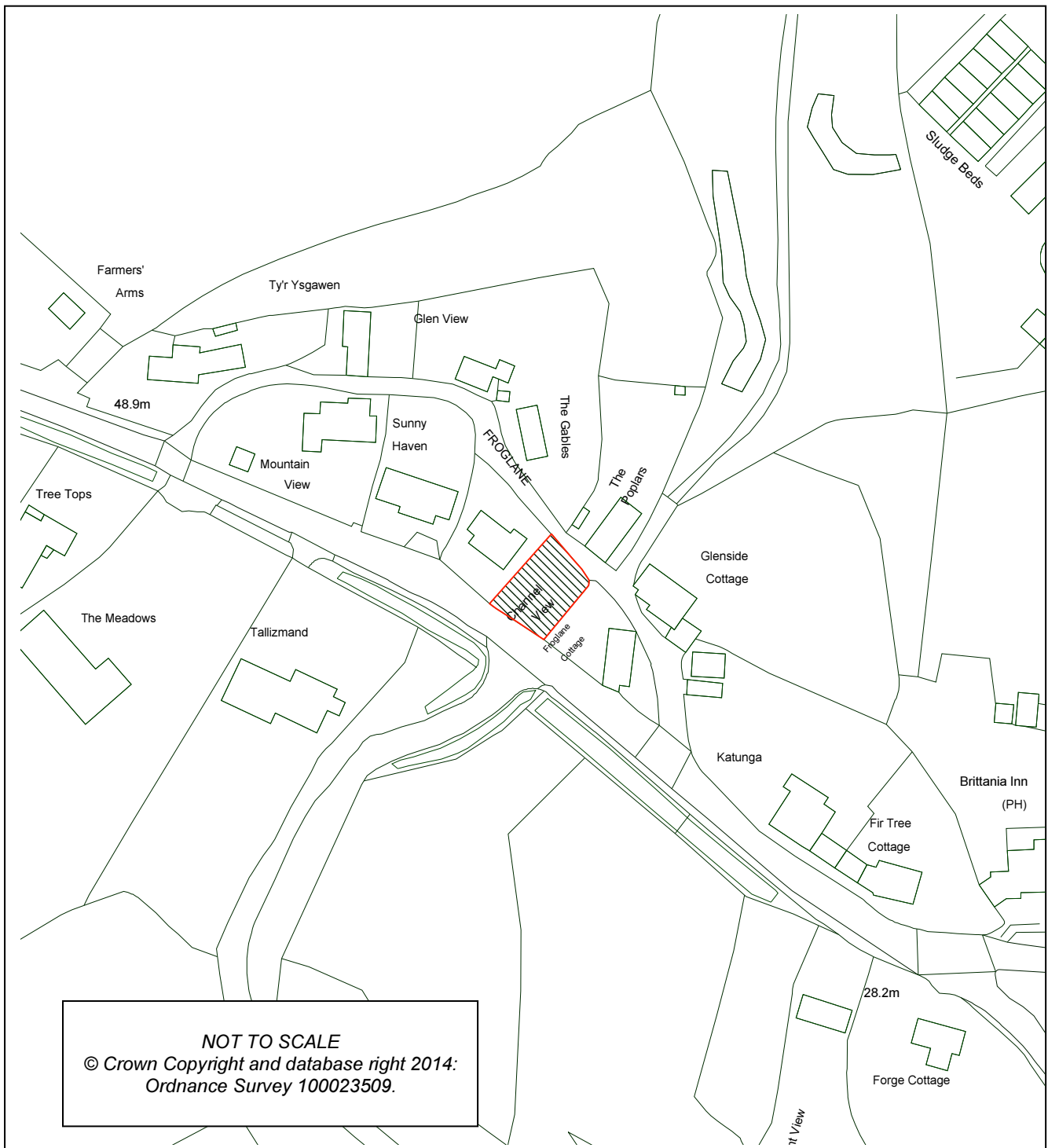
WARD:

Gower  
Area 2

**Location:** Land adjacent to Channel View, Llanmadoc, Gower, Swansea

**Proposal:** Detached dwelling (outline)

**Applicant:** Mr C Griffiths



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 4 (CONT'D)

APPLICATION NO.

2014/1584

### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV12	The character of lanes and public paths that contribute to the amenity, natural and historical qualities of an area will be protected. (City & County of Swansea Unitary Development Plan 2008)
Policy EV16	Within the small villages identified on the Proposals Map, small-scale development will be approved only where it is appropriate to the location in terms of the defined criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
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## RESPONSE TO CONSULTATIONS

The application was advertised on site and two individual neighbouring properties consulted. 15 LETTERS OF OBJECTION received which are summarised as follows:

- The proposal is nothing to do with the owners/occupiers of Channel View
- Describing the application site as Channel View is very misleading
- The proposal will result in drastic loss of light to neighbouring properties
- The proposal will result in the loss of mature trees on the site thus losing ecological habitat.
- There are bats evident in the area
- The access to the site from Frog Lane is at a point where the road narrows because the garden of, and Frog Lane Cottage itself sticks out.
- There is little room for vehicle to pass. Large vehicles can not
- There are many incidences of near misses and numerous instances of minor damage to doors and mirrors as cars try to negotiate the narrow lanes.
- It's very dangerous for pedestrians and cyclists
- The blind brow at the top of the hill is a hazard
- Parking and congestion frequently occur with resident and visitors parking on the left hand side of the road coming down the hill outside Sunny Haven, Channel View and Frog Lane Cottage garden.
- Access to the new house at Frog Lane Cottage rear garden will reduce parking in the road by at least two spaces creating further hazard.
- Reversing into or out of the proposed new house onto the main road will be very dangerous.
- The proposed dwelling will be squeezed into the plot due to the site terrain
- The proposed appearance does not enhance the surrounding area or neighbouring properties, and will detract from the area as a whole.
- The garden should remain as domestic curtilage
- Concerns about the impact of the development on retaining structures of neighbouring properties and gardens.
- The application forms are inaccurate and misleading
- The DAS is flawed and misleading
- The area is generally defined by well spaced out buildings, affording views over the estuary. Within an AONB this should be preserved.
- The dwelling would be overbearing on approx. 5 neighbouring properties and lead to loss of privacy
- The sewage system is already overloaded. Adding to this would not help the situation.
- Having the dwelling so tightly squeezed into the plot will detract from the character of the entire village. At no other point in the village are the properties so tightly positioned.
- The conservatory of Channel View will be within approx. 1m of the side elevation of the new dwelling and would as a result be completely overshadowed and the outlook therefrom would be directly onto a solid wall, assuming no window is proposed in the elevation – then there would be significant loss of privacy and overlooking
- Due to the significant difference in land levels, the proposal would be a total of 12.2m above the lawn level of Frog Lane Cottage

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 4 (CONT'D)

APPLICATION NO.

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- The proposal indicates the dwelling will be fully accessible to a wheelchair, however an 11.1m wide dwelling within a 12m wide plot does not allow wheelchair access to the side and the north side would be too steep to gain wheelchair access
- Frog Lane properties form an integral part of the historic qualities of the area, mainly built in the 18<sup>th</sup> and 19<sup>th</sup> century, any new addition should be viewed in the context of this setting and the current proposal is totally out of keeping.
- Dwelling is far too large for the plot
- The proposal constitutes ribbon development and urbanization of the main street
- The proposal is contrary to policies EV2, EV17, EV18, EV20 EV33 and EV25 of the Swansea Unitary Development Plan.
- Approval of this application could set a precedent for the consideration of other similar proposals
- Within the AONB the primary objective is to conserve and enhance and it is not considered that this application does so.
- There's a lack of surface water drainage provision

### **The Gower Society - Object**

1. We are concerned that this proposal may not conform with the Design Guide although accept that at this stage it is an outline submission.
2. The impact upon the adjacent properties would be overbearing and may lead to loss of light and amenity to both dwellings.
3. We think that the proposal would be an over development and inappropriate on this plot.
4. Access would be difficult onto the highway.

We have no alternative but to object and ask that you take the above comments into account when arriving at your decision

### **Llangennith, Llanmadoc and Cheriton Community Council – Object for the following reasons:**

- Ribbon development and urbanising of the main street
- Outside the village envelope and might create a precedent
- Lack of off street parking in an already restrictive area and road is narrow
- The proposed building is very large for the plot and will have a detrimental effect on the surrounding properties
- There would be a loss of mature trees
- This dwelling will further overload the sewage system which already causes problems in warm weather

**Dwr Cymru Welsh Water** – No objection subject to standard conditions and advisory notes.

Council's **Head of Transportation and Engineering** - Proposals are for a detached one bed dwelling (outline). Plans submitted are for the erection of a dormer bungalow to be sited in the side garden of Frog lane Cottage and on land adjoining Channel View, Llanmadoc. Current parking guidelines call for 1 space per bedroom up to a maximum of 3 spaces. One parking space is required for a dwelling of this size and this requirement is to be satisfied by providing an off street car parking facility.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 4 (CONT'D)

APPLICATION NO.

2014/1584

There are no highway objections subject to the provision of satisfactory parking and access facilities from the narrow highway.

### APPRAISAL

This application is reported to committee for decision and for a site visit at the request of Councillor Richard Lewis in order to assess the impact upon the AONB.

Outline planning permission is sought for the erection of one detached dwelling on land adjacent to Chanel View, Llanmadoc. The application site is situated within the Gower Area of Outstanding Natural Beauty but outside the Llanmadoc Conservation Area.

The application site is an elevated area of former domestic curtilage located on the northern side of the main road through the village. The application site is bound to the east and west by neighbouring residential curtilages and to the north by Frog Lane and the south by the main road.

Although the application is submitted in outline form the illustrative drawing submitted with the application indicate a dwelling constructed on stilts affording off street car parking beneath the dwelling. The dwelling would have a maximum width of 11.1m, a maximum depth of some 6.5m and would be constructed to a height of some 8.3m. The proposed dwelling would be sited centrally in the plot, constructed in line with site boundaries and set back some 7.5 metres from the back edge of the roadway achieving a distance of only some 2 – 4m from the rear Frog Lane boundary. The indicative elevation also includes a full width dormer window.

The proposed external materials include render walls and grey slate roof covering with timber cladding to the dormer. The land levels within the site would need to be re-profiled to accommodate the proposed dwelling. Although access is a matter reserved for future approval, it is assumed that access will be derived off the main carriageway as Frog Lane to the rear is barely passable in a vehicle due to its narrowness. The new access off the main carriageway will also dictate the need to remove a significant portion of the existing vegetation that forms the front line boundary.

The main issues for consideration are the impact of the proposed development on the character and appearance of this part of Llanmadoc and the Gower Area of Outstanding Natural Beauty, having regard to the prevailing policies of the Development Plan, and recent national planning policy provided by Planning Policy Wales 2014. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Within the Gower AONB the primary objective of this designation is the preservation of the natural beauty of this area. The Council wishes to foster high standards of design in all new development, and this is reinforced by Planning Policy Wales 2014, which states that within AONBs, the primary objective of this designation is the preservation of the natural beauty of this area, and development control decisions affecting the AONB should respect this by considering the importance of traditional and local distinctiveness. This is reinforced by the requirements of the recently adopted Gower AONB Design Guide.

The application has been considered against the criteria of the following policies of the City and County Unitary Development Plan (UDP). Policy EV26 reflects the main objective of conserving and protecting the Gower AONB from inappropriate development.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 4 (CONT'D)

APPLICATION NO.

2014/1584

Policy EV22 states that the countryside will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value.

These policies are supported by Policy EV1 Design and Policy EV2 which requires that the siting of new development should give preference to the use of previously developed land over greenfield sites, and must have regard to the physical character and topography of the site and its surroundings. Policy EV3 requires new development to provide access and facilities for all. Policy EV12 seeks to protect the character of lanes and public paths that contribute to the amenity, natural, and historic qualities of an area.

Of particular relevance to this application is Policy EV16 which states that within the small villages identified within the proposal maps of the UDP, small-scale development will be approved only where it is appropriate to the location in terms of the following criteria: of a scale, density and layout compatible with the size and form of settlement; has a design sympathetic to the architectural character of the village; will not involve a loss of land of recreational, natural heritage or amenity value; has an acceptable relationship with adjacent buildings, spaces and landscape; will not harm the amenity of neighbouring residents, and can be accessed without prejudicing highway safety and without detriment to the character of the village. The amplification to the policy defines "within" as "what could reasonably be incorporated into the existing village form without detracting from its character and amenity". Beyond these villages, residential development will be assessed in terms of the policy for development in the countryside (Policy EV20).

Llanmadoc is identified as a small village in the UDP. The village 'boundary' is not specifically defined on the proposals map and is therefore a matter essentially to be considered on an individual basis against the criteria and amplification to Policy EV16.

Whilst it is acknowledged that the site was formerly domestic garden it does not automatically follow that a new dwelling at this location is appropriate. Llanmadoc is an established settlement within the West Gower area that reflects Anglo-Norman influences. However, it has been incrementally extended over the last 100 years with evidence of pre and post war infill, including bungalows and two storey houses that add to the traditional cottages and houses. The village has developed to a large extent in a ribbon fashion along the main road from Cheriton to the east, with the historic core being centred around the main road and Church on the western side of the built development. The application site is located on the northern side of the incline road that links with the main highway to Llangennith. The site is significantly elevated above the dwelling to the east and also rises significantly from north to south when viewed from Frog Lane.

Whilst there is sporadic development including 'Channel View' and 'Frog lane Cottage' on the northern side of the road, the application site currently forms part of the rural gap of approximately 15m separating 'Chanel View' from 'Sunny Haven' at the top of the hill. Furthermore, during the consideration of a previous appeal on a nearby site which was dismissed (APP/B6855/A/06/1198515 refers); the Inspector considered the open areas amid the built environment represented a particularly attractive characteristic of the village. The Inspectors appraisal is considered sound. The development will clearly have a suburbanising effect on the character and appearance of the village by closing the rural gap and cannot reasonably be regarded as infill, but as an extension of ribbon development into a large gap in the village development.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 4 (CONT'D)

APPLICATION NO.

2014/1584

It is considered that the development of this site would effectively 'capture' a natural green space thereby closing the natural visual gap between existing dwellings, contrary to the provisions of Policy EV16 of the Unitary Development Plan.

In terms of its overall character and appearance, the northern side of the road has a markedly dispersed form of development. Not only do these spaces act as important visual breaks in the overall form of the settlement but they represent an intrinsic part of the character of Llanmadoc. The development of this site would seriously erode the delicate visual relationship between the village and its setting which contributes positively to the quality of the AONB.

Furthermore, and notwithstanding the above fundamental policy objections regarding this development, consideration has been given to the relationship of the proposed house to the neighbouring housing and local environs. Considerable earthworks and re-profiling, together with the construction of retaining walls would inevitably be required due to the land form and the proposed split level/stilted style construction. The adopted SPG entitled 'Gower AONB Design Guide' states that new residential development must successfully integrate with its surroundings, taking into account the character of the village in which it sits. In order to achieve this, the proposal should seek to promote or reinforce traditional and local distinctiveness. Although the application is in outline form, the illustrative drawing indicates a dwelling of little or no architectural merit, including elements such as a full width box timber clad dormer showing little regard for the adopted Gower AONB SPG and little or no reference to Gower Vernacular.

Turning to the impact on the neighbouring dwellings, the proposed dwelling would be sited fairly centrally within the plot achieving just 1m separation from the side boundaries. As indicated above, the dwelling will be set back from the carriageway (presumably to accommodate vehicle access/turning) hence the distance to the rear boundary is reduced to as low as 2m. This is well below the minimum standard required for rear amenity area, and although more curtilage is provided forward of the dwelling this is not private useable space. Furthermore, the land levels are such that the properties to north-east and east are significantly lower and whilst overlooking may in fact occur over the roof planes of these properties, it is considered that the dwelling, in such an elevated position in very close proximity to the site boundaries would create a very oppressive scenario for the neighbouring occupiers. And given that the lower properties are sited to the north and north-east, the potential for overshadowing is significant. Overall, having regard to the elevated setting and overall poor design and consequent visual impact of the proposed dwelling, together with the associated earthworks, re-profiling and retaining structures, it is considered that the proposed house will appear visually dominant and obtrusive in the street scene, and would seriously detract from the modest character of the existing street scene to the detriment of both the visual and residential amenities of the area.

The Head of Transportation and Engineering has been consulted on the application and is satisfied that current parking guidelines which require 1 space per bedroom up to a maximum of 3 spaces can be met. One parking space is required for a dwelling of this size and this requirement can be satisfied by providing an off-street car parking facility and as such there are no highway objections subject to the provision of satisfactory parking and access facilities.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/1584

Notwithstanding there being no technical highway objection, Policy EV12 seeks to protect the character of lanes and public paths that contribute to the amenity, natural, and historic qualities of an area. Development proposals that include requirements to set back improvement lines, remove hedgerows, and provide new access and visibility splays will be resisted where this would result in a loss of character. In rural areas the design of any necessary works should be appropriate to the character of the area and should not detract from the landscape or suburbanise the area. In this respect, it is considered that the proposal would necessitate the removal of the vegetation that forms the site frontage which is an intrinsic feature in this rural road. Furthermore, it is considered that such works would suburbanise the area and significantly detract from the character and appearance of this part of Llanmadoc and the Gower AONB. The proposal would therefore fail to comply with Policy EV12.

The neighbour, Gower Society and Community Council objections regarding the siting, scale, design, appearance, impact on visual and residential amenities, and highway and access concerns, have been addressed above in the main body of the report. The remaining issues raised relate to surface water and foul drainage concerns. However no adverse comments have been received from the Council's own Drainage Division or Dwr Cymru Welsh Water. The concerns regarding ground stability are principally an issue for Building Regulations. This matter is however fully acknowledged as an issue of note within the main body of the report. Consideration of the overall impact of the proposal on the landscape, character of the village, wider AONB and visual amenities of residents has been covered above. The application was originally registered with the Local Planning Authority with an application site address of 'Channel View'. Following contact from the occupier of Chanel View, who advised that the application site was entirely separate from Chanel View, the application site was amended to refer to land adjacent to Chanel View, which is considered to adequately describe the site location.

### **Conclusion**

In conclusion, having regard to the above considerations including the Human Rights Act, it is considered that the development of this site cannot reasonably be incorporated into the existing village form without detracting from its character and amenity. The proposed development would effectively 'capture' a significant visual element and green space between existing dwellings, and would result in unacceptable suburbanising ribbon development that would seriously erode the character and form of the village of Llanmadoc, thus significantly detracting from the natural beauty of this part of the Gower AONB. The proposal would also have an unacceptable impact on the residential amenities of the occupiers of the neighbouring property and makes inadequate provision for useable private amenity space. On this basis, the proposed development does not accord with the criteria of Policies EV26, EV16, EV20, EV22, EV30, EV12, EV3, EV1 and EV2 of the City and County of Swansea Unitary Development Plan. Refusal is therefore recommended.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 4 (CONT'D)

APPLICATION NO.

2014/1584

### RECOMMENDATION

#### REFUSE, for the following reason;

- 1 The proposed dwelling by virtue of its inappropriate siting would result in suburbanising, ribbon development that cannot reasonably be incorporated into the existing village form without detracting from its character and amenity, and would constitute development that would seriously erode the character and form of the village of Llanmadoc, and detract from the natural beauty of this part of the Gower AONB, contrary to the Policies of EV1, EV2, EV12, EV16, EV26 and EV26 of the City and County of Swansea Unitary Development Plan 2008 and the Gower AONB Design Guide.
- 2 The proposed development by virtue of the removal of the existing green site frontage, to facilitate the proposed dwelling, access and parking arrangements, would be detrimental to the character and appearance of the village of Llanmadoc, the rural road and the Gower AONB, contrary to Policies EV1, EV2, EV12, EV16 and EV26 of the Swansea Unitary Development Plan 2008, and the Gower AONB Design Guide.
- 3 The proposed development would, if approved, have an unacceptable impact on the residential amenities of the occupiers of the adjoining dwellings by virtue of overbearing physical impact, loss of light and overshadowing and potential overlooking, contrary to Policies EV1 and EV2 and EV16 of the City and County of Swansea Unitary Development Plan 2008, and the Gower AONB Design Guide.
- 4 The overall cramped layout of the proposed scheme and resultant sub-standard levels of amenity space are such that the proposal would be detrimental to the residential amenities of the future occupiers of the dwelling, contrary to the provisions of Policies EV1, EV2, and EV16 of the Swansea Unitary Development Plan 2008, and the Gower AONB Design Guide.
- 5 The proposed development by virtue of the restricted plot depth, constrained siting, inappropriate design and the relationship with existing surrounding dwellings would result in a contrived, cramped and overintensive form of development which would be detrimental to the visual amenities of the locality, and detrimental to the character and appearance of the village of Llanmadoc, and the Gower AONB, contrary to Policies EV1, EV2, EV12, EV16 and EV26 of the Swansea Unitary Development Plan 2008, and the Gower AONB Design Guide.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV12, EV16, EV20, EV26, EV33, EV34, and EV35 of the Swansea Unitary Development Plan 2008.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014**

ITEM 4 (CONT'D)

APPLICATION NO. 2014/1584

**PLANS**

Site location plan, block plan, indicative elevations dated 22nd October 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 5

APPLICATION NO.

2014/1209

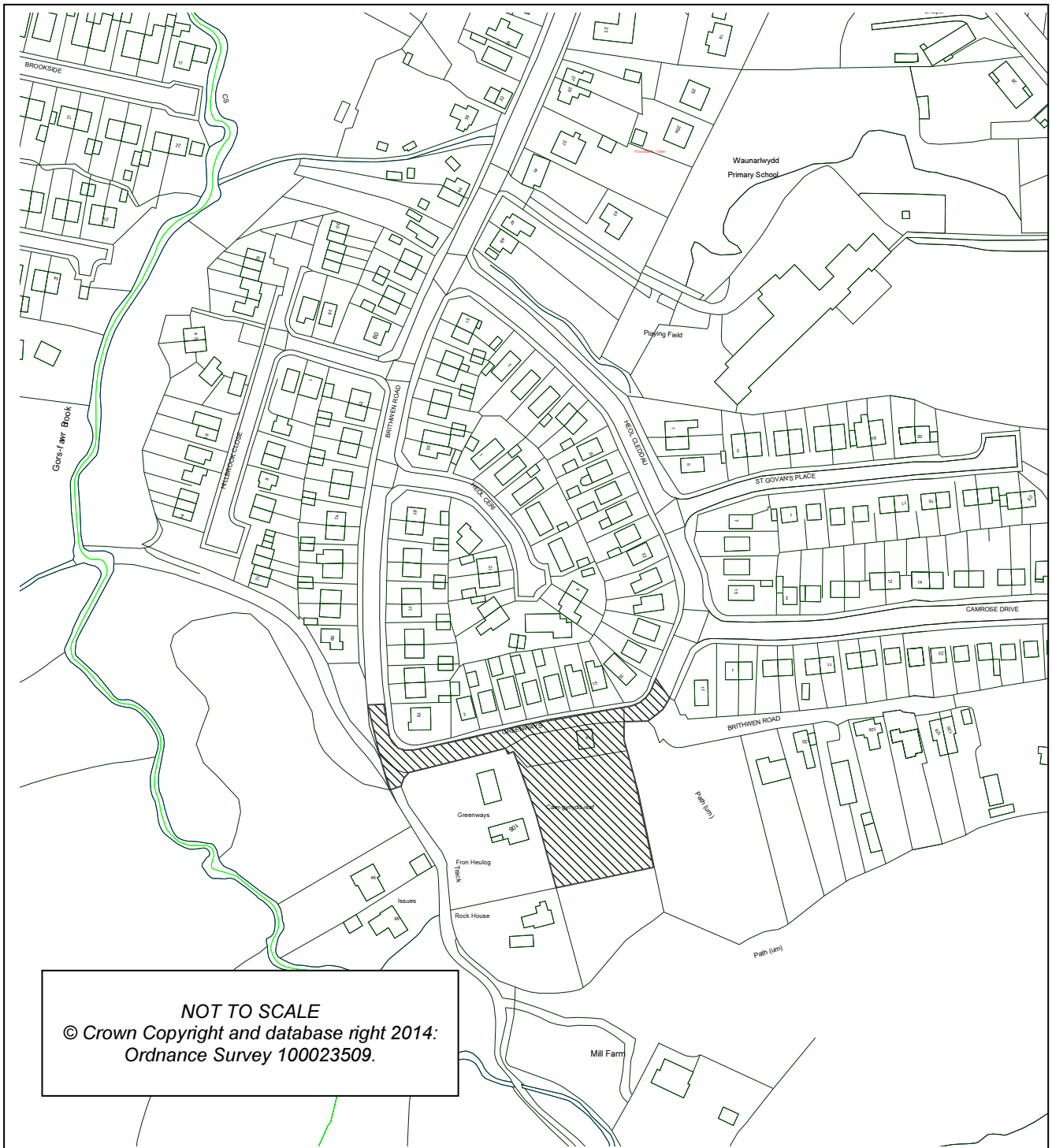
WARD:

Cockett  
Area 2

**Location:** Land to the rear of 114 Brithwen Road, Waunarlwydd, Swansea, SA5 4QX

**Proposal:** Three pairs of semi-detached dwellings

**Applicant:** Grwp Gwalia Cyf



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### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS3	Accessibility - Protection of public rights way. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV24	Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)
Policy EV25	Development, alone or in combination with other plans or projects, which is likely to adversely affect the integrity of a European protected site (SAC, Marine SAC, SPA and Ramsar Sites) and is not directly connected with or necessary to the management of the site. (City & County of Swansea Unitary Development Plan 2008)
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).



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- Policy EV35 Development that would have an adverse impact on the water environment due to:
- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
  - ii) A reduction in the quality of surface water run-off.
- Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV34 Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV33 Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC2 Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC3 Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC17 The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2005/0353	Retention of land within residential curtilage (Application for a Certificate of Lawfulness) Decision: Is Not Lawful Decision Date: 15/08/2005

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2005/2463	Two detached dwelling houses (outline) Decision: Grant Permission Conditional Decision Date: 09/05/2006	
2006/0178	Retention of land within residential curtilage (application for a Certificate of Lawfulness) Decision: Is Lawful Decision Date: 08/03/2006	
2009/0744	Construction of 10 terraced dwellings with associated car parking and landscaping Decision: Refuse Decision Date: 22/02/2013	
99/0146	ERECTION OF A SINGLE STOREY DWELLING HOUSE (OUTLINE) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 19/04/1999	
2011/0016	To reduce overhanging branches and remove one limb from 1 pine tree covered by TPO no 544 Decision: Grant Tree Pres Order Consent (C) Decision Date: 14/03/2011	
2007/2562	To fell 3no. fir trees, 3no. spruce trees, 1no. pine tree and 1no. horse chestnut tree and to carry out tree surgery on 4no. oak trees, 1no. holly tree and 1no. horse chestnut tree covered by TPO No. 110 Decision: Grant Tree Pres Order Consent (C) Decision Date: 03/01/2008	
99/1505	ERECTION OF A DETACHED BUNGALOW Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 15/02/2000	

### RESPONSE TO CONSULTATIONS

The application was advertised on site and seventeen individual properties were consulted. NINE LETTERS OF OBJECTION and ONE LETTER OF COMMENT have been received, which are summarised as follows:

1. We note the reduction in the number of houses proposed but are concerned that it will indicate the beginning of further developments.
2. The adverse impact of additional vehicle users on the lane and the unwillingness of developers to bring the condition of the lane up to the highest standard.
3. The already limited access for emergency vehicle on Greenways will be compounded.
4. The drainage and sewerage systems will be made worse.
5. The previous reason for being refused on appeal still applies.

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6. Some residents of Greenways have cars in their front gardens and drives and this illustrates the problem that heavy machinery would create a problem and none of us would be able to access our properties with our vehicles for the duration of the development.
7. We are concerned about noise and nuisance and headlights shining into our bedroom.
8. We are anxious that the proposed development will not cause an increase in the volume of surface water that drains into our garden from the site.
9. An informal arrangement allowed surface water from no.114 to drain through our field drain but we refuse to allow that easement to be extended to benefit Gwalia's new development if approved.
10. The utilitarian appearance of the dwellings is clearly driven by a desire to build as cheaply as possible.
11. The building work will wipe out the lots of wildlife living in the area.
12. No drainage or gas on the land to accommodate these houses.
13. Parking facilities and access to the houses would cause more difficulties.
14. The area is over run with houses and some houses are boarded up and surely it would be better to tend to these houses first.
15. They will have to dig up the whole of Greenways to build a new sewerage system.
16. Storm and land drains will be diverted and/or reconnected to the existing land drainage which lies in the gardens of Greenways and Fron Heulog and is also a right of way to our house.
17. There is a real risk to flooding in the future, as much of the surface water comes from the proposed site and the field above which causes a tremendous amount of surface water in the winter and in very wet weather.
18. Gwalia are only able to widen the land they propose to build on not all of Greenways.
19. The amount of traffic this development will bring cannot be accommodated on the approach roads let alone Greenways itself.
20. Greenways is a private road and the road surface is in a very poor state of repair and what impact will parking for 14 vehicles have on this road?
21. The traffic generated during school hours is also an issue and is used for parking by parents which causes a great increase in the amount of vehicles using these junctions.
22. There are no local amenities in the area and the schools are oversubscribed.

**Glamorgan Gwent Archaeological Trust Ltd** – No objection as it is unlikely that the proposed work would encounter any archaeological features that would require mitigation.

**Dwr Cymru Welsh Water** – No objection subject to conditions

**Council's Head of Transportation and Engineering** -

Introduction

- 1.1 This proposal is for the construction of 6 dwellings on land at Greenways, 114 Brithwen Road, Waunarlwydd.

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- 1.2 The proposal is for a short cul-de-sac serving 3 pairs of semi detached dwellings and is a resubmission of a previously refused application for 10 dwellings. The previous refusal was dismissed at appeal on planning grounds, but the Inspector concluded that with improvements to Greenways, the development would be acceptable in highway terms.
- 2 Access Roads
  - 2.1 The site access is located off Greenways, which is an unadopted road leading off the end of Brithwen Road. Greenways is narrow on its approach to the site where it leaves Brithwen Road and is of varying width thereafter with a footway on the developed side only.
  - 2.2 In order to accommodate the traffic generated by the proposal, the developer is required to improve Greenways by ensuring a 5.5m width to the carriageway and some footway provision along the site frontage. Greenways will then need to be resurfaced.
  - 2.3 The approach to Greenways from the end of Brithwen Road is narrow and on a tight bend. In order to improve safety and accommodate the additional movements generated by the site, the developer was previously agreeable to improving the bend by installing a speed table. This current proposal however is for fewer dwellings and consequently traffic movements will be less and therefore such improvements are not considered necessary to accommodate the likely level of traffic movements. Resurfacing however should be extended around this bend to connect up to the adopted portion of Brithwen Road. This will ensure that the maximum available width is usable.
- 3 Traffic Generation
  - 3.1 This application is by a Housing Association and reference to national trip rates for rented houses indicates an expected 0.44 two-way movements per dwelling in the am peak and .36 in the pm peak. For the proposed 6 dwellings this equates to 2.6 movements and 2.2 movements respectively and is not considered to be a high volume of traffic.
- 4 Site Layout
  - 4.1 The site is proposed to be laid out to modern standards in accordance with Manual for Streets. This approach allows for shared surface access where pedestrians and cars share the same surface albeit that demarcation is provided to delineate the path vehicles should take. The overall width of the shared surface will be approximately 5.5m. This provides room for vehicle and pedestrian use. Additionally there are parking areas opposite each dwelling of 4.8m depth which will accommodate 2 vehicles for each dwelling. The parking availability therefore is acceptable.
  - 4.2 This cul-de-sac will not be eligible for adoption as it does not meet current criteria. The developer therefore will be responsible for its future maintenance.

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5 Conclusions

5.1 The proposal will add another 6 dwellings with access from Greenways. The road leading to the site is not adopted and is in need of resurfacing which the applicant is intending to carry out as part of the proposal. Traffic generation associated with the scheme is low and the benefits gained in terms of access road improvements outweigh the small increase in movements.

6 Recommendation

6.1 I recommend no highway objection subject to the following;

- i. The site shall not be brought into beneficial use until Greenways has been improved to a minimum width of 5.5m and resurfaced in accordance with details to be agreed.
- ii. The proposed footway along the site frontage shall extend to and connect to the existing footway to the east of the site.
- iii. No dwelling shall be occupied until the access and on-site parking works have been completed and are ready for use.

Note: The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work .

### APPRAISAL

This application is reported to Committee for decision and a Site Visit requested by Councillor Ann Cook in order to assess residents' concerns regarding the traffic issues and surface water and sewerage.

This application seeks full planning permission for three pairs of semi-detached dwellings with associated car parking and landscaping. Access will be derived off Brithwen Road. It is proposed that these dwellings will provide 100% affordable housing units. One pair of dwellings would measure approximately 12m x 9.7m, have an eaves height of 5m and an overall ridge height of 8.3m. The other two pair of dwellings would measure approximately 11.1m x 9.7m but with the same eaves and ridge height. The dwellings would be constructed out of brick with blue/grey slate roofs and aluminium windows.

The application site is located on the edge of Waunarlwydd, to south of the highway known as 'Greenways' and the dwelling known as 114 Brithwen Road. The site lies within the defined urban settlement limit, appearing as 'white land' on the UDP Proposals Map.

As this site drains into European protected sites: including Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs), a Habitat Regulation Assessment has been carried out by the Local Planning Authority, which concludes that an Appropriate Assessment is not required in this particular case. This HRA has been considered and accepted by the Council's statutory advisor the Countryside Council for Wales.

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### Main Issues

The main issues for consideration with regard to this application are the acceptability of residential development at this site, in terms of the impact on visual and residential amenity, highway safety and environmental interests, having regard to the prevailing provisions of the relevant policies of the City and County Unitary Development Plan, the previous planning history and National Planning Policy Guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

The previous planning history for the site is particularly relevant to the consideration of this current planning application. Members will recall that planning permission was refused for the construction of 10 terraced dwellings with associated car parking and landscaping in February 2013 for the following reasons:

*1. The proposal by virtue of its siting, form, layout and design constitutes an unjustified and inappropriate form of development which would encroach into the Cockett Valley Green Wedge and be detrimental to the character and appearance of the area and the openness and character of the Green Wedge. The proposal is therefore contrary to the provisions of Policy EV1, EV2, HC2 and EV23 of the City and County of Swansea Unitary Development Plan (2008).*

*2. The proposal will place unacceptable additional pressure on existing infrastructure and the additional traffic movements generated by the development cannot be satisfactorily accommodated on the approach roads leading to the site due to inadequacies in width, forward visibility, poor road surfacing and lack of street lighting and formal drainage. The proposal is therefore contrary to the provisions of Policy EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan (2008).*

The subsequent Appeal was dismissed by the Planning Inspectorate mainly due to concerns over the design of the dwellings and their impact upon the openness of the Cockett Valley Green Wedge. He did not dismiss the proposal in terms of highway safety or sewerage capacity.

Planning Policy Wales (updated 2014) together with its Technical Advice Notes provides the national planning policy framework within which the policies of the UDP are formed, and in particular advises on the principles of sustainability, protection of ecological and environmental interests, good design and layout and flood risk. The TANs applicable to this application include TAN 5 Nature Conservation and Planning; TAN 12 Design; TAN 15 Development and Flood Risk; TAN 22 Planning for Sustainable Buildings.

In accordance with the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) which was adopted on 10<sup>th</sup> November 2008.

The UDP comprises two parts, Part 1 and 2. Part 1 sets out the broad vision and aspirations for development and conservation together with the overall strategy for pursuing them. Part 2 translates these goals and objectives into more detailed policies and development proposals.

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The UDP policies relevant to this application are Part 1 Policies SP1, SP2, SP3, SP7, SP14 and Part 2 Policies EV1, EV2, EV3, EV18, EV24, EV25, EV33, EV34, EV35, HC2, HC3, HC17, AS1, AS2, AS3, and AS6.

This proposal is for six dwellings for 100% affordable use, and the following policies are particularly relevant to this application.

The site is not allocated for residential development in the Unitary Development Plan, and is therefore considered as follows. The site falls within the Urban Settlement limits and is shown as 'white land' on the Proposals Map in the UDP and as such can be considered as a 'windfall site' under Policy HC2. This policy allows infill development in the urban area provided the development does not result in:

- (i) Ribbon development or contribute to the coalescence of settlements;
- (ii) Cramped/overintensive development;
- (iii) Significant loss of residential amenity;
- (iv) Significant adverse effect on the character and appearance of the area;
- (v) The loss of urban greenspace;
- (vi) Significant harm to highway safety;
- (vii) Significant adverse effects in relation to:
  - (a) Landscape,
  - (b) Natural heritage,
  - (c) Security and personal safety,
  - (d) Infrastructure capacity,
  - (e) The overloading of available community facilities and services.

The criterion for assessing whether the design and layout is acceptable in the context of the surrounding area is important. UDP Policies EV1 and EV2 seek to ensure that new development is appropriate, inter alia, to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, and that it integrates into the existing settlement with no detrimental impact on local amenity. Consideration has to be given, therefore, to the impact of the whole development and whether this will harm the character and appearance of the surrounding open countryside and the setting of the urban area, having regard to the criteria contained within the above policies.

With regard to the ecology of the site, full regard has been given to Policy EV25 and the impact on the European protected sites in the Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs), and the requirements of related Policies EV33, EV34, EV35 regarding sewage disposal, surface water run-off, and development and flood risk.

### **Visual Amenity**

#### Context of site

The visual appearance of the proposed development, its scale and relationship to its surroundings and context are material planning considerations. With regard to the natural appearance of the site and surrounding countryside, the majority of the application site is located in a field site abutting the southern limits of Waunarlwydd.

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In terms of the character and appearance of surrounding residential development, this area of Waunarwydd appears to have developed incrementally over the years with a mix of housing, that weaves in and out of the adjoining fields with no particular style or pattern. The site is located immediately off the highway known as 'Greenways', and is located to the rear of the property known as 114 Brithwen Road, which is an old established and isolated house at the north end of the site that presents a gable end to the road, with no immediate houses to each side. To the north of the road, the neighbouring residential development is typified by chalet style detached houses with steeply pitched gabled frontages facing the road. To the east is a paddock with a public footpath running through it. This is separated from the site by an overgrown hedge which now includes some maturing trees. To the west are two bungalows and a single two storey house, of varying styles and set in large gardens. All are detached and all are separated from the site by a maintained hedge interspersed by a few mature trees.

As such there is no dominant building style in the immediate locality, and this is apparent elsewhere in the Waunarwydd area, with each phase of development reflecting the styles and values of the period. An example of this contrast can be seen in the difference between chalet type detached houses opposite the site on Greenways and the traditional terraces in the centre of Waunarwydd, or other historical development in the rural lanes leading into the current urban area.

The currently proposed dwellings have been re-designed as pairs of semi-detached units. These new units reference the form of the existing gable fronted properties at Greenways albeit in a contemporary manner and as stated in section 4.9 of TAN 12: Design (2014): ". . . *A contextual approach should not necessarily prohibit contemporary design.*" Given the lack of architectural merit of the dwellings along Greenways, the proposed dwellings which reflect the form and colour tones of the immediate existing context, are considered to be appropriate to and enhance the character of the locality. In addition, the proposed design is considered to overcome the previous Appeal Inspector comments that the previous contemporary design was not sympathetic to its location.

Whilst the approach to the site layout is similar to that of the previous scheme it differs from this in that the number of dwellings has been reduced so that the proposals do not encroach into the Green Wedge allocation. The proposed scheme therefore does not fall under the provisions of Policy EV23 of the UDP and the previous reason for refusal regarding the impact of the development on this designated area is no longer applicable.

In addition to the proposed scheme being no longer subject to the provisions of Policy EV23, it should also be noted that the current layout results in a series of dwellings which do not incur into the Green Wedge. Furthermore the level of landscaping proposed as part of the scheme, mitigates the impact of the development on the adjoining Green Wedge. This landscaping scheme makes provision for front gardens with a tree and a low hedgerow to the front of each of dwelling (including the existing 14 Brithwen Road), a hedge boundary abutting Greenways as well as a green strip incorporating a number of trees along the western boundary of the site. This creates a pleasant green nature to the scheme which reduces the visual impact of the development on the Green Wedge and enhances the character of the streetscene and wider locality.



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On this basis, it is considered that the proposed development for 6 dwelling units has been sensitively designed and can be satisfactorily accommodated within the site area available, without having a significant adverse effect on the character and appearance of the surrounding built up or countryside areas. In effect, this is considered a logical 'rounding' off of the existing urban area and will not set a precedent for consideration of other residential development, or have a cumulative impact on the wider area. On this basis, it is considered that the proposal meets the criteria of Policies EV1, EV2, HC2, and EV30 of the Unitary Development Plan 2008.

### **Residential Amenity**

Turning to the impact on the residential amenity of neighbours, the site layout has been carefully considered with regard to the relationship with existing neighbouring residential properties, and it is considered that overall, the revised layout meets the standards of separation distances between residential properties normally applied by the Council. On this basis, it is not considered that the layout for up to 6 units would give rise to any significant harmful impact on the residential amenities of existing or future neighbouring occupiers or future occupiers of the proposed dwellings through over development of the site, physical overbearance or loss of privacy through overlooking to existing houses. Reasonable sized garden areas and car parking spaces are also proposed for individual dwellings which are considered acceptable in planning terms and ensure satisfactory living standards. As such it is considered that the residential amenity of both the occupiers of new and existing properties is not adversely affected, and satisfies the criteria of Policy EV1 of the Unitary Development Plan. Having regard to the above considerations, there are no grounds to warrant refusal and the proposal is considered in line with the criteria of Policies EV1, EV2, and HC2 of the Unitary Development Plan.

### **Highway Considerations**

The proposal will add another 6 dwellings to the area with access from Greenways. The road leading to the site is not adopted and is in need of resurfacing which the applicant is intending to carry out as part of the proposal. Traffic generation associated with the scheme is low and the benefits gained in terms of access road improvements outweigh the small increase in movements. The Head of Transportation and Engineering therefore raises no highway objection subject to the following conditions;

- i. The site shall not be brought into beneficial use until Greenways has been improved to a minimum width of 5.5m and resurfaced in accordance with details to be agreed.
- ii. The proposed footway along the site frontage shall extend to and connect to the existing footway to the east of the site.
- iii. No dwelling shall be occupied until the access and on-site parking works have been completed and are ready for use.

### **Access Roads**

The site access is located off Greenways, which is an unadopted road leading off the end of Brithwen Road. Greenways is narrow on its approach to the site where it leaves Brithwen Road and is of varying width thereafter with a footway on the developed side only.

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In order to accommodate the traffic generated by the proposal, the developer is required to improve Greenways by ensuring a 5.5m width to the carriageway and some footway provision along the site frontage. Greenways will then need to be resurfaced.

The approach to Greenways from the end of Brithwen Road is narrow and on a tight bend. In order to improve safety and accommodate the additional movements generated by the site, the developer was previously agreeable to improving the bend by installing a speed table. This current proposal however is for fewer dwellings and consequently traffic movements will be less and therefore such improvements are not considered necessary to accommodate the likely level of traffic movements. Resurfacing however should be extended around this bend to connect up to the adopted portion of Brithwen Road. This will ensure that the maximum available width is usable.

### Traffic Generation

This application is by a Housing Association and reference to national trip rates for rented houses indicates an expected 0.44 two-way movements per dwelling in the am peak and .36 in the pm peak. For the proposed 6 dwellings this equates to 2.6 movements and 2.2 movements respectively and is not considered to be a high volume of traffic.

### Site Layout

The site is proposed to be laid out to modern standards in accordance with Manual for Streets. This approach allows for shared surface access where pedestrians and cars share the same surface albeit that demarcation is provided to delineate the path vehicles should take. The overall width of the shared surface will be approximately 5.5m. This provides room for vehicle and pedestrian use. Additionally there are parking areas opposite each dwelling of 4.8m depth which will accommodate 2 vehicles for each dwelling. The parking availability therefore is acceptable. This cul-de-sac will not be eligible for adoption as it does not meet current criteria and as such the developer will be responsible for its future maintenance.

### **Ecological Considerations**

During the consideration of the previously refused application for 10 units, the applicant commissioned and submitted an ecological survey of the immediate site. Whilst an ecological survey has not been submitted as part of this application, the contents of the previous survey undertaken at the site are still relevant. The key recommendations within that survey were the retention of the eastern and southern hedges, reptile mitigation and timing of clearance to protect nesting birds. Reptiles are a protected species under the Wildlife and Countryside Act. The survey was considered by the Countryside Council for Wales and the Council's Ecology Officer who were satisfied that there should be no ecological issues, provided the mitigation proposed in the study is carried out. It was considered reasonable to require these mitigation measures by condition and precise details of lighting, landscaping and planting matters to also be controlled by condition and this is still considered to be the case. In addition, it is considered necessary and reasonable to add a condition requiring the removal of any invasive 'alien' species of plant found on site prior to development.

## **Water Quality Issues**

Due to ongoing concerns raised by Europe and Welsh Government regarding the water quality of the Loughor Estuary which is part of the following European protected sites: Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs), the City and County of Swansea as Local Planning Authority has followed the precautionary approach towards all development that drains into CBEEMs, and has carried out the following Habitat Regulations Assessment.

### Burry Inlet Habitat Regulations Assessment

#### Introduction

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European Site, or candidate/proposed European Site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site. Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMS features water quality was identified as the only factor that might have an effect this is discussed below.

#### Water Quality

With regard to the water quality issues in the Burry inlet and Loughor Estuary, the City and County of Swansea has followed the advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under regulation 63 the Environment Agency (EA) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMS in respect of their consents operating at their maximum consented limits.

As the consents in question have already been subject to a full assessment (alone and in combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

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It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and RAMSAR. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

### Other Possible Effects on CBEEMS features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

### Conclusion

On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitat Regulations. This is in line with the requirements of National Planning Policy guidance and Policy EV25 of the Unitary Development Plan.

### **Drainage**

#### Foul Drainage

Dwr Cymru Welsh Water have considered the Drainage Strategy information submitted with the application and as the foul and surface water will be drained separately from the site, they offer no objection to the scheme subject to the imposition of suggested conditions and informatives.

#### Land and Surface Water Drainage

The arrangements for surface water drainage have been submitted and have been considered by the Council's drainage officers. The details are satisfactory in principle, but it is considered necessary to require further details of the drainage arrangements prior to the occupation of the units to ensure there is no potential future harm to the water environment of the estuary or the amenities of existing and future residents. This can be controlled by condition. On the basis of the information submitted to date, it is considered there are no overriding reasons to warrant refusal on drainage grounds alone.

### Conclusions

Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and in accordance with the provisions of Policies EV33, EV34, and EV35.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

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### Response to Consultations

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to UDP policy considerations and its acceptability for development. Each development proposal is unique and each case is considered on its own merits. As such, having regard to the particular characteristics of this site, it is not considered that allowing development on this site will set a precedent for allowing development on similar sites elsewhere or increasing the amount of development at this site in the future. The highway access and public safety concerns relating to traffic are considered in the Highways Officer's response. The design and layout considerations have been carefully assessed by the Council's Design Officer. The impact on local wildlife and ecology has been subject to an updated ecological survey carried out previously which was assessed by the Countryside for Wales and the Council's Ecology Officer. The Council's Ecology Officer offers no objection to the scheme subject to the imposition of informatives relating to bats and nesting birds.

The drainage proposals have been considered in the above report, including the new proposals for foul connections and, as well as the land/surface water drainage issues. The principle of the surface water proposals have been considered by the Council's drainage officers and no objection is raised subject to the imposition of appropriately worded conditions relating to soakaways and future drainage arrangements. It is the responsibility of Dwr Cymru Welsh Water's maps to ensure that the information included in their maps is accurate.

### CONCLUSION

Having regard to all material considerations including the Human Rights Act, it is considered that the proposed development represents a high quality of design and sustainable form of development at this edge of urban settlement location that will not have a significant harmful effect on the visual or residential amenities of the area, highway safety, or environmental interests in this area. This site falls within the Swansea West Strategic Housing Zone which is identified in Policy HC3 as an area where smaller sites such as this are considered for affordable housing and to this end the scheme proposes 100% affordable housing units. Moreover the proposal will represent a logical 'rounding' off of the existing urban area and will not set a precedent for consideration of other residential development, or have a cumulative impact on the wider area. On this basis, it is considered that the proposal meets the requirements of the prevailing policies of the Unitary Development Plan and overarching guidelines of National Planning policy guidance.

### RECOMMENDATION

#### **APPROVE, subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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- 2 None of the dwellings hereby approved shall be brought into beneficial use until the highway known as 'Greenways ' has been improved to a minimum width of 5.5m and resurfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

- 3 Prior to any of the dwellings hereby approved being brought into beneficial use, the proposed footway along the site frontage shall be extended to and connected to the existing footway to the east of the site, in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

Reason: In the interests of highway safety

- 4 No dwelling shall be occupied until the access and parking works have been completed and made ready for use, in accordance with the drawings hereby approved. The parking areas shall be made available for vehicular parking at all times thereafter.

Reason: In the interests of highway safety and general amenity

- 5 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

- 6 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

- 7 The results of soakaway tests carried out in strict accordance with BRE Digest 365 or the equivalent CIRIA document must be submitted prior to the commencement of development and any surface water drainage system must be designed to accommodate the 1 in 100 year critical storm including an appropriate allowance for climate change.

Reason: To ensure that an appropriately designed surface water management system is implemented so as to avoid creating surface water flood risk to the development itself and adjacent third parties

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- 8 Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 9 Notwithstanding the plans submitted, before the development hereby approved is brought into beneficial use, any external lighting shall be completed in accordance with details to be submitted to and approved in writing with the Local Planning Authority, and retained as such unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interests of nature conservation
- 10 No works of site clearance or construction shall take place in pursuance of this permission, until a programme to transfer and exclude reptiles from the site has been submitted to and agreed in writing by the Local Planning Authority, and the approved scheme has been implemented, inspected, and approved by the Local Planning Authority.  
Reason: In the interests of protecting species under Schedule 5 (sections 9 (1) and 9 (5)) of the Wildlife and Countryside Act 1981.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A to H of Part 1 and Classes A and C of Part 2 of Schedule 2 shall not apply.  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 12 No development including demolition work shall commence on site until a scheme for the retention and protection of trees to British Standard 5837:2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. This shall include full details on all works that impact on the original ground conditions within the root protection areas, as detailed in BS5837:2012 and in particular details of protective fencing, ground protection & construction method, required tree surgery operations, service trenching position and any changes in ground level within the root protection areas of all retained trees. No development shall take place except in complete accordance with the approved scheme, and the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.  
No development shall commence until all tree protection measures as detailed in the approved scheme have been implemented, inspected and approved in writing by the Local Planning Authority.  
Reason: To ensure the protection of retained trees on site during construction works. In the interests of protecting species under Schedule 5 (Sections 9 (1) and 9 (5)) of the Wildlife and Countryside Act 1981.

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- 13 Before the occupation of each dwelling hereby approved, the means of enclosing the boundaries of the individual curtilage relating to that dwelling shall be completed, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.

- 14 The landscaping scheme shown on the drawings hereby approved shall be carried out in the first planting season following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 2 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the approved landscaping scheme is implemented and maintained in a satisfactory manner.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV33, EV34, EV35, EV24, EV25, HC17, HC3, HC2, AS1, AS2, AS3, AS6
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 4 Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).
- 5 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)



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- 6 The developer is advised to contact Dwr Cymru Welsh Water on Tel. No. 0800 917 2652, e.mail [developer.services@dwrwymru.com](mailto:developer.services@dwrwymru.com), regarding the adequacy of water supply, and the adequacy of the sewerage system serving this area, to be agreed independently with the Water Authority.
- 7 The developer is advised to contact the Environment Agency on Tel. No. 08708 506 506 , e.mail [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) , regarding details of the intended pollution control measures required on site.
- 8 The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Penllergaer Offices c/o Civic Centre, Swansea, SA1 3SN (Tel 01792 636091) before carrying out any work.
- 9 If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.
- 10 The developer is advised that the Welsh Government are have introduced new legislation that make it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at [www.dwrwymru.com](http://www.dwrwymru.com) or on the Welsh Government's website [www.wales.gov.uk](http://www.wales.gov.uk).
- 11 The developer is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps or public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. DCWW advise that the applicant contacts their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.
- 12
  1. No structure is to be sited within a minimum distance of 3 metres from the centre line of Dwr Cymru Welsh Water's pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to Dwr Cymru Welsh Water's apparatus. Arrangements can be made for Dwr Cymru Welsh Water's staff to trace and peg out such water mains on request of the Developer.
  2. Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.
  3. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.
  4. The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

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5. The existing ground cover on the water main should not be increased or decreased.
  6. All chambers, covers, marker posts etc. are to be preserved in their present position.
  7. Access to Dwr Cymru Welsh Water's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.
  8. No work is to be carried out before Dwr Cymru Welsh Water has approved the final plans and sections

### PLANS

0658(B) -site location plan, 0658(B)S01A-context plan, 0658(B)S02A- location plan, 0658(B)S03-ground floor plan, 0658(B)/S04- first floor plan, 0658(B)/S05-concept roof plan, 0658(B)/S06-ground floor GA 0658(B)/S06A-ground floor GA, 0658(B)S07A-first floor GA, 0658(B)/S08-west elevation, 0658(B)/S09-west elevation in context, 0658(B)/S10-west elevation (colour), 0658(B)/S11-east elevation, 0658(B)/S12-east elevation in context, 0658(B)/S13-east elevation (colour), 0658(B)/S15-south elevation in context, 0658(B)/S16-south elevation (colour), 0658(B)/S18-north elevation in context, 00658(B)/S19-north elevation (colour), 0658(B)/S20-waunarlwyd plans, 0658(B)/S21waunarlwydd elevations,0658/E01-ground floor plan, 0658/E02-house elevations, 101-existing site survey plan showing existing services, 102-proposed site access plan refuse vehicle turning circle, 103A-proposed site infrastructure, 104-1existing greenways road general arrangement, 104-2-existing greenways road cross-section, 105-proposed works to greenways general arrangement, 106-refuse vehicle turning head plan dated 14th August 2014. 0658(B)/S30B-houses 1 & 2 plans & elevations, 0658(B)/S31A-houses 3 & 4 plans & elevations, 0658(B)/S32A- houses 5 & 6 plans & elevations dated 1st September 2014, proposed soft landscape plan dated 24th September 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 6

APPLICATION NO.

2014/0987

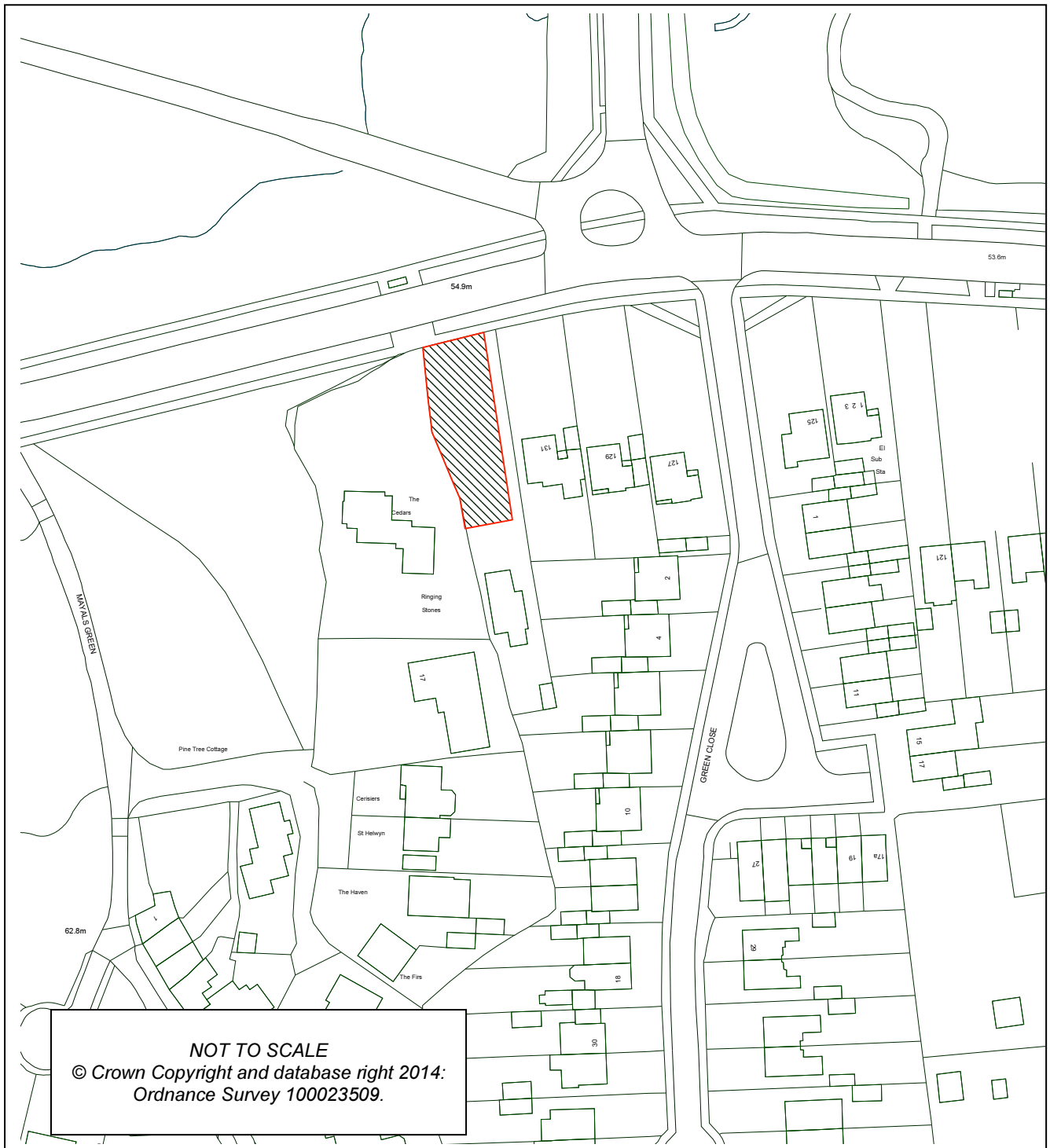
WARD:

Mayals  
Area 2

**Location:** Ringing Stones Mayals Road, Mayals, Swansea, SA3 5DH

**Proposal:** Detached dwelling (outline)

**Applicant:** Mr Daryoush Rassi



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 6 (CONT'D)

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### BACKGROUND INFORMATION

#### POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

App No.	Proposal
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#### RESPONSE TO CONSULTATIONS

The application was advertised on site and two individual properties were consulted. FOUR LETTERS OF OBJECTION have been received, which are summarised as follows:

1. No reference has been made to our application (Ref 2014/0990 – relating to the erection of a detached dwelling within the curtilage of The Cedars) in their DAS and fails to have regard to the siting of The Cedars.
2. There are potentially conflicting issues involving the two current applications.
3. The siting of the dwelling so far forward will create an overbearing impact.
4. The block plan is not accurate.
5. The house is sited close to mature tree in my client's ownership.
6. The proposal will affect the privacy of my property, create extra disturbance and have a negative impact on the visual appearance of the area.
7. It will impact upon the root protection area of the trees and will affect the trees which provide a beautiful aspect in keeping with the area.
8. The new driveway will add to the traffic safety issue we have experienced in the area.
9. Disturbing the ground will increase the water run-off from my property as natural drainage will be reduced and I have had problems in the past.

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10. There is an extant planning permission for an extension at The Cedars and the occupant of The Cedars would be able to look in the garden of the new dwelling and the into the ground and first floor windows of the new dwelling which is clearly unacceptable in the context of local policy and guidance.
11. The proposal does not comply with the criteria within the Council's Residential Design Guide.
12. We are not convinced that the separation distance between Ringing Stones and the proposed dwelling is sufficient.
13. The new dwelling will be sited forward of the notional building line.
14. No other buildings on Mayals Road project further forward than No131 Mayals Road.

**Dwr Cymru Welsh Water** – No objection subject to standard conditions and informatives

**Council's Head of Transportation and Engineering** - This proposal is for a new dwelling in the front garden of Ringing Stones, 131 Mayals Road. A new access is indicated that will be located near to existing accesses that have been established for many years. The site is large with a proposed drive leading to onsite parking and turning facilities so vehicles will be able to enter and leave the site on forward gear.

Visibility at the access point is acceptable as site boundaries are set back beyond the footway and verge area. Traffic movements associated with one house are minimal and there is no reason why any safety or traffic volume issues should arise from this development.

No highway objection is raised subject to the construction of a vehicular crossing to Highway Authority Specification.

The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work .

### **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Linda Tyler-Lloyd and a Committee site visit is also requested, due to concerns about the visual impact of the houses on the character of the area and highway concerns.

Outline planning permission is sought for the construction of a detached dwelling within the existing curtilage of the property known as Ringing Stones, 133 Mayals Road, Mayals. Ringing Stones is a detached dwelling set within a large plot with a single access onto Mayals Road. Access is to be considered at this stage, with external appearance, layout, landscaping and scale to be determined at a later date (reserved matters stage). The current scheme proposes to use the existing access for the new dwelling and a new access is to be provided for the existing dwelling. The applicant's agent has indicated that the dwelling would have a width of between 7m and 8m, a depth of between 8m and 9m and a height of between 8m and 9m.

The main issues for consideration are the impact of the development on the visual and residential amenities of the area, together with highway safety having regard to the criteria within policies EV1, EV2 and HC2 of the City and County of Swansea's Unitary Development Plan 2008.

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Policy EV1 refers to developments complying with good design criteria, Policy EV2 refers to preference being given to developments on previously developed land, having regard to visual, residential and highway issues. Policy HC2 states that housing development in urban areas will be supported subject to criteria.

The Supplementary Planning Guidance entitled Infill and Backland Design Guide, adopted in January 2014 is also relevant and section 5.2 states that a balance needs to be struck between reusing land in accessible locations and considerations of amenity and character. Section 6.1 also states that in respect of infill development, priority will be given to preserving or enhancing the character of the street scene and all proposals will be judged initially on this criterion. The Design Guide therefore reinforces the criteria within the aforementioned UDP policies.

In terms of visual amenity, the indicative details submitted as part of this application show that the new dwelling would be set back between 16m and 19m from Mayals Road, in the front garden area of the existing dwelling. The dwellings to the east of the proposed dwelling are set back in a staggered fashion, with each dwelling approximately 3m forward of the next one to the east. To this end the proposed new dwelling follows this pattern of development.

The existing site is long and narrow and measures approximately 80m deep and between 11 – 16m wide. The scheme proposes to divide the site into two plots/curtilages. The existing dwelling to the rear would be sited within a plot that would measure approximately 41m deep by 12m in width and the new dwelling would occupy the front of the existing site that would measure approximately 39m deep by 10m - 13.5m in width. The new dwelling would be set forward of Ringing Stones by approximately 21m and as such it is considered that the introduction of a new dwelling along this part of Mayals Road would not result in a cramped form of development or an overdevelopment of the site, as ample amenity space could be provided for both dwellings. The front boundary of the site is well screened and it is not considered therefore, that the new dwelling would appear highly visible from the surrounding area, even when taking into consideration the new access that would be created for the existing dwelling.

Turning to residential amenity, the new dwelling would be sited to the north of the existing property at Ringing Stones, north-east of The Cedars and west of 131 Mayals Road. It is not considered that the proposed dwelling would impinge a loss of light or overshadowing impact on the occupiers of the neighbouring properties. In addition, a sensitively designed and sited dwelling would not create a loss of privacy (from direct overlooking) to the occupiers of these properties. The current screening along the boundary with The Cedars, which is to remain, would also dictate that the dwelling would not appear unacceptably overbearing when viewed from The Cedars (even if the occupiers of this dwelling implemented their extant planning permission to extend their property). The illustrative details show how the new dwelling would retain a distance of approximately 6m from the side elevation of No.131, and as the new dwelling would only project 3m beyond the front elevation of No.131 and as the common boundary is also well screened, it is not considered that the dwelling would result in overbearing physical impact on the occupiers of No.131.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

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The current scheme proposes the creation of a new access for the existing dwelling which would be opened up alongside the common boundary with No.131. The Head of Transportation and Engineering has raised no highway objection to the scheme, as it is considered that the required 3 parking spaces can be comfortably accommodated within the proposed plot, together with the addition of a turning area and also taking into consideration that the existing dwelling can accommodate 3 parking spaces.

The main issues raised by the objectors have been addressed above in the main body of the report. In terms of the concerns over the impact upon the trees, it must be noted that none of the trees are subject to protection under a Tree Preservation Order and as such could be removed at any time without further recourse to the Local Planning Authority. However, their amenity value is recognised and they are indicated as being retained. It is recommended therefore that a tree protection condition is imposed to ensure their protection during any construction works undertaken. In addition, the impact upon the trees will be further considered when landscaping details are submitted as part of a subsequent application.

The agent has been asked to comment on the accuracy of the block plan submitted as part of this planning application. The agent has advised that in their view the submitted block plan is legally correct and corresponds with the plans deposited with the Land Registry. However, if it transpires that the submitted block plan is inaccurate then the applicant will be unable to implement any planning permission granted.

In terms of concern over drainage issues, this will be dealt with by means of a condition that requires the submission of drainage details to be considered by the Local Planning Authority prior to the commencement of works.

It should be noted that a planning application for a new dwelling has also been submitted for consideration in the grounds of the adjacent property at The Cedars – 2014/0990 refers. This application is being considered elsewhere on this Committee agenda, with a recommendation of approval. It is considered that subject to the dwelling subject of this report being sensitively sited, orientated and designed, both proposed new dwellings can be constructed without either unduly impacting upon the other, in terms of unacceptable loss of light or privacy or overbearing physical impact. The dense vegetation located along the common boundary between the two proposed dwellings will also help mitigate any impacts.

In conclusion and having regard to all material considerations, including the Human Rights Act, the proposed construction of a dwelling at this location is an acceptable form of development that would not unduly impact upon the visual or residential amenities of the area nor highways safety. The proposal would therefore comply with the requirements of Policies EV1, EV2 and HC2 of the City and County of Swansea's Unitary Development Plan 2008 and approval is recommended.

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**RECOMMENDATION**

**APPROVE, subject to the following conditions:**

- 1 Details of appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 Detailed plans and drawings with respect to the matters reserved in condition 01 shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 Before the dwelling hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A and B of Part 1 of of Schedule 2 of Article 3 shall not apply.

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 6 No development or other operations shall take place except in accordance with the guide on "The Protection of Trees on Development Sites" attached to this planning permission. No trees, shrubs, or hedges shall be felled or cut back in any way, except where expressly authorised by the landscaping scheme as approved by the Local Planning Authority until two years after the completion of the development. Any trees, shrubs or hedges removed without such authorisation, or dying, or being seriously damaged or diseased before the end of that period shall be replaced by plants of a size and species as may be agreed with the Local Planning Authority.

Reason: To secure the protection of trees growing on the site whilst the development is being carried out.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

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- 7 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the Public Sewerage System.
  
  - 8 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
  
  - 9 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
  
  - 10 Development shall not commence until details of foul, surface and land drainage works have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be brought into beneficial use until the works have been completed in accordance with the approved details.  
Reason: To ensure a satisfactory means of drainage.

### INFORMATIVES

- 1 Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.
  
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, HC2
  
- 3 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

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APPLICATION NO.

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- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 5 If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.
- 6 The developer is advised that the Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at [www.dwrcymru.com](http://www.dwrcymru.com) or on the Welsh Government's website [www.wales.gov.uk](http://www.wales.gov.uk).
- 7 The developer is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps or public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. DCWW advise that the applicant contacts their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.

### PLANS

Block plan dated 11th July 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 7

APPLICATION NO.

2014/0990

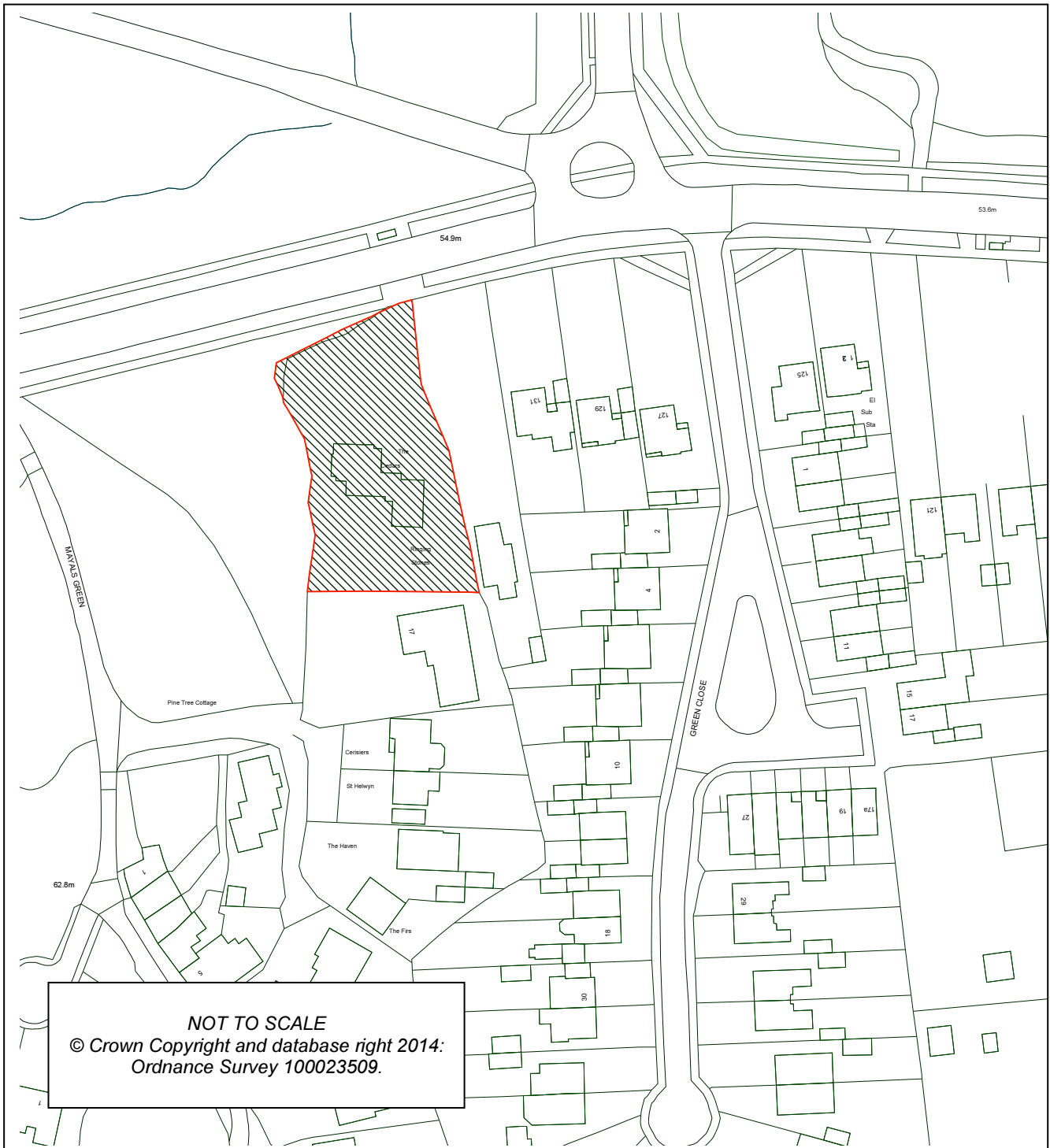
WARD:

Mayals  
Area 2

**Location:** The Cedars 135 Mayals Road Mayals Swansea SA3 5DH

**Proposal:** New detached dwelling (outline)

**Applicant:** Mr D Ramsey-Williams



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 7 (CONT'D)

APPLICATION NO.

2014/0990

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2002/1388	Extension and addition of hipped roof to existing garage Decision: Grant Permission Conditional Decision Date: 01/10/2002
82/0247/03	EXTENSION TO EXISTING DWELLING Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 29/04/1982
2010/1696	Part two storey/part single storey side extensions to replace existing side extension and garage, two storey rear extension and front porch Decision: Grant Permission Conditional Decision Date: 25/01/2011

#### **RESPONSE TO CONSULTATIONS**

The application was advertised on site and two individual properties were consulted. No objections have been received.

**Mumbles Community Council** – Objects due to loss of trees for new parking area. Character of 135 Mayals Road will change due to part demolition of existing house.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 7 (CONT'D)

APPLICATION NO. 2014/0990

Council's **Head of Transportation and Engineering** - Proposals are for outline planning permission for a new two storey residential dwelling on land adjacent to the existing dwelling on site. It is proposed to retain the existing access point into the site and widen this to achieve a part shared private drive which will be 4.5m in width. This shared private drive feeds two private drives each with a minimum width of 3.2m to both existing and proposed dwelling. Current parking guidelines require 3 spaces which can be accommodated at the proposed site in addition to a turning area. The existing dwelling can also accommodate 3 parking spaces.

There are no highway objections subject to the construction of a vehicular crossing to Highway Authority Specification.

The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work .

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Linda Tyler-Lloyd and a Committee site visit is also requested due to concerns about the visual impact of the houses on the character of the area and highway concerns.

Outline planning permission is sought for the construction of a detached dwelling within the existing curtilage of the property known as the Cedars, 135 Mayals Road, Mayals. Layout and access is to be considered at this stage with external appearance, landscaping and scale to be determined at a later date (reserved matters stage). The applicant's agent has indicated that the dwelling would have a width of between 8 – 8.5m, a depth of between 13 – 13.5m and an overall height of between 8.2 and 8.5m.

The main issues for consideration are the impact of the development on the visual and residential amenities of the area, together with highway safety having regard to the criteria within policies EV1, EV2 and HC2 of the City and County of Swansea's Unitary Development Plan 2008. Policy EV1 refers to developments complying with good design criteria, Policy EV2 refers to preference being given to developments on previously developed land, having regard to visual, residential and highway issues. Policy HC2 states that housing development in urban areas will be supported subject to criteria.

The Supplementary Planning Guidance entitled Infill and Backland Design Guide, adopted in January 2014 is also relevant and section 5.2 states that a balance needs to be struck between reusing land in accessible locations and considerations of amenity and character. Section 6.1 also states that in respect of infill development, priority will be given to preserving or enhancing the character of the street scene and all proposals will be judged initially on this criterion. The Design Guide therefore reinforces the criteria within the aforementioned UDP policies.

The Cedars is a detached dwelling set within a large plot with a single access onto Mayals Road. Planning permission was granted previously for a large part single storey/part two storey extension to the dwelling (Ref 2010/1696) and the current application is to provide a detached dwelling on the site where the previous extension would be sited, if implemented.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 7 (CONT'D)

APPLICATION NO. 2014/0990

In terms of visual amenity, the new dwelling would be set back approximately 29m off Mayals Road, and hence would have a similar siting of the existing dwelling. The front boundary of the site is well screened and it is not considered therefore, that the new dwelling would appear highly visible from the surrounding area. The existing site measures approximately 56m by 33m and as such it is not considered that the introduction of a new dwelling adjacent to the existing dwelling would result in a cramped form of development, or an overdevelopment of the site, as ample amenity space of approximately 20m depth could be provided for both dwellings.

Turning to residential amenity, the new dwelling would be sited to the north-west of the existing property at Ringing Stones. The siting of the proposed dwelling and the current screening along the common boundary (between the application site and The Cedars), which is to remain, dictates that the new dwelling would not appear unacceptably overbearing when viewed from Ringing Stones, or that it would result in a loss of light or overshadowing impact on the occupiers of this neighbouring property. In addition, a sensitively designed dwelling would not give rise to a loss of privacy from direct overlooking onto neighbouring land.

The applicant has indicated that some internal changes will be made to the host dwelling to ensure that the siting of the new dwelling would not unacceptably impact upon the living conditions of its existing or future occupiers. It is also considered that a sensitively designed dwelling would also ensure that this is the case.

The Head of Transportation and Engineering has raised no highway objection to the scheme, as it is considered that the required 3 parking spaces can be accommodated within the proposed plot together with the addition of a turning area and also taking into consideration that the existing dwelling can accommodate 3 parking spaces.

The comments received in respect of loss of trees are noted, but no details have been provided concerning the landscaping for the site. The new access would necessitate the removal of a section of hedgerow that current lines the existing driveway where a tree is in situ at the end of the drive near the dwelling, but further details of what would need to be removed would be considered as part of any future reserved matters application.

It should be noted that a planning application for a new dwelling has also been submitted for consideration in the front garden of the adjacent property at Ringing Stones – 2014/0987 refers. This application is being considered elsewhere on this agenda, with a recommendation of approval. It is considered that subject to the dwelling subject of this report being sensitively designed, both proposed new dwellings can be constructed without either unduly impacting upon the other, in terms of unacceptable loss of light or privacy or overbearing physical impact. The dense vegetation located along the common boundary between the two proposed dwellings will also help mitigate any impacts.

In conclusion and having regard to all material considerations, including the Human Rights Act, the proposed construction of a dwelling at this location is an acceptable form of development that would not unduly impact upon the visual or residential amenities of the area nor highways safety. The proposal would therefore comply with the requirements of Policies EV1, EV2 and HC2 of the City and County of Swansea's Unitary Development Plan 2008 and the Infill and Backland Design Guide and approval is recommended.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014**

ITEM 7 (CONT'D)

APPLICATION NO.

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**RECOMMENDATION**

**APPROVE, subject to the following conditions:**

- 1 Details of appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 Detailed plans and drawings with respect to the matters reserved in condition 01 shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 Before the dwelling hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Class A and B of Part 1 of Schedule 2 of Article 3 shall not apply.

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 6 No development or other operations shall take place except in accordance with the guide on "The Protection of Trees on Development Sites" attached to this planning permission. No trees, shrubs, or hedges shall be felled or cut back in any way, except where expressly authorised by the landscaping scheme as approved by the Local Planning Authority until two years after the completion of the development. Any trees, shrubs or hedges removed without such authorisation, or dying, or being seriously damaged or diseased before the end of that period shall be replaced by plants of a size and species as may be agreed with the Local Planning Authority.

Reason: To secure the protection of trees growing on the site whilst the development is being carried out.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

- |                 |                 |           |
|-----------------|-----------------|-----------|
| ITEM 7 (CONT'D) | APPLICATION NO. | 2014/0990 |
|-----------------|-----------------|-----------|
- 
- 7 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the Public Sewerage System.
- 8 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 9 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

### INFORMATIVES

- 1 The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to : jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, HC2
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 7 (CONT'D)

APPLICATION NO.

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- 5 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

- 6 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

### PLANS

10.104/01 site location and existing block plan dated 12th July 2014, plans 10.104/02A, 10.104/03, 10.104/04 dated 9th September 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 8

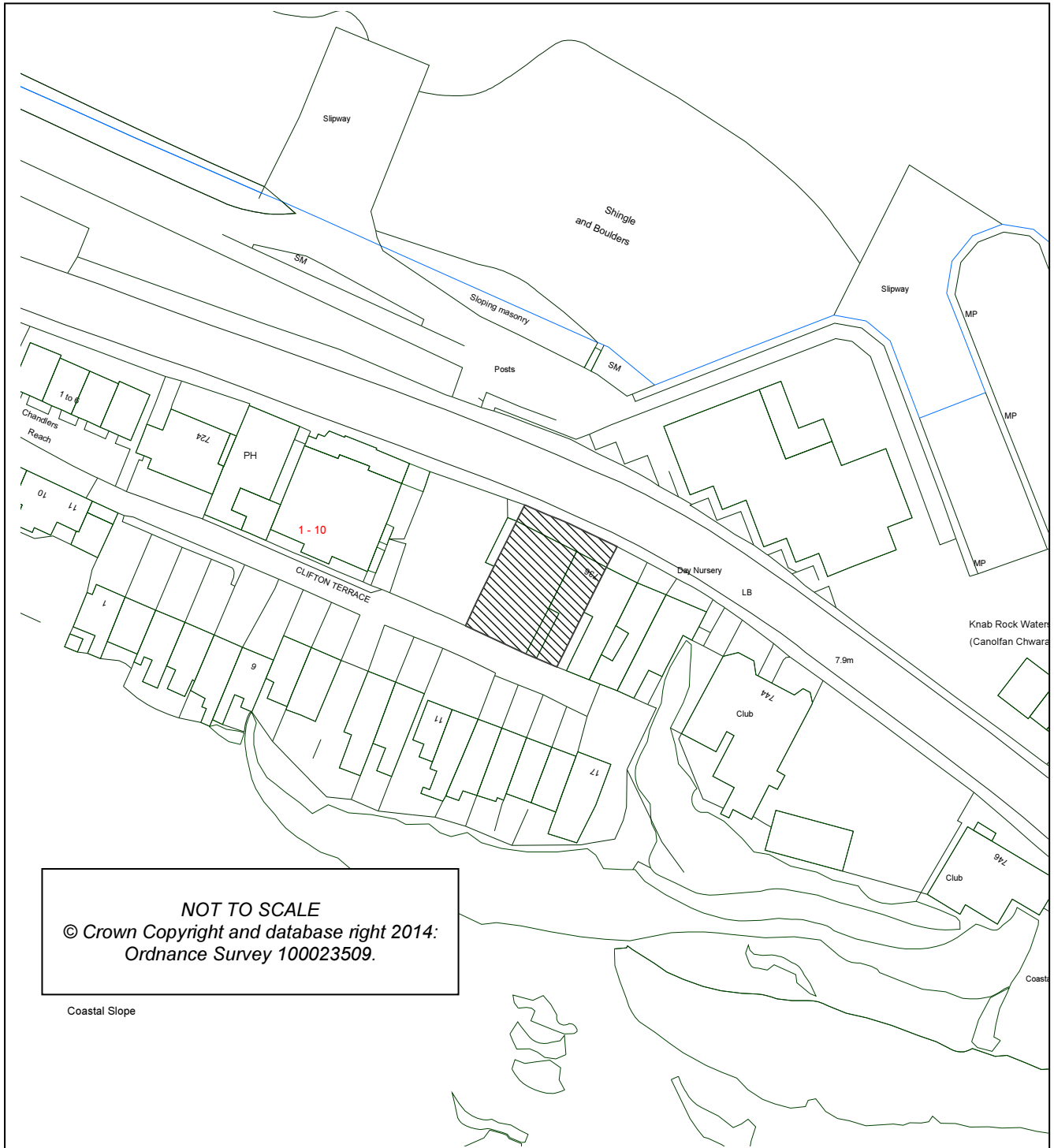
APPLICATION NO. 2014/0885

WARD: Oystermouth  
Area 2

**Location:** Ocean Living 734 Mumbles Road Mumbles Swansea SA3 4EL

**Proposal:** 2 x second floor rear extensions to form 3 additional bedrooms, rear raised terrace, external staircase and alterations to the existing flue

**Applicant:** Ms J Thorburn



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 8 (CONT'D)

APPLICATION NO.

2014/0885

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2008/2214	Change of use of 734 Mumbles Road from hotel and restaurant (Classes C1 and A3) and 736 Mumbles Road from three self contained flats (Class C3) to one residential care home (Class C2), rear lift shaft, fire escape and front access ramp Decision: Grant Permission Conditional Decision Date: 11/02/2009
2003/1082	Change of use of existing hotel (Class C1) to 6 self contained flats (Class C3) with part three storey part two storey rear extension, addition of bay window to first floor front elevation and external alterations to front elevation Decision: Perm Subj to S106 Agree Decision Date: 24/09/2004
2007/0190	First floor side extension, 2 No.front decked areas at ground floor level and associated alterations Decision: Grant Permission Conditional Decision Date: 25/05/2007

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 8 (CONT'D)

APPLICATION NO.

2014/0885

2007/0871 Externally illuminated individual letters sign and projecting sign  
Decision: Grant Advertisement Consent (C)  
Decision Date: 06/06/2007

### RESPONSE TO CONSULTATIONS

#### ORIGINAL SCHEME

The application was advertised on site and in the press as a development within the Mumbles Conservation Area and two individual properties were consulted. TWO LETTERS OF OBJECTION have been received, which are summarised as follows:

1. We may be late with this objection as no letters were posted in our street, the Council should have acted properly in this where the application is the building of an extension.
2. How would the building materials get to the site as Clifton Terrace is a very narrow road with access only for resident's cars?
3. I note that the windows would overlook Clifton Terrace and as it is a very narrow road, I do not want people staring into my living room or bedroom.

**Mumbles Community Council** – No objection

#### AMENDED SCHEME

The application was advertised on site and five individual properties were consulted. No response.

Council's **Head of Transportation and Engineering** - This proposal is for the provision of 3 additional bedrooms at the property which is a residential care home. Adopted parking standards recommends that one visitor space be provided for every 4 bedrooms therefore the scheme would require one additional space to comply with the standards. The site does not currently have any dedicated off street parking, with visitors having to use any available spaces on street or rely on public parking facilities which are available in the vicinity.

It is unlikely that the demand for one additional parking space will result in any significant impact on parking issues in the area and on balance therefore I recommend that no highway objections are raised.

### APPRAISAL

This application is reported to Committee for decision and a site visit has been requested by Councillor Anthony Colburn in order to assess the impact on neighbouring properties and concerns of over intensification.

Full planning permission is requested for 2 second floor rear extensions to form 3 additional bedrooms, a rear raised terrace, an external staircase and alterations to the existing flue at Ocean Living Nursing Home, 734 -736 Mumbles Road, Mumbles. The extension would provide three additional en suite bedrooms which would be split over two halves of the rear elevation. The design of the originally submitted extension was not considered acceptable in visual terms and due to its impact upon the neighbouring property. An amended scheme was subsequently put forward which reflected discussions that had taken place.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 8 (CONT'D)

APPLICATION NO. 2014/0885

The proposed extension adjacent to the empty plot at 730 Mumbles Road would measure approximately 9m in width, between 5.4m and 8.5m in depth with a maximum variable roof height of 5m. The extension adjoining no. 738 Mumbles Road would measure approximately 4.3m in width, be approximately 7m in depth, have an eaves height of 3.6m and an overall height of 4.1m. As the extension would be at second floor level the overall height of the extension from ground level would be approximately 9.4m. The extension would be finished in smooth painted render, with a slate tiled roof and UPVC windows and doors to match the existing building. The external staircase would be constructed out of galvanised steel as would the metal railings that would surround the external terrace area.

The main issues to be considered are the impact of the extension and alterations on the residential and visual amenities of the area and highway safety having regard to the relevant policies of the City and County of Swansea's Unitary Development Plan 2008.

Policies EV1, EV2, EV9 and EV26 would be the most relevant to the consideration of this planning application. Policy EV1 refers to developments complying with good design criteria, Policy EV2 refers to development being preferred on previously developed land that does not unduly impact upon visual or residential amenity or highway safety. Policy EV26 states that within the Gower AONB the primary objective is the conservation and enhancement of the area's natural beauty. Policy EV9 is particularly relevant as it states that developments within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character and appearance of the conservation area or its setting.

In terms of highway safety, the Head of Transportation and Engineering raises no highway objection. On balance it is considered that although the one additional space required could not be accommodated on-site, as the nursing home has no dedicated off-street car parking at present, the non-provision of one on-street car parking space would not significantly impact upon parking conditions in the area.

The siting, scale and amended design of the proposed extension is considered to relate well to the overall appearance of the existing building as the roof design now follows the existing roof line. It is considered therefore that the extension would not appear as a discordant and incongruous feature within the rear highway at Clifton Terrace, albeit it is acknowledged that the other properties in the terrace have not been extended at second floor level previously. However, members will recall that planning permission has been granted for two new dwellings on the currently vacant land at 728 and 730 Mumbles Road. Both of these properties have rear wings which project beyond the existing rear elevation of Ocean View by approximately 5.4m. It is considered therefore, that the extension would preserve the character and appearance of this part of the Mumbles Conservation Area, thus complying with the overall requirements of Policy EV9.

Turning to residential amenity, the extension adjacent to 738 Mumbles Road would be within 1m of the nearest 2<sup>nd</sup> floor habitable room window of this neighbouring property. It is acknowledged that the proposed extension is 7m long and is sited hard on the common boundary between the application site and this neighbouring property. However, whilst long, the roof of the proposed extension has been specifically designed to mitigate the impact of the extension on this neighbouring window. Thus, whilst it is accepted that the depth of the extension could have the propensity to cause overbearance and loss of light to this window, its impact is mitigated to an acceptable degree by virtue of the sympathetic design of its roof.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 8 (CONT'D)

APPLICATION NO.

2014/0885

It is also acknowledged that No. 738 lies to the east of the application site and on balance, it is not considered that the proposed extension would result in an unacceptable physical overbearance for the occupiers of No.738. It is acknowledged that the existing rear wing would already impact upon the ground and first floor windows of No. 738, and it is considered that the additional structure would not further significantly compromise an already difficult situation on site.

It is not considered that the proposed development will give rise to any unacceptable overlooking problems onto neighbouring land.

In conclusion and having regard to all material considerations, on balance, the proposal is considered to be an acceptable form of development at this location. It is considered that it would not unduly impact upon the visual amenities of the Mumbles Conservation Area or the residential amenities of the occupiers of the existing neighbouring property (No.738) and the occupiers of the new dwelling yet to be built at no.730 Mumbles Road. The scheme is therefore considered to comply with the requirements of Policies EV1, EV2, EV26 and EV9 of the City and County of Swansea's Unitary Development Plan 2008 and approval is recommended.

### RECOMMENDATION

#### **APPROVE, subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV26, EV9
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 8 (CONT'D)

APPLICATION NO.

2014/0885

- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

### PLANS

01 existing site and location plans, 02 existing ground and first floor plans, 03 existing second floor and roof plan, 04 existing elevations, 05 proposed site and location plans, 06 proposed ground floor plan, 07 proposed first floor plan dated 18th June, 2014, 08B proposed second floor plan, 09B proposed roof plan, 10B proposed elevations dated 28th October 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 9

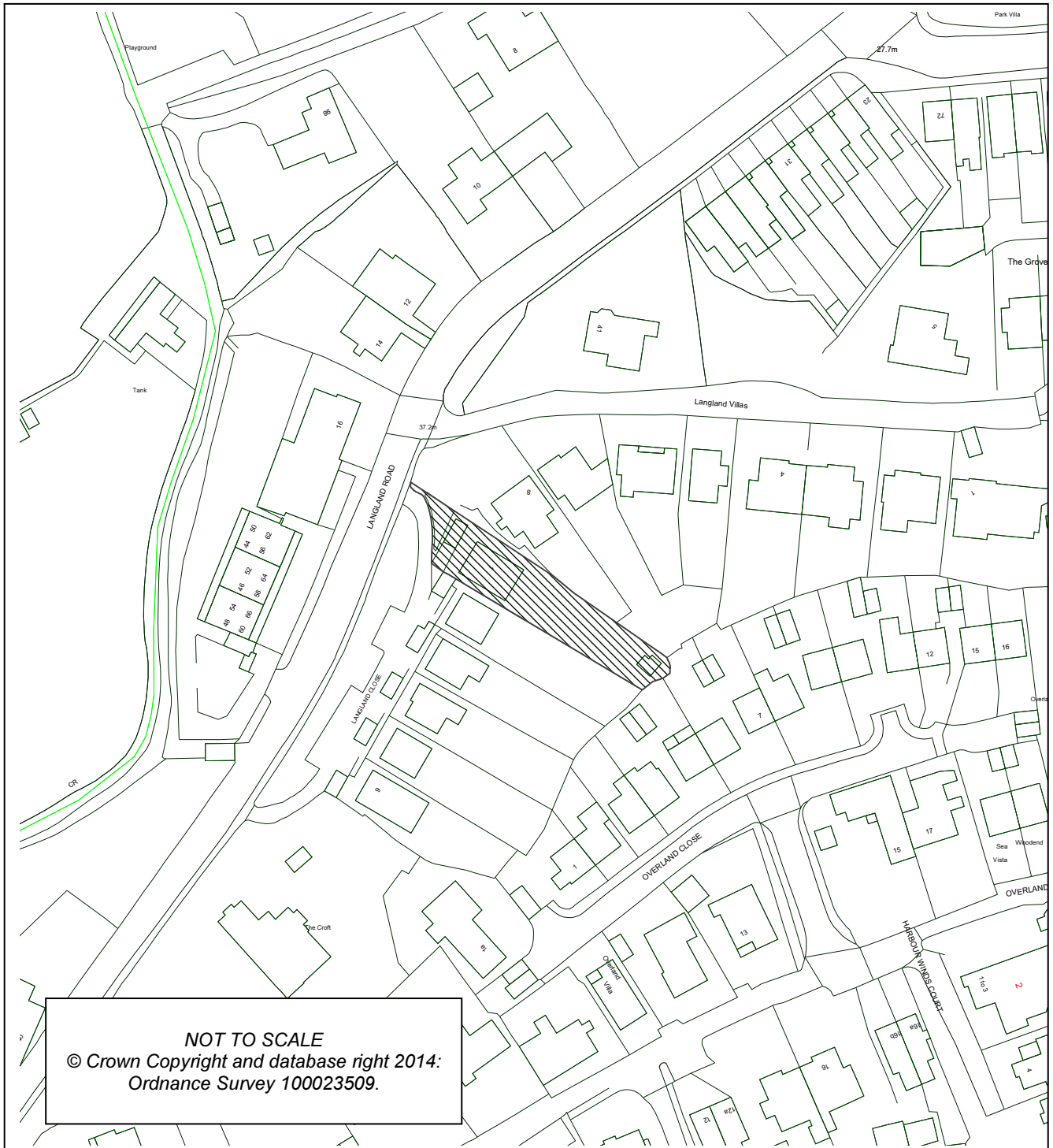
APPLICATION NO. 2014/1486

WARD: Oystermouth  
Area 2

**Location:** 1 Languard Close, Mumbles, Swansea, SA3 4LY

**Proposal:** Retention and completion of extension to existing garage

**Applicant:** Mr Alex Mihailidis





## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 9 (CONT'D)

APPLICATION NO.

2014/1486

### BACKGROUND INFORMATION

#### POLICIES

Policy	Policy Description
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

There is no relevant planning history relating to the site.

#### RESPONSE TO CONSULTATIONS

**Highway Observations** - Proposals are for the retention and completion of extension to existing garage. The Head of Highways and Transportation confirms that there are no highway objections to the proposal.

**Neighbour Responses** - FOUR LETTERS OF OBJECTION have been received from neighbouring occupiers, which can be summarized as follows:

- Concerns regarding the design of the proposed roof of the garage and its impact on the established streetscene of the Close. They state that *“All six houses in Langland Close, built as a coherent development in the 1930s, have red/brown tiled roofs, with numbers 2 to 6 having matching roofs on their garages. These are all clearly visible from the houses, which are above and behind them on the sloping site. The proposed flat grey fibreglass roof will be completely out of character with the whole Close.”* The proposed garage would be *“... totally out of keeping with other garages on the close which are pitched rather than flat roof. It would not blend in with the residential nature of the rest of the close which has already been altered out of all recognition”*.
- The creation of additional parking spaces which has turned *“green ... wooded areas, supporting wildlife (into) stark, unattractive and intrusive areas”*.
- The stability (or otherwise) and visual impact of the newly constructed retaining wall, upon which the extension to the garage is to be built.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 9 (CONT'D)

APPLICATION NO.

2014/1486

- Concerns regarding the materials used to fill the cavity created alongside the newly constructed retaining wall.
- Changes to the land to the front of the existing garage – from shrubs and greenery to an unsightly, bare area of ground.
- The removal of approximately 40 tonnes of material, construction of new retaining wall and creation of new car parking space where there was none previously. The parking of a vehicle in this space represents a severely dangerous obstruction to the access.
- Access problems to the Close would be exacerbated by the proposed garage “... because of the proximity of vehicles parked and possible limited access for larger vehicles”. The development of the land on which the garage stands will restrict access to residents’ vehicles and, in particular, emergency vehicles. There are a number of cars and vans that are frequently driven and parked in the vicinity of 1 Langland Close which can cause obstructions to the residents’ own vehicles and parking. This will cause additional wear and tear on an already damaged stretch of road.

### APPRAISAL

This application is called to Committee for determination at the request of Councillor Tony Colburn, who also requests that Members carry out a site visit.

Full planning permission is sought for the retention and completion of works to extend an existing detached garage at No.1 Langland Close, Mumbles. The Close is sited to the east of the main Langland Road, with an entrance/exit point at the northern and southern ends, and No.1 Langland Close comprises the northernmost property and its garage is set further forward than all the others in the Close.

All the houses on the Close are set very high above the access road level, on an embankment, and each property has a detached garage to the front of the house which forms part of the retaining structure/steps up to each dwelling, with the mono-pitch roofs of the garages sloping up to the east and towards those steps which run parallel with the side of each garage.

The existing, original, garage measures 3.25m wide by 5.4m deep with a mono-pitch roof with a maximum height of 3.4m where it meets/retains the bank and steps below the house to the east. The garage serving No.1 is unique in terms of its siting forward of the main building line of the other garages within the Close. It has metal sheeting to its monopitch roof and its smooth rendered walls are painted.

A retaining wall is situated to the west of the existing garage at No.1 Langland Close, and it is proposed to incorporate part of this wall into the construction of the extended garage. The new garage would measure 4.2m wide by 5.4m deep with a new fibre glass flat roof construction (2.8m high) and will be finished with matching painted smooth render walls.

In terms of visual amenity, the size, design, siting and materials proposed for the garage are considered appropriate and relate satisfactorily to the established character and appearance of the dwelling (high up on this plot to the east of the garage) and, whilst the proposed flat roof would be unique in the streetscene, it is not considered to adversely affect the visual qualities of the immediate area, particularly because of its unique relationship with the house and the remaining properties/garages on the Close.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 9 (CONT'D)

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Due to its siting in front of the dwelling and on the same ground level as the Close, it is accepted that it would be visible within the street scene. However although its flat roof construction would introduce a completely different roof finish to the other garages in the streetscene, it is not considered that this results in an adverse impact in visual terms. The existing garage could be described as unique in the streetscene, as it is set further forward than the established building line of the other garages.

In terms of residential amenity, the siting of the garage well below the floor levels of the houses on the Close, and away from the properties on Langland Road to the west and Langland Villas to the north and east, ensures that no unacceptable overshadowing, overbearing physical impact or overlooking would result to the occupiers of neighbouring houses.

In conclusion, and having regard to all material considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development which complies generally with the criteria of Policies AS6, EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan 2008; and with the guidance provided in the adopted Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).

### RECOMMENDATION

#### **APPROVE, subject to the following conditions;**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The garage(s) indicated in the submitted plans shall be retained for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation.  
Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies AS6, EV1, EV2 and HC7 of the adopted City & County of Swansea Unitary Development Plan 2008 and the guidance contained in the Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

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- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

- 3 Birds may be present in this building and grounds. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird

- Take, damage or destroy the nest of any wild bird while that nest in use or being built

- Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

- 5 PARTY WALL ETC ACT 1996

The developer is advised that the provisions of the Party Wall etc. Act 1996 may be applicable to the proposal and is advised to seek appropriate advice prior to any work commencing on site.

- 6 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition notice.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014**

ITEM 9 (CONT'D)

APPLICATION NO.

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**PLANS**

890-L(90)101 site location and block plan, 890-L(99)101 existing floor plan and elevations, 890-L(99)102 proposed floor plan and elevations dated 8th October, 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 10

APPLICATION NO.

2014/0927

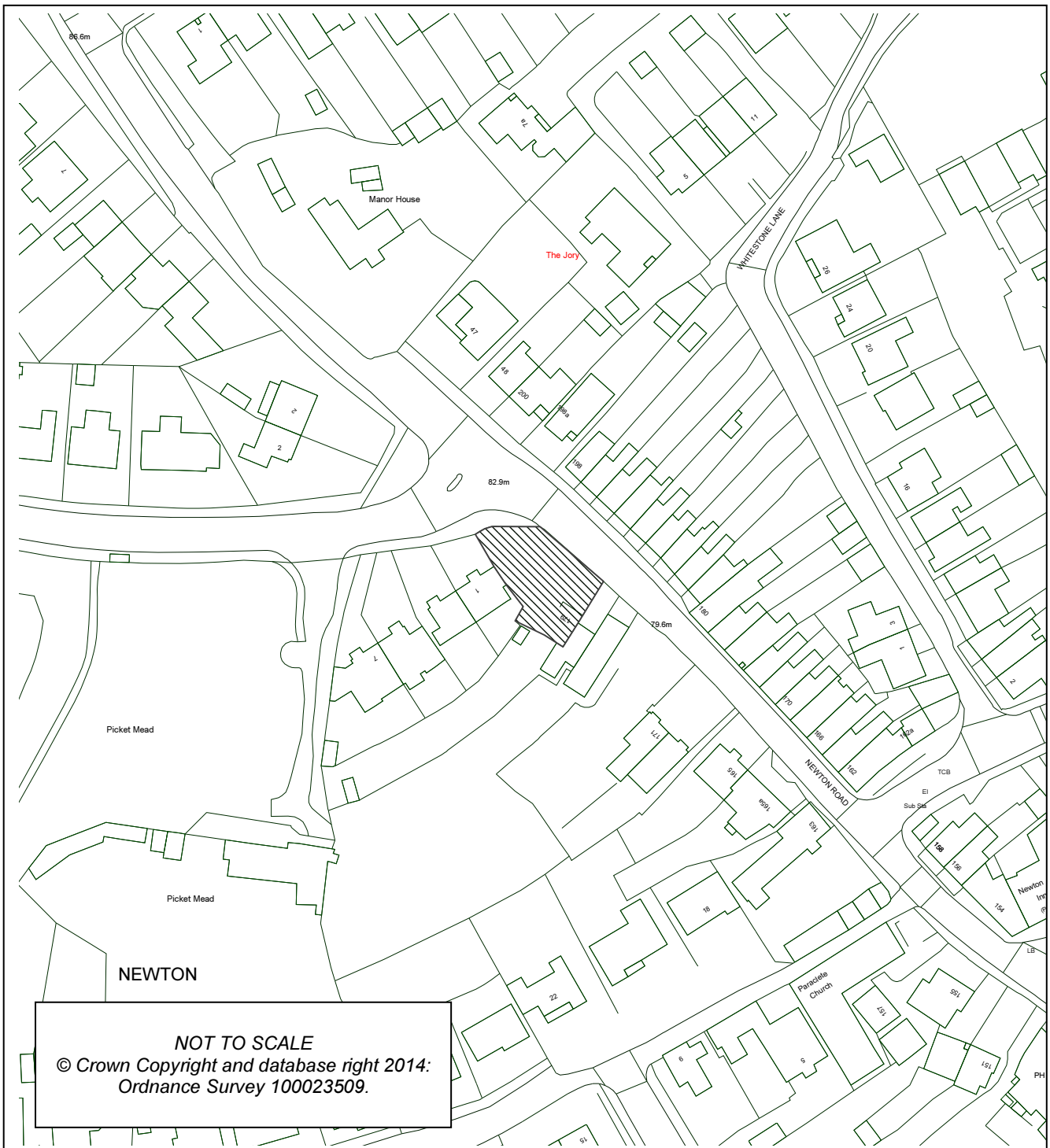
WARD:

Newton  
Area 2

**Location:** 179 Newton Road, Newton, Swansea, SA3 4UD

**Proposal:** Retention and completion of two storey side extension and increase in ridge height to provide first floor living accommodation (amendment to planning permission 2008/1279 granted 7th August, 2008)

**Applicant:** Mr Peter Wilson



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0927

### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, affect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2008/1279	Part two storey part single storey side extension Decision: Grant Permission Conditional Decision Date: 07/08/2008
2010/0199	Detached replacement dwelling house Decision: Refuse Decision Date: 17/05/2010
2007/2404	Part two storey part single storey side extension Decision: Refuse Decision Date: 13/12/2007
2011/0555	Demolition of detached dwelling house (application for Conservation Area Consent) Decision: Refuse Decision Date: 17/10/2012
2010/0191	Demolition of existing dwelling (application for Conservation Area Consent) Decision: Officer Consideration Decision Date: 17/05/2010

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

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2010/0191	Demolition of existing dwelling (application for Conservation Area Consent) Decision: Refuse Decision Date: 17/05/2010	
2011/0390	Detached replacement dwelling house Decision: Refuse Decision Date: 18/10/2012	

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press as a development within the Newton Conservation Area and two individual properties were consulted. FORTY ONE LETTERS OF OBJECTION and a PETITION OF OBJECTION with 323 signatures have been submitted, which are summarised as follows:

1. I object to the height of the ridge being increased and the windows installed that overlook my property are larger than permitted.
2. The original planning permission was for development to match the existing dwellings, however, the existing dwelling has been completely demolished.
3. The scheme is now a rebuild and the developer has virtually done what he wanted to do.
4. Questions on the application form are not answered correctly.
5. The new roof is higher and the pitch has been changed.
6. The new windows are too large and were to have been of obscure glass but have clear glass.
7. A plastic drainage connector has been installed in the back yard of no.177 without the permission of Mr Williams.
8. The entrance drive appears to have been widened.
9. This is a conservation area and that large house is out of place in that row.
10. The elderly lady next door is in poor health and the worry of it all is making matters worse for them.
11. To grant this will set a dangerous precedent and encourage others to bend the rules to suit themselves.
12. It is difficult to see how the project enhances or preserves the appearance of the Conservation Area.
13. The construction overshadows the existing buildings at 177 Newton Road and 1 Murton Lane.
14. The plans indicate 3 fixed shut velux windows but the windows installed are not fixed.
15. From the road it really does look overdeveloped.
16. This is a blatant disregard for planning.
17. The privacy for both sets of occupants is seriously compromised.
18. The surface water for the original cottage was channelled around the front but the developer has put an ugly drain in my back yard.

**Mumbles Community Council** – Objects – visual impact on surrounding buildings. Out of keeping.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

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Council's **Head of Transportation and Highways** - This proposal includes alterations to the site layout and the location of the development is such that in order to ensure safe entry and exit, the layout of parking and turning within the site is important. Amended plans have been submitted with annotation for three car parking spaces within the site, however no details of the extent of hard surfacing is shown and it cannot be determined if sufficient room to park and turn will be available. The site is large enough to accommodate satisfactory and safe facilities and therefore I recommend that should consent be granted, a suitable condition should be added to require amended plans indicate the extent of parking and turning areas within the site.

### **Applicant's Agent Supporting Statement**

"I confirm that we are acting as agents on behalf of the owner of the above property Mr Peter Wilson and the above application and wish to confirm the following points.

The Planning Department's description of the planning application reference 2014/0927 stating, "*Retention and completion of two storey side extension and increase in ridge height to provide first floor living accommodation (amendment to planning permission 2008/1279 granted 7th August, 2008)*" is incorrect. I confirm there is no increase in ridge height to provide first floor living accommodation and the original dwelling did have living accommodation to the first floor. The description of the approved plans for the site was, "*Part two storey part single storey front extension*". On the planning application forms 2014/0927 the description for the scheme is "*Demolish single storey side accommodation and construct two storey side extension - amendment to Planning application 2008/1279*". We request that the planning department description be amended as it is misleading.

I note the approved planning drawings 2008/1279 have discrepancies relating to existing and proposed floor plans and elevations. Ridge heights and finished floor levels are inaccurate. The level of discrepancies make it impossible to compare the approved plans as indicated with application 2008/1279 and application 2014/0927. The original roof had rot infected rafters and wall plates. The random rubble walls were also unstable due to their form of construction. Replacement of roof rafters, wall plates and stabilising the existing stone walls to comply with current building regulations, highlighted in the report of a structural engineer resulted in the eaves being raised approximately 200mm from the original. The overhang to the eaves has been constructed with a 100mm overhang as indicated on the North West Elevation drawing as approved under planning application 2008/1279.

The original Planning Permission 2008/1279 refers to a part single storey side extension. On commencing excavations to the site an adopted Welsh Water sewer was located within the area of the proposed extension. Approval was not granted to construct the single storey extension over the adopted sewer by Welsh Water. I can therefore confirm the floor area of the development has been considerably reduced from the approved planning permission 2008/1279.

I finally confirm that permission had been received and works completed for a dropped kerb for vehicular access from City & County of Swansea in 2007. This work had been completed before the approved planning application 2008/1279 was granted, therefore a statement regarding access was not required for the current application."

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### **Applicant's Agent Further Supporting Statement**

"The development has been specifically designed to overcome the previous reasons for refusal and the appeal dismissals, in particular 2011/0390. The application also corrects inaccuracies on the previous submitted plans.

The main differences between the current application and the previous refused applications and which have underpinned the design process are as follows:

- The **siting** of the development now relates directly to the original cottage. Whilst part of the cottage had to be demolished for practical reasons and because of its poor structural condition this is only apparent when viewed internally by the difference in the thickness of the walls. Externally the footprint of the original is now exactly replicated. In both the previous appeals the siting was being brought forward significantly.
- The **scale** of the development now very closely reflects the original cottage and the approved extensions. The ridge height of the building has not been materially altered, increasing by only 100mm and the main change has been to raise the eaves level by approximately 250mm. Whilst this has slightly changed the roof pitch and relative dimensions of the roof and the vertical face of the building the development still retains the modest proportions of the original cottage and is completely in keeping with its context in terms of scale and massing. This is significantly different to the two previous developments dismissed at appeal. The first development bore no relation to the original cottage so no direct comparisons are really relevant. The second tried to better reflect the original but raised the eaves and ridge levels of the roof by 1.0m and 0.4m respectively. In combination with moving the siting forward this resulted in the unacceptable massing and impact on the street scene and neighbour amenity referred to by the Inspector. The main difference in scale between the current scheme and the approved scheme is that the single storey element has now been omitted and the overall width of the 2 storey extension has been reduced by approximately 1 metre. The effect of this has been to reduce the scale of the extension in relation to the original cottage which enhances its overall proportions and appearance.
- The **composition** of the development now directly reflects the original cottage and approved extensions. The original cottage retains its simple composition of a doorway on one side with a pair of vertically proportioned sash style windows on the other. A simple canopy over the door will add greater legibility and articulation to this elevation. The setbacks to and within the extension add further articulation and the simple vertically proportioned windows closely reflect those in the original cottage. The omission of one of the upper windows adds to the informal character of the extension and directly reflects the composition of the original cottage. The current composition is significantly different to the last scheme dismissed at appeal which was far more contrived including two porches, two chimneys and velux windows in the front roof pitch as well as the raised eaves and ridge levels referred to above.
- Because of the irregular alignment of the rear boundary of the site the side elevation has a symmetrical but truncated rear roof pitch roof and sloping eaves. That was also the case with the original approved scheme however. The previously approved single storey extension gave more articulation to the side elevation, but it is not possible to construct this because of the position of drainage within the site.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 10 (CONT'D)

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- The proposed canopy above the side doorway will however add visual interest to this secondary elevation and improve its proportions and composition. This elevation is also partly screened from the road by a new laurel hedge which has been positioned to enhance privacy to the property when viewed from the site entrance.
- It should be noted that there is a discrepancy between the front elevation and side elevation drawings accompanying the original approved application. The front elevation drawing shows the roof of the second element of the two storey side extension to continue at a similar level to the first element, whilst the side elevation shows it being set down by approximately .5m. There is also a slight discrepancy in dimensions between the front and side elevation drawings. **The current application corrects these anomalies.**
- In terms of **materials and detailing** the development has used lime mortar render techniques to form soft edged corners and reveals and a more informal finish to the original cottage. It is painted in a recessive and subtle blue grey. The windows and doors are constructed in high quality grained dark grey upvc to contrast with the lighter render finish. The sash style fenestration and narrow section of the windows reflect the original and are entirely in keeping with window styles and finishes in the Conservation Area. The roof materials are manmade slate which is again typical of the area. Bargeboards and soffits are in white UPVC and whilst the soffits may be fractionally deeper than the original they are still very modest and appear in keeping with the adjacent properties. The approved scheme also included small soffits. The bargeboards and soffits could be painted black to make them more recessive and that can be controlled by condition if considered necessary.
- In terms of **effect of the development on the neighbouring property** at 177 the slight raising of the eaves level by approximately 250mm and the ridge by 100mm has little if any impact in terms of loss of light or physical overbearance on the front of 177. It is fundamentally different to the schemes previously refused at appeal in that respect both of which brought the building line forward and increased the scale and massing of the roof. In terms of potential overlooking the only clear glazed window in the rear elevation directly replaces that which existed in the original cottage. All the remainder are obscure glazed. They operate on a tilt and turn basis to allow them to be cleaned from within and to allow the necessary ventilation. In practise they will only be opened fully for cleaning purposes and to preserve mutual levels of privacy. The rear garden of 177 is also elevated significantly above the ground floor level of 179. All the rear roof velux windows are well above eye level. It is not considered therefore that the development will cause an unacceptable loss of privacy to 177 notwithstanding the unusual rear boundary alignment. The conclusions of the previous Inspectors are endorsed in this respect. Neither is the side extension considered unacceptably overbearing being actually narrower than the approved scheme and being sited due east of the raised garden to 177.
- **Boundary and land ownership issues** have been raised in the objections. These are covered by separate legislation however and are not material planning considerations. The views of the previous Inspector are also endorsed therefore in this respect.
- **Highway safety considerations** have been addressed in both the previous appeals and the approved scheme. There have been no material changes in circumstances and it is considered the development will not be harmful to highway safety being an existing access which has not been objected to by the Council.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 10 (CONT'D)

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The **similarities** with the original approved scheme and main **differences** between the current application and the last application dismissed at appeal are **illustrated in the line drawings appended to this statement**. These show the key differences in siting, footprint, mass, eaves and ridge heights between the current scheme and the last appeal scheme and the close comparisons with the approved scheme.”

### APPRAISAL

This application is being reported to Committee for decision and a site visit requested by Councillor Linda Tyler Lloyd due to concerns over the impact of the scheme upon the Newton Conservation Area.

Full planning permission is sought to retain two, two storey side extensions at 179 Newton Road, Newton which includes an increase in height of the eaves and ridge of the existing dwelling. Planning permission was granted for a part two storey part single storey side extension in August 2008 – 2008/1279 refers. The scheme as built however, is not accordance with the approved scheme, hence the submission of the current application.

The site has been the subject of two previous applications for replacement dwellings which were refused with subsequent Appeals to the National Assembly also being dismissed – 2010/0199 and 2011/0390 refers. The corresponding applications for Conservation Area Consent to demolish the existing cottage – 2010/0191 and 2011/0555 refers, were also refused and dismissed at Appeal.

The main issues for consideration therefore are whether the retention and completion of the extensions and alterations to the dwelling at this location is acceptable having regard to the original planning permission, the previous refusals on the site and the Appeal Inspector's decision together with the prevailing policies of the Unitary Development Plan 2008.

Policies EV1, EV2, EV9 and HC7 of the City and County of Swansea's Unitary Development Plan 2008 are considered relevant to the consideration of this application.

Policy EV1 refers to new development complying with good design criteria, with EV2 stating that there is preference for development to be on previously developed land and acceptable in terms of visual and residential amenity and highway safety. Policy EV9 relates specifically to developments within conservation areas and that any development should preserve or enhance its overall character and appearance. Policy HC7 refers to criteria for extensions and alterations to residential dwellings.

### Visual Amenity

The alternations and extensions to the dwelling as built do not comply with the previously approved plans under 2008/1279.

	Existing/Approved Extension	As built dwelling	Refused dwelling 2011/0390
Ridge heights	6.2m/6m/5.9m	6.6m/6.5m/6.45	7m/7m/6.6m
Eaves heights	3.4m/3.7m/3.8m	4.1m/4.1m/4.1m	5m/5m/4.7m

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 10 (CONT'D)

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The above table shows the discrepancy in the approved and as built scheme. The applicant's agent disputed the accuracy of the approved plans but as much of the original cottage has been removed, these comments, whilst not wholly refuted, cannot either be verified on site. Whilst it is acknowledged that there may be some slight discrepancies on the original plans approved, this does not alter the fact that the scheme that has been built includes a higher ridge line and eaves height than the original cottage. The above table shows the difference between the schemes as indicated on the approved/refused plans. The agent however contends that the as built dwelling actually only increases the ridge height by 100mm and the eaves height by 200mm not between 0.3m-0.5m and 0.3m-0.7m as stated above.

It is considered that whilst the increase in ridge and eaves height is minimal, the alterations have succeeded in changing the original proportions of the cottage that the previous Appeal Inspectors have stated were worthy of retention. In addition, the lack of changes in the eaves height of the three sections of roofs, the minimal set down of the front roof planes serving the side extensions and the lack of any set down of the rear roof planes of the two extensions, together with the lack of any meaningful set back of the front wall of the extensions, dictates that the extensions do not appear subordinate to the main body of the house as is recommended in the adopted SPG entitled "A Design Guide for Householders". In addition, it is considered that the north west elevation has an unsightly and contrived design which does not relate well to the overall appearance of the dwelling house and appears as a discordant and incongruous in the street scene.

The original scheme incorporates a traditionally designed replacement front porch feature but the amended plans indicate a front canopy which is not considered to contribute satisfactorily to the overall front façade and again detracts from the original character of the cottage. The amended plans however, show that the steel flue that has been inserted into the roof will be enclosed by a chimney and as such would be more appropriate in visual terms.

### **Residential Amenity**

The proposal as built has three windows in the rear elevation facing onto the garden area of no.177, which results in direct overlooking of that property. One of these is annotated as obscure glazed, albeit not as currently inserted. It is acknowledged however, that the original dwelling had two clear glazed windows in this elevation and the originally approved scheme (2008/1279) also had two clear glazed windows and one obscure glazed window in this elevation. It is considered therefore that if the window as indicated is obscure glazed, the impact upon the occupiers of no.177 would not be over and above that previously experienced. In addition, the previous Appeal Inspector (2010/0199) did not consider that windows in this elevation, of which many more were proposed, would be unacceptable providing they were obscure glazed and fixed shut. He also acknowledged that there were already windows in the rear elevation of the existing property that were neither obscure glazed or fixed.

It is also considered that the lack of any set down in the rear roof of the dwelling and the increase in the eaves height has resulted in the massing of the dwelling being increased from that previously approved and given the unusual siting and relationship of the existing properties with No.179, could appear as unacceptably overbearing.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 10 (CONT'D)

APPLICATION NO.

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However, given the Inspector's previous reasoning in respect of the planning appeals relating to planning applications 2010/0199 and 2011/0390 it is not considered that a recommendation of refusal could be justified in this instance on grounds of overshadowing or overbearing visual impact.

### **Access and Highway Safety**

The Head of Transportation and Engineering raises no highway objection as the site is considered large enough to accommodate satisfactory and safe facilities. It is recommended however, that should consent be granted, a suitable condition should be added to require the submission of plans to indicate the extent of parking and turning areas within the site.

### **Responses to Consultations**

The material issues raised by the objectors have been addressed above. The concern with the siting of the drain is acknowledged but this is a private matter between the two parties involved.

### **Conclusions**

In conclusion and having regard to all material considerations, including the Human Rights Act, on balance, the retention of the extensions and alterations to the dwelling are not considered to be an acceptable form of development at this location and it is considered that the development fails to preserve the character and appearance of the Newton Conservation Area. The proposal therefore fails to comply with the overall requirements of Policies EV1, EV2, EV9 and HC7 of the Unitary Development Plan 2008 and refusal is recommended.

### **RECOMMENDATION**

#### **REFUSE, for the following reason:**

- 1 The extensions and alterations to the dwelling as built, due to their inappropriate and unsympathetic design, have failed to preserve the character and scale of the original cottage, and in turn the character and appearance of the Newton Conservation Area, contrary to the requirements of Policies EV1, EV9 and HC7 of the City and County of Swansea's Unitary Development Plan 2008 and the Council's SPG entitled 'A Design Guide for Householder Development.

### **INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV9, HC7

### **PLANS**

Existing floor plans, existing elevations, dated 16th July 2014, 871-L(99)101Rev B-floor plans, 871-L(90)101 Rev C-site plan & location plan, 871-L(99)102 Rev D-elevations dated 27th November 2014.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014**

ITEM 11

APPLICATION NO.

2014/1470

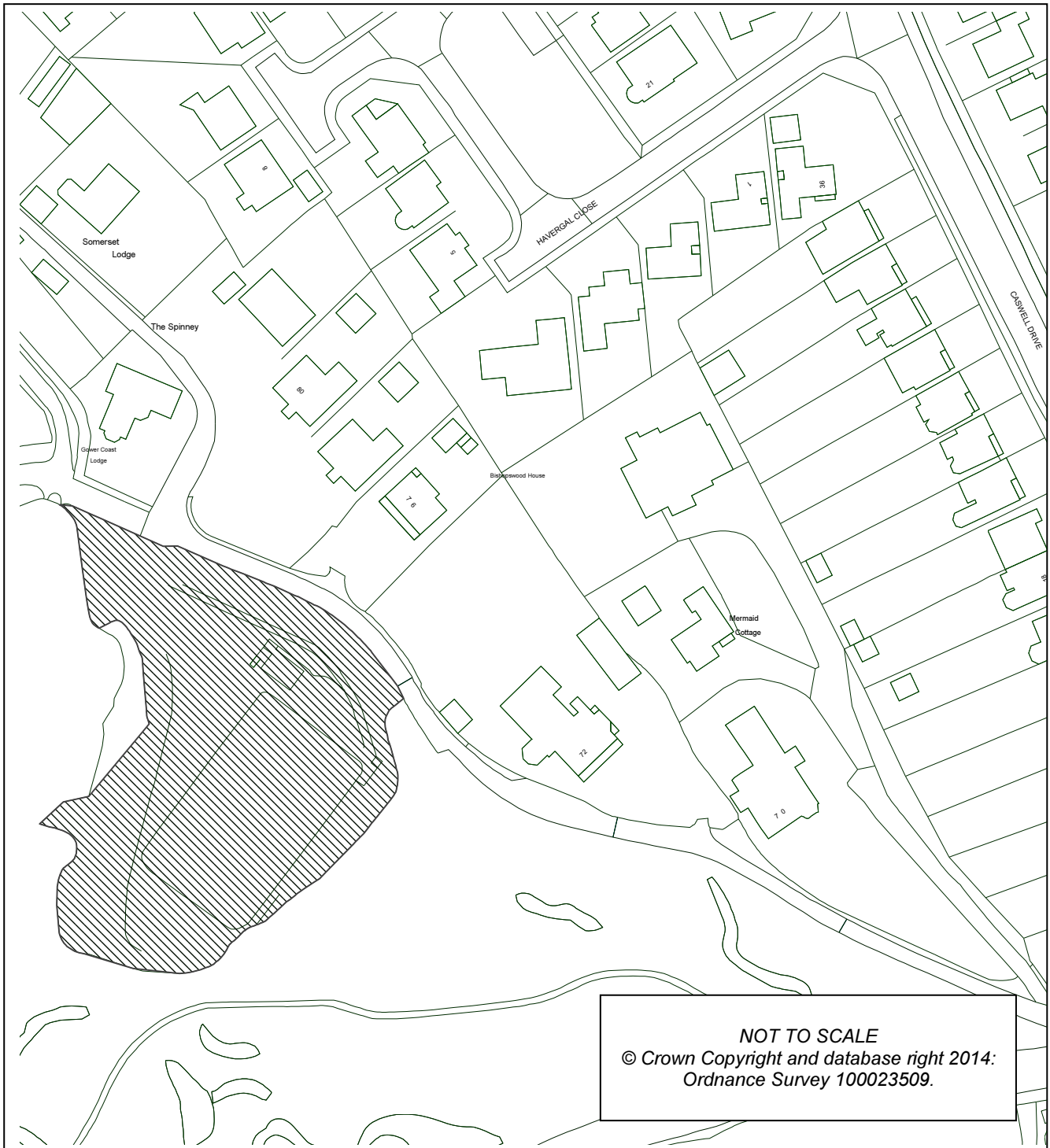
WARD:

Newton  
Area 2

**Location:** The Dingle near Gower Coast Lodge Caswell Swansea SA3 4RT

**Proposal:** Detached dwelling and detached garage

**Applicant:** Mr Paul Griffiths



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1470

### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV11	Development will not be permitted that would harm the character or setting of a registered Historic Park or Garden or the character of an Historic Landscape. (City & County of Swansea Unitary Development Plan 2008)
Policy EV20	In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1470

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2013/0726	Agricultural building (application for Prior Notification of Agricultural Development) Decision: Prior Approval Is Not Required Decision Date: 28/05/2013
2012/1597	Use of land as residential curtilage (application for a Certificate of Lawfulness) Decision: Was Not Lawful Decision Date: 28/05/2013
2010/0957	To fell 2 ash trees and 4 cypress trees, crown lift 2 cypress trees and 1 pine tree, reduce the crown of 1 oak tree, balance the crown of a second oak tree, cut back 1 laurel tree and remove a lateral branch from 1 ash tree covered by TPO no. 156 Decision: Grant Tree Pres Order Consent (C) Decision Date: 19/08/2010
2011/1478	To lop and crown reduce 1 ash tree covered by TPO no. 156 Decision: Grant Tree Pres Order Consent (C) Decision Date: 18/01/2012

### RESPONSE TO CONSULTATIONS

The application was advertised on site and within the press, and five individual properties were directly consulted.

FOUR LETTERS OF OBJECTION have been received which are summarised as follows:

- The development represents a further incursion into the attractive undeveloped land on the western boundary of the city, exerting further pressure on the Area of Outstanding Natural Beauty.
- It is only a few years since the applicant completed the development known as Gower Coast Lodge and this new proposal is therefore obviously commercial rather than purely domestic.
- Although it is private garden, this site is an important visual amenity when viewed from the road and footpath above. It contains many beautiful trees with TPO's which would be compromised by felling or severe lopping. A building on this site would contribute to the further urbanisation of the AONB.
- The applicant has a history of applying for planning permission and then ignoring the conditions.
- Traffic flows have increased dramatically since the applicant has built his current house – the number of vehicles owned by the residents has risen to 26 and a caravan, five of which are owned by the applicants household.

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- There is still a potential for traffic accidents which vehicles simultaneously trying to exit and enter the spur road from the main road. Vehicles regularly have to reverse back into oncoming traffic when trying to enter the spur road when it is blocked by an exiting vehicle.
- The opening of the garden to the public has been accompanied by an increase in both event related traffic and casual traffic (sight seers). This has also resulted in parking issues, which place restrictions on residents' right of passage and have the potential to pose life threatening issues in the event that emergency vehicles are unable to pass.
- The derelict area devoid of trees previously covered by a TPO has been left for the sole purpose of a planning application to build a house. The garden has been historically used by householders in homes on elevated land to the north of the garden. The site is south of the approved building line and situated within Bishops Wood and part of the AONB. A change in the building line would no doubt result in a myriad of other planning applications.
- The whole of the dingle was covered by a TPO and all hedgerow shrubs and trees were protected.
- The removal of the trees and hedgerows in front of the road retaining wall and no doubt the increase and increased weight of traffic flows has contributed to a deterioration in the condition of the wall above road level.
- The deterioration will be exacerbated by ground works, heavy building vehicles associated with the granting of planning permission and will eventually lead to the wall collapsing and the danger that poses to the road and road users.
- The access would be dangerous – the gate at the end of my drive is at right angles to the gate of the proposed new house and the rear gate posts are only about 4 feet apart. The applicants have five or six cars and use heavy traffic e.g. pick-up truck, horse box, tractor etc.. The proposed garage would be along the boundary wall leading to my gate and their own gate which would completely block any view of vehicles moving along both the drives. This would virtually guarantee an accident black spot.
- The applicants have excavated the ground level on their side of my boundary wall which have exposed the foundations and caused it to lean. I am concerned that if foundations are dug for the garage close to my boundary wall, the weakened wall may collapse and cause my drive to subside.
- The applicants seem to be attempting to make a case re: Policy EV20 of the UDP – their present house actually overlooks the garden – they can guarantee the future of the garden by continuing to live in their present house – the garden stopped 'thriving' because of World War II and no one can guarantee that any future owners of their present house or any house they build in the garden would be interested in maintaining it.
- The great majority of the letters of support are identical 'form' letters which are presumed to have been signed by visitors to the garden have been asked to sign without any thought to the serious issues involved.

NINETEEN LETTERS OF SUPPORT have been received which are summarised as follows:

- I would like to show my support to the applicants for a dwelling to be part of their garden know as the Dingle.

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- The property would be designed by a specialist conservation architect and would be built partly in local stone and situated just off their road and below the level of the hedge. The proposed mass will not be visible to neighbours and would look down on the beautiful garden and lawns of the Dingle.
- Since 2006 the applicants have restored and brought back to life a magnificent garden that had been lost to the previous owners and the community alike. Its regression was only due to the lack of maintenance.
- The Dingle has been a garden for approx. 90 years and in different states of repair and I am disappointed that the planners have been so negative in recognising this fact. I believe that the following is what the Planning Department said to obstruct any development "*Insufficient evidence has been provided to confirm that on the balance of probability the land the subject of this certificate has been used as residential curtilage for a period exceeding 10 years*"
- The Dingle, apart from its present time was shown at its best when the gardener of Summerland House lived in a house in the garden itself with his family and looked after it for the owner of Summerland House.
- I believe we should secure the future of this beautiful part of the Gower that has been opened regularly to the local community raising thousands of pounds for charity.
- The applicants should be allowed to build a property within their garden which will provide an ensure a future with or without the current owners for generations to come.
- The garden was once and now it has the potential for a sustainable future which needs to be linked to a new owner occupier. It would be criminal if through either lack of funds or care, a garden recommended as an historic garden of Wales by CADW should be lost again.
- I hope that the planners take due cognisance of the need for the garden to be sustained with a house and along with Swansea Councillors support the applicants application.
- The applicants have shown themselves to be sympathetic to the original character and feel of the area and the house they recently constructed is at once traditional and pleasing to the eye, functional and yet contemporary. That they wish to build a similar 'dream house' overlooking the garden that they have so lovingly and beautifully restored will, mean they will have to sell their current house to fund the project.
- The Dingle was originally part of the grounds of Summerland House owned by Miss Catherine Davies and is an important part of the history of Mumbles.
- The restoration of the Dingle with no support from public funds has been a highly commendable piece of conservation and deserves to be given the best possible chance of survival. In a 21<sup>st</sup> Century context a garden of this type needs to be within the curtilage of a dwelling house so that it can be easily maintained in a domestic setting.
- The garden deserves a dwelling and the combination of garden and dwelling would be quite outstanding.
- I can see no logical reason for not granting this application and would urge all concerned to fully support this application.

In addition to the above letters of support, the applicant has also submitted 141 identical letters of support all which re-iterate the first eight points above. A number of these identical letters were dated November 2013, a year before the application was submitted. In addition a number of these letters are signed by people who do not live close to the site.

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**West Glamorgan Branch of the Welsh Historic Gardens Trust**

It does not consider that the proposed development will impair the integrity of the restored sunken garden. In addition the new-build formula has the potential for the long term maintenance of this historic garden

**Edwina Hart AM** - Supports the application. The proposed design is drawn up to be specifically sympathetic to the site and follow the contour of the land in which it will sit on a sloped area not used as a garden and located nearest to the existing dwelling and buildings. You will be aware that Mr & Mrs Griffiths are dedicated to the restoration of the garden known as, 'The Dingle,' bringing the old garden back to life and opening it to the public to raise funds for a number of charitable causes. I am also aware that Mr & Mrs Griffiths have been in touch with CADW regarding historical garden registration and I am given to understand that they have no adverse comment to the proposed dwelling in its relationship to the garden. At a time when we are losing historic structures and landscapes due to neglect and/or financial constraints, Mr & Mrs Griffiths restoration and maintenance of the Dingle is to be applauded and securing the garden's future and day to day security and maintenance will be an on going task. I am, of course, aware of the importance of balancing development pressures on the locale but in this instance I firmly believe that the proposed dwelling will be an asset to the area and not a blight.

**Gower Society** – We have the following comments to make

1. We are concerned that this proposal may not conform with the Design Guide.
2. The proposal is within the AONB and by allowing this development would set a precedent for the area and the rest of the Gower AONB
3. The visual impact when viewed from the seaward side could be overbearing.
4. We note the large number of letters of support but wonder how this was achieved.

**CADW**

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled ancient monuments or Registered Historic Parks and Gardens. It is a matter for the local planning authority to then weigh CADW's assessment against all other material considerations in determining whether to approve planning permission.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a consultee. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.

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This application is for a detached dwelling and detached garage on land at The Dingle, near Gower Coast Lodge, Caswell Bay. The proposed development is located within the historic garden known as 'The Dingle' which has been assessed by Cadw as meeting the criteria for addition to the Register of Parks & Gardens of Special Historic Interest in Wales. The owner's wish to build a home on the site is acknowledged in Cadw's draft Register description. The Dingle was the ornamental garden associated with Summerland House (since gone) and dates to the early twentieth century. During recent years the garden has been sympathetically restored by the current owners. The proposed garage is located on the plateau at the top of the site, with the proposed dwelling situated on the upper part of the adjacent slope into the garden. The proposed development has been designed to fit into the somewhat unusual space and topography of the site. The access is to remain the same and there will be no alteration to existing garden boundary walls, which enclose the garden on all sides. Cadw is in agreement with the Design & Access Statement that this is the most appropriate location within the site for the dwelling with the least impact on the historic garden. One tree is proposed for removal as a result of the proposed development and this will be replaced with an alternative. As stated in the Arboricultural Method Statement the remaining trees should be provided adequate protection during the construction of the proposed development. Historic garden features should also be given adequate protection during construction works. In Cadw's view, the proposed development will not adversely impact on the historic garden at The Dingle and the addition of a dwelling on site directly associated with the garden is likely to assist in safeguarding the garden's future.

### **Highways Observations**

This proposal is for a new dwelling accessed from a lane leading off Caswell Road. Previous consent has been granted for additional dwellings of this lane more recently at 'The Spinney'. As with the proposals for The Spinney, the applicant carried out a video survey of traffic movements at the lane junction. Traffic use of the lane has been recorded over the period 0720 to 0930 and 1630 to 1830 for 5 days. The results of the survey are similar to those recorded previously and showed limited use of the lane. More notably, no conflicts at the junction were recorded during this time.

Clearly there is no doubt that the junction of the access lane with Caswell Road is of single width and has the potential to result in conflict between exiting and entering vehicles. The applicant's video survey indicates with a reasonable amount of certainty that such conflicts are not occurring to any significant degree at the moment as none were recorded during the surveys. This does not preclude the possibility of such conflicts being introduced as a result of the development, however, the fact that no conflict is proven at the moment lessens the degree of concern and consideration has to be given as to whether the introduction of a further 5 or 6 movements a day with a new dwelling would introduce such conflict at the junction. As visibility is acceptable and passing places exist along the access lane, it is the potential for conflict at the junction which is the only issue. Having considered this proposal in the light of the survey details submitted and, those of previous surveys, I conclude that any such conflicts would likely be minimal, if at all, as a result of this additional dwelling. The indicated plot layout with new access is acceptable with more than adequate on-site parking facilities being provided.

On balance therefore, I recommend that no highway objections are raised.

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### **Urban Design / Conservation Observations**

In summary the proposals are not considered to adequately address the sensitive nature of the sloping site which lies within the open countryside and on the edge of the Gower AONB. Given the public nature of the dwelling elevations and the various public viewpoints from which the proposed dwelling could be seen the currently proposed 3 storey dwelling is not considered to be an appropriate response to the tranquil, rural Gower fringe setting and especially if the restored garden is to be included on the Cadw register of Historic Gardens. It is therefore considered that the design, scale and massing of the proposed house is unacceptable due to its overly dominant form.

The Urban Design / Conservation Comments are expanded upon in the design and visual amenity section of this report.

### **Arboricultural Observations**

I note the individual TPO'S and approved works to those protected trees adjacent to Caswell Road: However I also note that the area immediately to the south of the proposed development and within the red line boundary is protected by TPO 156:W001 and that all of these protected trees and varying designations should be considered as a whole in evaluating the landscape setting of the area in question. I also note that in the past that the woodland area designation has been eroded and managed to create what are in effect 'parkland trees' that is clearly not in the spirit of the original woodland designation of TPO 156:W001. That is scheduled as: W1 Mixed woodland consisting of mainly ornamental specimens such as Cedar, Cypress, Chilean Pine, Pine, Holm Oak and natural regenerated Woodland of Ash, Sycamore and Oak.

Note that all trees within a woodland Tree Preservation Order irrespective of age or size are protected: *Court of Appeal in Evans Cranston J Observed "because the purpose of a woodland tree preservation order is to safeguard the woodland as a whole which depends on regeneration or new planting, it must extend to trees which grow or are planted after the order is made"* This also includes saplings of whatever size.

My particular concern is that the 'recent' woodland 'management' has plainly not been carried out for the retention of the woodland area W1 in perpetuity; it appears that many of the trees have been eroded and have been re-shaped by crown raising. Woodland trees should be allowed to be of their natural shapes and sizes and in various states of health and, subject to not being of immediate concern on safety grounds, both their decline and or regeneration should be managed to maintain a 'woodland' in perpetuity. While the woodland TPO may not impact immediately on the proposed development, the removal of the naturally regenerated woodland has potentially made the siting of an adjacent development more feasible and attractive.

It is likely therefore that allowing a development at this location will create an ongoing pressure to manage the existing woodland TPO as parkland trees to the detriment of this designation.

Regarding the submitted tree survey I note that there is no mention of regenerating seedlings / saplings within W1 in the report. The only purpose of removing the Western Red Cedar is to facilitate the development.

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I note with concern the piling of stone around the base and within the RPA of the existing Ash tree (covered by TPO:156:W001) to the West of the proposed development and that the removal of this stone (to be located outside RPA) as itemised in the Tree Survey (as item 1 - Ash) is not included in the arboricultural Method Statement nor has this work already been carried out as I would expect within the RPA of a protected tree.

It is considered that the development would result in the loss of a Western Red Cedar tree protected by the woodland TPO156 which would be harmful to the visual amenity of the area and the would place ongoing pressure on the remaining woodland TPO trees in the vicinity to the detriment of this designation contrary to Policy EV30 City and County of Swansea Unitary Development Plan 2008.

### **Ecology Observations**

No objection subject to an informative regarding wild and nesting birds.

### **APPRAISAL**

The application is reported to Committee for decision at the request of Councillors Miles Thomas and Anthony Colburn, and a site visit requested, as the siting is so unique.

Full planning permission is sought for the construction of a detached 3 storey house and detached garage within the garden known as The Dingle, Caswell Road, Swansea.

The site of the proposed house and garage is located in north western section of the garden on a sloping site. The site is located to the south of a private roadway which serves 10 existing dwellings.

The site is located within the open countryside and the southern part of the site is within the Gower Area of Outstanding Natural Beauty

### **Site History**

The Dingle garden was formally part of a bigger site associated with a large detached dwelling known as Summerland House. The original Summerland House was constructed in the late 1800's and was occupied as single family dwelling until the Second World War. The Dingle garden was located to the south of Summerland house, at a much lower level within a former quarry and was formed as a garden in the 1920's. The Dingle garden once contained a modest bungalow which was used by the gardener and his family as their residence. The bungalow has long since been demolished, however the site of the bungalow is still evident. During the war Summerland House was used as an officers' mess by the American Army and following the war, the house was sold to the Duke of Beaufort and was divided into four flats.

It is understood that it was at this point that the garden ceased being maintained and was left to become overgrown and became "abandoned".

On 23<sup>rd</sup> August 1996, planning permission (96/4108) was granted for the demolition of Summerland House and its replacement with 4 detached dwellings - 3 two storey houses and 1 bungalow – these are now know as 76, 78, 80 and The Spinney, Caswell Road.

It is very important to note that at the time of the above planning application the Dingle Garden was located outside the planning application site rendering it outside any domestic curtilage.

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The planning committee report at the time noted that the site “contains a number of very attractive mature trees many of which are protected by TPO 156 which also includes the woodland area to the south of the access lane” – referring to the Dingle garden, which at the time was completely overgrown and had the appearance of a dense woodland.

The site of the Dingle Garden has been located within the countryside, outside the ‘urban settlement’ since 1955 when the boundary on the Swansea Town Map was shown to run along the private access lane which leads to Caswell Road. In more recent years the countryside boundary has not changed in the Swansea Plan 1989, its review in 1999 or the current Unitary Development Plan which was adopted in 2008 (which was agreed by the Planning Inspectorate following a Public Inquiry in 2007). In policy terms, therefore, the Dingle Garden has consistently been located within the countryside. There are no proposals to amend the countryside boundary for the Local Development Plan (LDP) which is currently under preparation and due to be published in 2016.

After the construction of the four dwellings approved in 1996, the ownership of the Dingle garden and other land was associated with the bungalow known as The Spinney, located to the north of the site, but was physically separated from the dwelling by the private access road that served the new dwellings.

The applicant bought The Spinney and the Dingle garden and on 13 January 2010 they received planning permission (2009/1620) to build a new detached dwelling on land between The Spinney and the Dingle which was within the settlement boundary. This dwelling has been constructed and is now known as Gower Coast Lodge and is the current home of the applicant. The house is separated from the Dingle garden by the private access lane. The Spinney has since been sold to a separate owner, but the applicant retained the ownership of the Dingle garden and has since spent a number of years clearing the undergrowth and removing a number of trees and laying out the garden in a formal arrangement.

In 2012, the applicant submitted an application for a ‘Certificate of Lawful Use or Development’ (2012/1597) for the Dingle garden site for “the use of land as residential curtilage”. The certificate application was considered as being ‘not lawful’ as “insufficient evidence has been provided to confirm that on the balance of probability the land subject of this certificate has been used as residential curtilage for a period exceeding 10 years”.

It was noted within the officers report that “*Summerland House was demolished in 1995 and notwithstanding any arguments regarding the definition of curtilage; the application site did not fall within the curtilage of the dwellings subsequently erected at the Spinney or Gower Coast Lodge (p.a. ref: 96/4108 and 2009/1620 respectively) as defined by the red line in the relevant application and any residential use of land associated with Summerland House would have ceased upon demolition*” and;

“*Therefore, although the land was used as a garden and now has the appearance of a formally laid out garden; it does not form part of the residential curtilage of Gower Coast Cottage but as an ornamental garden area in its own right. It does not necessarily follow that simply because a piece of land is in the same ownership as a dwelling house it must comprise the residential curtilage. The agent’s also contend that just because it hasn’t been used as garden for some time it does not change the fact that it is a garden.*”



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*The Local Planning Authority would argue however, that the use of the land as a domestic garden area had been abandoned as it had not been used from the end of the 2<sup>nd</sup> World War until 2006, as officially documented and acknowledged by the applicant. It is considered therefore that the land is not considered as residential curtilage but as an area of land used now as an ornamental garden.”*

The applicant then submitted a pre-application enquiry in April 2014 with regard to a new dwelling within the Dingle Garden. Officers advised the applicant that as the site was located within the countryside, any new dwelling would need to comply with Policy EV20 – New Dwellings within the Countryside or would need to be justified in exceptional circumstances as a Departure from the provisions of the Development Plan. This is discussed in the next section of this report.

### **Main Issues**

The main issues for consideration are whether the principle of development is acceptable or not in this location, the impacts upon the visual amenity of the area and setting of the Dingle Garden, impacts upon residential amenity, and impacts upon parking and highway safety with regard to Policies EV1, EV2, EV11 EV20, EV22, EV26, EV30, AS1 and AS6 of the City & County of Swansea Unitary Development Plan 2008, and also the SPG – A Gower AONB Design Guide.

### **Policy Issues**

As discussed in the site history section of this report, the site is clearly located within the countryside and the former use of the Dingle as a domestic garden was abandoned in the 1940's. As such the site is not within any 'residential curtilage' and is considered to be an 'ornamental garden'.

In terms of its historic status, the site has not yet formally been designated as Registered Historic Parks and Gardens, however CADW have indicated that it meets the criteria for this designation.

Policy EV20 states that in the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings, forestry complex or place of work.

Such applications should be accompanied by objective information assessing

- i) The functional need for the dwelling
- ii) Demonstrating the financial sustainability of the enterprise and
- iii) The genuineness of the need for accommodation to serve the enterprise.

Activities falling within the scope of this policy are defined as forestry, agriculture and related services, fishing, sustainable tourism and low impact recreational activity. The functional need and financial viability of the operation or enterprise will determine whether a new dwelling is necessary.

The applicant has stated within the Design and Access Statement that the key design requirement of the proposed dwelling is to allow full views and surveillance of the restored garden as aspects of vandalism and theft have occurred on the site due to the visual disconnect between the owners current dwelling (Gower Coast Lodge) and the site.

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They also state that, in their opinion, *“as a formal historic garden it is clearly not open countryside but forms part of the extended garden and curtilage of Gower Coast Lodge”* and that they believe that applying the tests of Policy EV20 is *“an inappropriate test and the application due to its formal garden context should more realistically be examined under Policy HC2 – Urban Infill Housing”*

The proposed dwelling is clearly within the countryside (as defined by the boundary clearly shown on the UDP map) and not within the urban settlement and therefore policy HC2 is not applicable.

Policy EV20 is the correct policy to apply in this instance - the proposed dwelling would not be occupied in association with any of the uses specified within policy EV20, and in this regard, the application represents an unjustified dwelling within the countryside, contrary to the provisions of Policy EV20.

The desire of the applicant to have a house located physically closer to the garden to allow surveillance over the garden is not sufficient justification to allow a departure from the development plan policies in this instance. It is noted that the current home of the applicant is located 22m from the boundary of the Dingle garden, and although it does not directly overlook the lower formal part of the garden, it is within very close proximity of the Dingle. It is unfortunate that the garden suffered from a spate of vandalism and theft in the past (the applicant confirmed that none have happened recently), however this is not justification enough to allow for a new dwelling in the countryside. It is also considered that if more surveillance is required, methods such as cctv, and security lights, could be discretely located within the garden to allow 24hr surveillance of the garden.

The designation of the Dingle garden within the countryside does not affect the enjoyment of the ornamental garden area and would only impact should the land be used for another purpose, such as the creation of a separate residential property, as is the case with this application.

Therefore the principle of a new dwelling in this location is considered to be unacceptable and contrary to Policy EV20 of the City & County of Swansea Unitary Development Plan 2008.

With regard to the Gower AONB, part of the site (the southern third of the garden) is located within the AONB and the northern section (which includes the location of the proposed dwelling) is located outside the AONB. The boundary line of the AONB appears not to follow any particular physical feature or boundary. The AONB boundary is a statutory designation. Responsibility for its delineation and any amendment thereto rests with Natural Resources Wales (NRW) (formally CCW). In 2008, discussions took place with CCW with regard anomalies between the route of the AONB as shown on the UDP map and CCW's interpretation of the route following digitisation of the original AONB designation map. The process of varying an AONB boundary includes a Public Inquiry and requires the consent of Welsh Government (WG). The WG approach to applications for AONB boundary variation is that they should seldom be necessary, and where pursued, the reason for variation must be compelling, such as being in the wider public interest. The fact that a boundary cuts across an individual garden would not be considered a compelling reason for variation.

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### **Design and Visual Amenity**

The Dingle garden was created in the 1920's and is situated within an old quarry located at a significantly lower level than the land immediately to the north (the private access road). The lower part of the garden has been restored by the applicant. In their draft Register of Parks and Gardens of Historic Interest, CADW gives the primary reason for designating the site as a Grade II setting as;

*“The survival of a formal and informal Arts and Crafts period garden of the beginning of the twentieth century in a very unusual setting of a deep ravine sloping down towards the sea. The bowl-shaped garden, focused on the level, lawned floor of the ravine, is enclosed at its upper end with a massive revetment wall and revetted garden paths curve down the steep slope below. Much of the tree planting survives, together with remnants of formal hedging and palms. The restoration has been faithful to the original layout and style of planting”*

The site itself is accessed from 2 locations, one to the north from the private access road and one to the south from a public footpath. The northern part of site slopes downwards to the bottom of the site which comprises of a large restored lawn area with perimeter shrub and bulb planting. This lawn area lies significantly beneath the level of the lane behind a tall retaining wall abutting the southern side of this road. A number of mature trees are located around the site periphery as well as on the slope leading down from the northern site access. All of the trees in this area are subject to a woodland Tree Preservation Order (TPO).

The proposals comprise of the construction of a new triangular shaped, split level house on the slope between the northern site access and the restored lawn area as well as a triangular shaped detached garage. Due to the slope the proposed dwelling would present as a single storey dwelling at its northern end which then would become a 3 storey dwelling at its southern end with the top floor incorporated into the roof of the dwelling which includes a flat roofed linking section lying between a 2 storey gable and a 2 storey hipped roof element. The proposed house would be finished in a mixture of white render, stone facing and timber cladding. The roof of the dwelling has a mixture of pitched, hipped and flat roofed elements.

As referred to in the preceding paragraphs, the site of the proposed dwelling is located just outside the Gower AONB boundary and is within the Countryside. Therefore it is considered to be a 'Gower Fringe' location. As such the SPG – Gower AONB Design Guide is applicable – it states at para A1.25 that *“As with residential development within villages, new dwellings within the countryside need to integrate with their rural surroundings, taking into account not only the character of any adjacent buildings but also the landscape in which they sit. They should take into account views of both local and Gower wide importance, together with landscape characteristics such as the ‘openness’ or ‘containment’ of a particular site.”*

In terms of the impact of the dwelling on the streetscene, the submitted elevations show a view of the proposed dwelling from the lane (north elevation (roadside view)) which suggests that the roof of the dwelling will be visible from the road.

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This approach is not considered appropriate as this would form an intrusive addition to the southern side of the lane which is characterised by a lack of built form and which demarcates the boundary between the built up area of the settlement to the north and the open countryside to the south. The addition of the proposed dwelling would therefore detrimentally impact upon the sense of openness and the undeveloped, green/rural character of this location.

The submitted elevations suggest that the roof of the house would be visible from the roadside behind the existing stone wall, supplementary hedge planting and existing trees in a short section adjacent to the access point. It is therefore considered that the dwelling would present an incongruous appearance which does not reflect the character of the existing dwellings on the northern side of the road by virtue of its reduced height.

Furthermore, the dwelling will be open to various viewpoints on the approach along the lane due to the relatively open frontage along the retaining wall. As such views of the dwelling will alter from longer views of the 3 storey southern elevation to close up views of the roof when near to the side of the dwelling and the northern side access point. This would result in a dwelling which provides a disjointed serial vision experience along the lane on approach and does not adequately address the visual relationship between these.

Due to the topography of the former quarry site the proposed house would sit in an elevated position above the garden and would present a 3 storey elevation onto the restored lawn area. The proposals would therefore present an overly dominant mass of building which would detract from the setting of the garden and the sense of tranquillity within this.

The 3 storey elevation of the proposed house would be highly visible from the public footpath running directly across the southern boundary of the garden and the development would therefore also detrimentally impact upon the sense of the rural setting of this public footpath.

Given the above points it is considered that the proposed dwelling does not adequately address the sensitive nature of the existing setting of the site or the relationship of the dwelling to the differing requirements of the main public elevations (from the lane and from the garden & footpath). The proposed approach of providing a large 'feature' building which sits on top of the sloping topography is therefore not considered to be appropriate, especially given the potential entry of the garden onto the Historic Park & Garden Register by Cadw.

As such, the proposals are not considered to adequately address the sensitive nature of the sloping site which lies within the open countryside and on the edge of the Gower AONB. Given the public nature of the dwelling elevations and the various public viewpoints from which the proposed dwelling could be seen the currently proposed 3 storey dwelling is not considered to be an appropriate response to the tranquil, rural Gower fringe setting and especially if the restored garden is to be included on the Cadw register of Historic Gardens. It is therefore considered that the design, scale and massing of the proposed house is unacceptable due to its overly dominant form and is contrary to policies EV1, EV2, EV22, EV26 of the City & County of Swansea and the SPG - Gower AONB Design Guide.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 11 (CONT'D)

APPLICATION NO. 2014/1470

### **Residential Amenity**

The proposed house would be located 40m to the south of the existing houses at 76, 78 and 80 Caswell Road and at a lower level. Given the distances from existing houses it is considered that the proposed house would not cause any overshadowing, overlooking or overbearing impacts upon the residential amenity of the existing occupiers. As such, the proposed development is considered to be acceptable in this regard.

### **Highway Safety and Parking**

The Head of Transportation and Engineering has confirmed that on balance therefore, no highway objections are raised, for the reasons given in the Highway Observations section of this report. As such, the proposed development is considered to be acceptable in this regard.

### **Trees**

It is considered that the development would result in the loss of a Western Red Cedar tree protected by the woodland TPO156 which would be harmful to the visual amenity of the area and the would place ongoing pressure on the remaining woodland TPO trees in the vicinity to the detriment of this designation contrary to Policy EV30 City and County of Swansea Unitary Development Plan 2008.

### **Response to Consultations**

Issues relating to the impact of the development on the AONB, visual amenity trees and TPO's, traffic flows and highway safety, and policy considerations have been addressed in the above report.

With regard to the potential deterioration in the condition of the wall above road level, the Local Planning Authority has no technical evidence to substantiate this perceived harm. Similarly in this instance no technical evidence has been submitted by the applicant to address this concern. Given that it is incumbent upon Local Planning Authorities to demonstrate harm if refusing development proposals, in the absence of any evidence of this, it is not considered to be a factor in this instance which can be attributed substantial weight or which could justify a recommendation of refusal in its own right. In addition the structural effects of construction is largely covered by other legislation i.e. Building Regulations

Matters relating to commercial rather than purely domestic use, and issues of applying for planning permission and then ignoring the conditions are not material to the consideration of this application.

### **Conclusion**

Having regard to all material planning considerations, including the provisions of the Human Rights Act, the proposal represents an unjustified form of development in the countryside; would be an intrusive and incongruous development by virtue of its design, scale and massing which would fail to integrate with its rural surroundings, and would detract from the setting of the historic garden and the tranquil rural Gower fringe setting: It would result in the loss of a Western Red Cedar tree protected by the woodland TPO156 which would be harmful to the visual amenity of the area and would place ongoing pressure on the remaining woodland TPO trees in the vicinity to the detriment of this designation, contrary to Policies EV1, EV2, EV11, EV20, EV22, EV26, EV30, AS1 and AS6 of the City & County of Swansea Unitary Development Plan 2008, and also the SPG – A Gower AONB Design Guide.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1470

### RECOMMENDATION

#### REFUSE, for the following reasons:

- 1 The proposal represents an unjustified form of development in the countryside for which no overriding agricultural, forestry or economic need has been demonstrated to the detriment of the character and appearance of the area and Gower AONB contrary to the provisions of Policies EV1, EV2, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008.
- 2 The proposed dwelling is considered to be an intrusive and incongruous development by virtue of its design, scale and massing which would fail to integrate with its rural surroundings, and would detract from the setting of the historic garden and the tranquil rural Gower fringe setting, which would have a detrimental impact on the visual appearance of the locality and upon the openness of the undeveloped, green, rural character of this location, contrary to the provisions of Policies EV1, EV2, EV11, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008 and the SPG - Gower AONB Design Guide.
- 3 The development would result in the loss of a Western Red Cedar tree protected by the woodland TPO156 which would be harmful to the visual amenity of the area and the would place ongoing pressure on the remaining woodland TPO trees in the vicinity to the detriment of this designation contrary to Policy EV30 City and County of Swansea Unitary Development Plan 2008

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV11, EV20, EV22, EV26, EV30, AS1, AS6.

### PLANS

HG.12.47.101 Rev H Site location and block plan,  
HG.12.47.102 Rev H existing topographical survey,  
HG.12.47.105 Rev H proposed site layout plan,  
HG.12.47.106 Rev H proposed foundation layout,  
HG.12.47.110 Rev H proposed floor plans,  
HG.12.47.140 Rev H proposed west and south elevations,  
HG.12.47.141 Rev H proposed north (roadside) and north elevations,  
HG.12.47.142 Rev H proposed section 01 dated 6th October, 2014.  
HG12.47.143 Rev H garage plans dated 14th October 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 12

APPLICATION NO.

2014/1459

WARD:

Gower  
Area 2

**Location:** Sea Shells, Llanrhidian, Gower, Swansea

**Proposal:** Addition of pitched roof to existing outbuilding to form one unit of holiday accommodation with new garage/workshop (Amendment to planning permission 2010/0187 granted 3rd March 2011)

**Applicant:** S & J Properties



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1459

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV19	Replacement dwellings in the countryside, including residential chalets, will only be permitted where the residential use has not been abandoned, the proposed new dwelling is similar in terms of siting, scale, design and character and compliments the character of the surrounding area. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EC12	The conversion of existing buildings in the countryside to new uses that contribute to the local economy and the extensions of such buildings will be permitted subject to a defined set of criteria including the building's structural integrity, its ability to be converted without prejudicing the character of the building or its locality, the building's compatibility with its surroundings, issues of access and highway safety, and the building's past uses etc. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2010/0187	Addition of pitched roof to existing outbuilding to form one unit of holiday accommodation with new garage/workshop Decision: Grant Permission Conditional Decision Date: 03/03/2011



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 12 (CONT'D)

APPLICATION NO. 2014/1459

### RESPONSE TO CONSULTATIONS

The application was advertised on site. No response has been received to this publicity exercise.

Council's **Head of Transportation and Engineering** comments – the amendments to this consented scheme do not have any highway implications. I recommend no highway objection.

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Richard Lewis in order to assess the impact of the proposal upon the AONB.

Full planning permission is sought for the addition of a pitched roof to an existing outbuilding to form one unit of holiday accommodation. The proposal also involves the construction of a new garage/workshop to serve the host dwelling at the property known as "Sea Shells" in Llanrhidian. This application is an amendment to Planning Permission 2010/0187 granted 3<sup>rd</sup> March 2011.

The proposed conversion of the existing tractor store to form a holiday let remains exactly as previously approved; the main difference therefore between this application and that already approved is focussed on the proposed new detached garage/workshop. The differences are as follows:

- Length as approved 9.9m – as proposed 10.2m
- Width as approved 6.6m – as proposed 7.1m
- Height as approved 3.8m – as proposed 4.6m

The main issues to be considered therefore are the impact of the proposed development on the visual amenities of this part of the Gower AONB having regard to the requirements of Policies EV1, EV2, EC12, EV19, EV22 and EV26 of the Unitary Development Plan 2008.

Policies EV1 and EV2 refer to the design of the proposal and the preference of the use of previously developed land. Policy EV22 states that the countryside should be protected for its own sake and EV26 states that within the AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Policy EC12 refers to the conversion of existing buildings in the countryside to new uses that contribute to the local economy. Policy EC19 supports the provision of tourist accommodation through conversion of existing appropriate buildings. Proposals however, should be assessed against the criteria of Policy EC12.

Policy EC12 supports the re-use of existing buildings in the countryside to new uses that contribute to the local economy and supports their re-use as holiday accommodation. The building is capable of conversion without significant structural change, although as the building is only single skin, a second skin will be built internally to provide better insulation. In addition, the alterations proposed would not adversely affect the rural character of the locality and can provide safe access for pedestrian and vehicles. This current application raises no additional issues to consider having regard to the conversion of the existing garage over and above what was fully considered and deemed acceptable under the previous planning permission.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 12 (CONT'D)

APPLICATION NO. 2014/1459

The design and external appearance of the proposed holiday let has previously been considered acceptable subject to a condition requiring samples of external finishes to be submitted and approved, and it is not considered that it would have an unacceptable visual impact in the wider landscape.

The changes proposed to the proposed new detached garage workshop are as detailed above, and whilst the latest proposal is larger, it is not considered to be excessively so. Furthermore, the building remains within the existing land previously used by the owners of Sea Shells and does not project into any agricultural land, only into an area of unused land behind existing buildings. The scale and design of the proposed building is not greatly over and above that previously consented, albeit the formerly sloping roof will be replaced with a dual pitched roof. Subject to the approval of external finishes once again, it is not considered that it would have an unacceptable visual impact in the wider landscape. In addition, the siting of the building ensures it is well screened by the existing boundary treatments.

The Head of Transportation and Engineering raises no highway objection.

The siting, scale and design of the proposal would dictate that there are no residential amenity issues to consider.

In conclusion, therefore, and having regard to all material considerations including the Human Rights Act, the proposal is considered an acceptable form of development at this location that complies with the requirements of Policies EV1, EV2, EC12, EC19, EV22 and EV26 of the Unitary Development Plan 2008 and approval is recommended.

### **RECOMMENDATION**

#### **APPROVE, subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Notwithstanding the details on the submitted plans, samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 3 The building No. 1 as identified on the submitted plans shall be used for holiday accommodation only and shall not be occupied by any person or persons as their main or sole place of residence.  
Reason: The site is only suitable for holiday use and is unsuitable for permanent residential use.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1459

- 4 The owner shall ensure that an up to date register containing details of all occupiers of the holiday accommodation hereby approved, together with the dates of occupancy and details of the occupiers' main home address, is maintained and submitted to the Local Planning Authority on an annual basis (the register for each calendar year shall be submitted by the 31st January in the following year unless otherwise agreed by the Local Planning Authority), and shall also be made available at all reasonable times for inspection by the Local Planning Authority.

Reason: To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation.

- 5 The works to the existing workshop building shall comprise of its conversion and alteration as shown on the approved plans and no demolition of the walls shall take place unless otherwise approved in writing by the Local Planning Authority

Reason: The proposal is only acceptable on the basis that the existing building is retained and converted to the use applied for.

- 6 The new garage/workshop indicated in the submitted plans shall be retained for the parking of vehicles and purposes incidental to that use.

Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies, EV1, EV2, EV19, EV22, EV26 and EC12 of the Swansea Unitary Development Plan 2008.

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014**

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1459

**PLANS**

Site location plan, 2038-001-existing plans, 2038-002-existing elevations, 2038-006-existing site plan, 2038-007A-proposed site plan, 2038-33-new barn plan & elevations, 2038-35prop chalet plans & elevations dated 3rd October 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 13

APPLICATION NO.

2014/1588

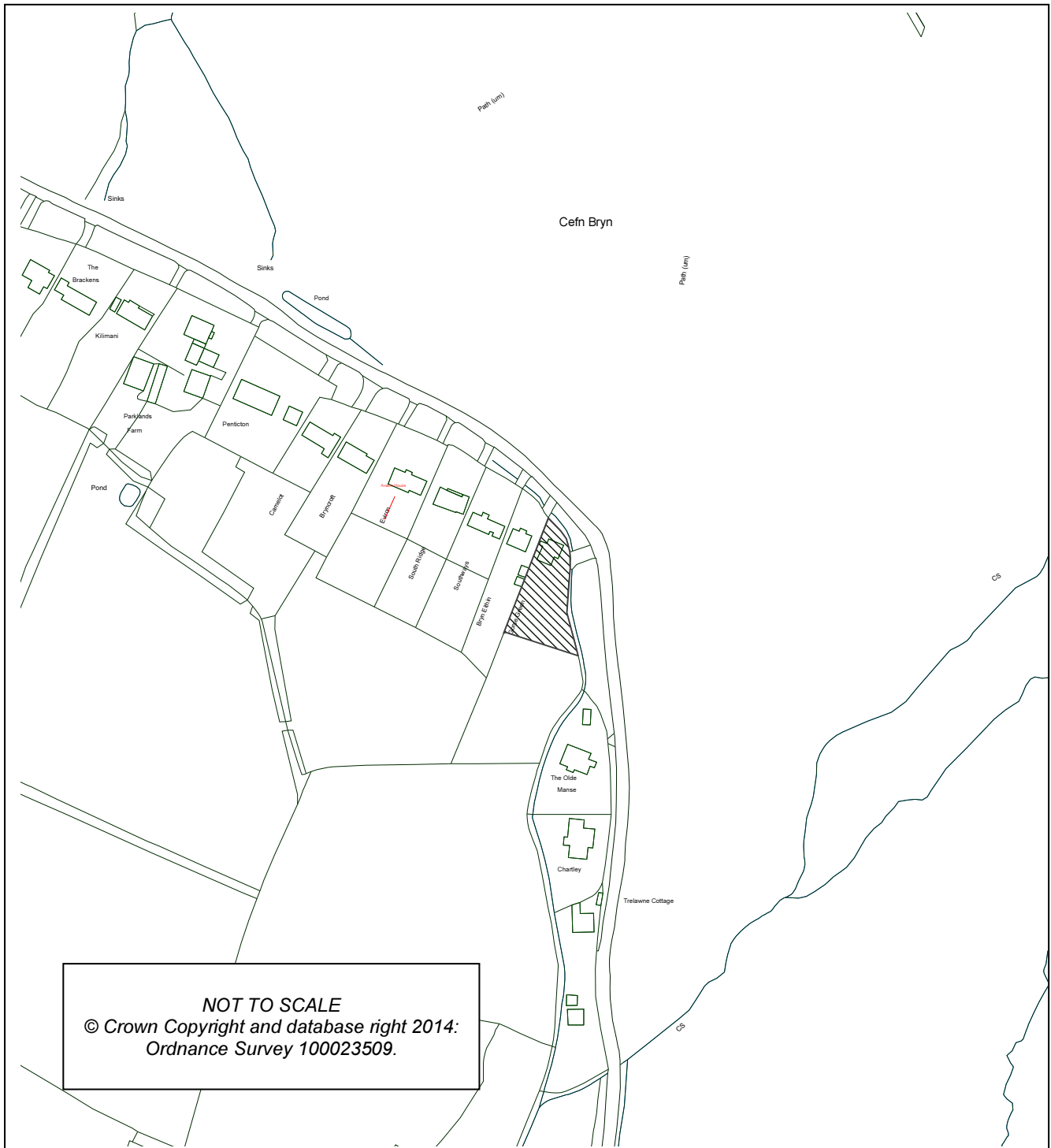
WARD:

Gower  
Area 2

**Location:** Gors Green, Reynoldston, Swansea, SA3 1AE

**Proposal:** Single storey rear extension, creation of outdoor swimming pool rear terraced areas, safety ballustrade and new rear boundary walls

**Applicant:** Mr Howard Kinsey



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 13 (CONT'D)

APPLICATION NO.

2014/1588

### BACKGROUND INFORMATION

#### POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, affect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

There is no relevant planning history pertaining to the site.

#### RESPONSE TO CONSULTATIONS

The neighbouring occupants at Bryneithin were sent a letter of consultation on 20<sup>th</sup> October 2014. A site notice was posted within the vicinity of the application site on 31<sup>st</sup> October 2014.

- No representations have been received to date.

#### Highway Observations -

The Council's **Head of Transportation and Engineering** was consulted and responded with the following comments:

*Proposals are for a single storey rear extension, creation of outdoor swimming pool and new rear boundary walls. Current parking arrangements are unaffected. There are no highway objections.*

The Council's **Ecology Officer** observations -

#### BIRDS

Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird whilst that nest is in use or being built
- Take or destroy an egg of any wild bird

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 13 (CONT'D)

APPLICATION NO. 2014/1588

Care should be taken when working on buildings, trees and clearing bushes particularly during the bird nesting season, March to August

### APPRAISAL

This application has been called to Committee at the request of Councillor Richard Lewis in order to assess the impact of the proposed development on the AONB.

The application site comprises a detached, two storey dwelling known as Gors Green which is situated in Reynoldston and the local ward of Gower. The application property benefits from off road parking and a large curtilage and is also situated within the Gower Area of Outstanding Natural Beauty (AONB).

Reynoldston is the largest settlement within the AONB with approximately 178 dwellings. It sits at the centre of the peninsula, on the crossroads of both north/south and east/west routes. The 20<sup>th</sup> Century saw a significant increase in the size of the village with the development of the Applegrove Estate. As development extended along radial routes from the original village core, subsequent cul-de-sac development and linear expansion has resulted in the extension of the village eastwards towards the separate settlement of Little Reynoldston. There are a number of key characteristics to Reynoldston; wide shallow footprints are characteristic of older properties within the village, larger squarer footprints typify the more recent suburban development forms. Simple pitched roofs punctuated by chimneys are the characteristic roof form on older properties within the village with subservient pitched roofs to extensions; generally ridgelines run parallel to the road.

This application seeks full planning permission to construct a single storey rear extension, an outdoor swimming pool, rear terraced areas, safety balustrade and new walls. The proposed single storey rear extension will measure approximately 3.7 metres deep and approximately 6.2 metres wide. It will feature a pitched roof measuring approximately 2.7 metres to the eaves and approximately 3.4 metres to the ridge. The swimming pool will be approximately 1.5 metres deep, approximately 3 metres wide and approximately 6 metres in length. The walls will measure approximately 2.5 metres in height and will be constructed from brick, finished in render to match the existing dwelling. One of the walls is to be sited along part of the common boundary with the neighbouring property. The other section of wall is to be sited within the rear garden area, to the rear of the host dwelling.

The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenity, having regard to Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance documents entitled 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide'.

The proposed development will be constructed to the rear elevation of the dwelling and will be partially visible from public vantage points.

Section A1.58 of the Gower AONB Design Guide states that 'the addition of a conservatory should respect the scale and character of the existing building'. It is considered, that given the relatively small scale of the proposed single storey rear extension it accords with the provisions of the Gower AONB Design Guide.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 13 (CONT'D)

APPLICATION NO. 2014/1588

The proposed swimming pool will not be raised above ground level, therefore it will have a minimal visual impact. There are also a number of swimming pools in back gardens of other properties within Reynoldston. Therefore the creation of a swimming pool in this location is not considered to be out of character for the area, in accordance with Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide.

The decked area will only be raised above the ground level by approximately 0.2 metres and only comprises a small area of the overall garden space. It is therefore not considered that it will have an adverse effect on the character or appearance of the host dwelling or the wider Gower AONB in accordance with the provisions of Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan.

The new walls will not obstruct views of the house. The purpose of the new walls is to screen the proposed swimming pool from public vantage points along the adjacent access road. The proposed walls will be constructed from brick and rendered to match that of the existing dwellinghouse. It is not considered that the proposed walls adversely affect the character and appearance of the host dwelling or the surrounding street scene in accordance with Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan.

In terms of residential amenity it is not considered that the proposals will result in any overlooking, overbearing or overshadowing impact to any adjoining neighbour. The single storey rear extension is of a minimal scale, the swimming pool will be at ground level and the proposed walls and decked area will not be overly dominant, especially as the neighbouring property at Bryneithin is at a slightly higher level than that of the application property.

There are also no highway objections to the proposals.

In conclusion it is considered that the proposals represent an acceptable form of development. The proposed single storey rear extension, new boundary walls, safety balustrade, rear terraced area and the creation of an outdoor swimming pool is considered acceptable particularly given their subservient scale and appropriate design.

### **RECOMMENDATION**

#### **APPROVE, subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Samples/details of all external finishes of the flank walls of the extension shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> DECEMBER 2014

ITEM 13 (CONT'D)

APPLICATION NO.

2014/1588

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV26 and HC7
- 2 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.

### PLANS

Site location plan, block plan, 254.01-existing floor plan, 254.01-existing elevations, 254.04-proposed floor plan dated 21st October. Proposed block plan, 2014. 254.05-proposed elevations dated 23rd October 2014

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