

APPLICANT: Mr Shaun Cuddihy Brackendene Burdonshill, Wenvoe, CF5 6BA
AGENT: Mr Shaun Cuddihy Brackendene Burdonshill, Wenvoe, CF5 6BA

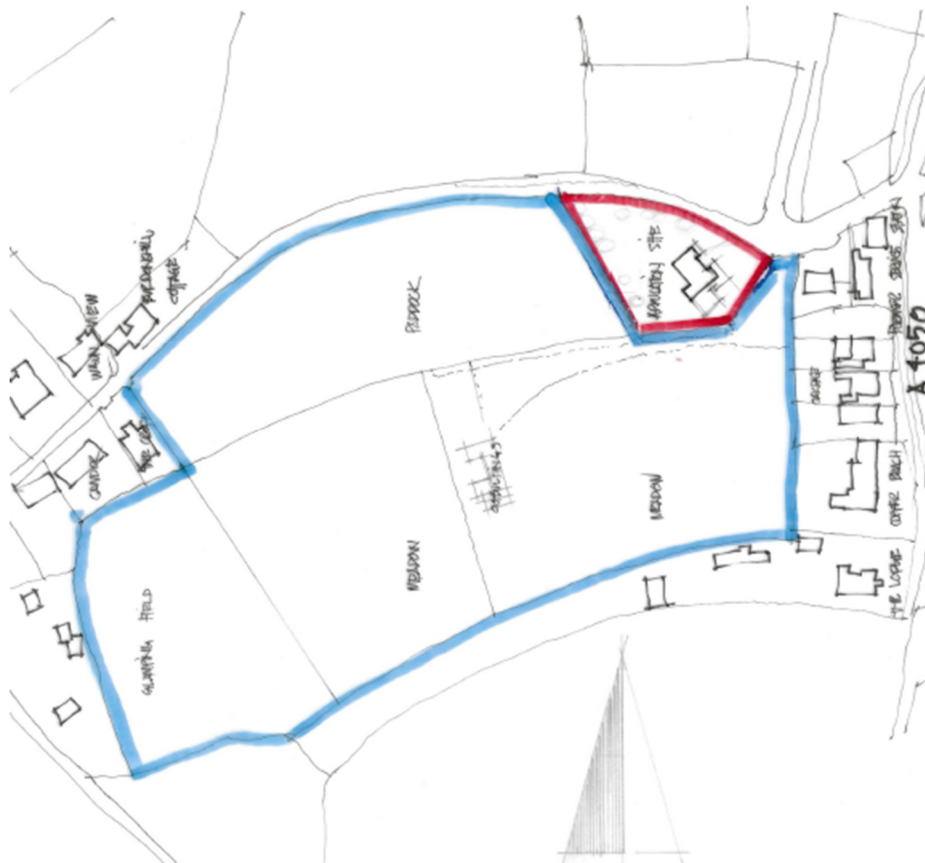
Brackendene, Burdonshill Lane, Wenvoe

Proposed alterations and improvements

SITE AND CONTEXT

The application site is 'Brackendene', a detached hipped roof bungalow located outside of the Wenvoe settlement boundary. The property is accessed from Burdonshill lane, an unadopted road access via the A4050 Port Road. The site is classified as being in the countryside and is sited to the north of Wenvoe.

The south east corner of the site forms part of a wider group of protected trees which comprises of 9 Oak and 2 Fir protected trees. The site is located in the Dyffryn Basin & Ridge Slopes Special Landscape Area (SLA), a mineral safeguarding area (limestone, category one). Public right of way W2/20/1 runs to the north of the site.



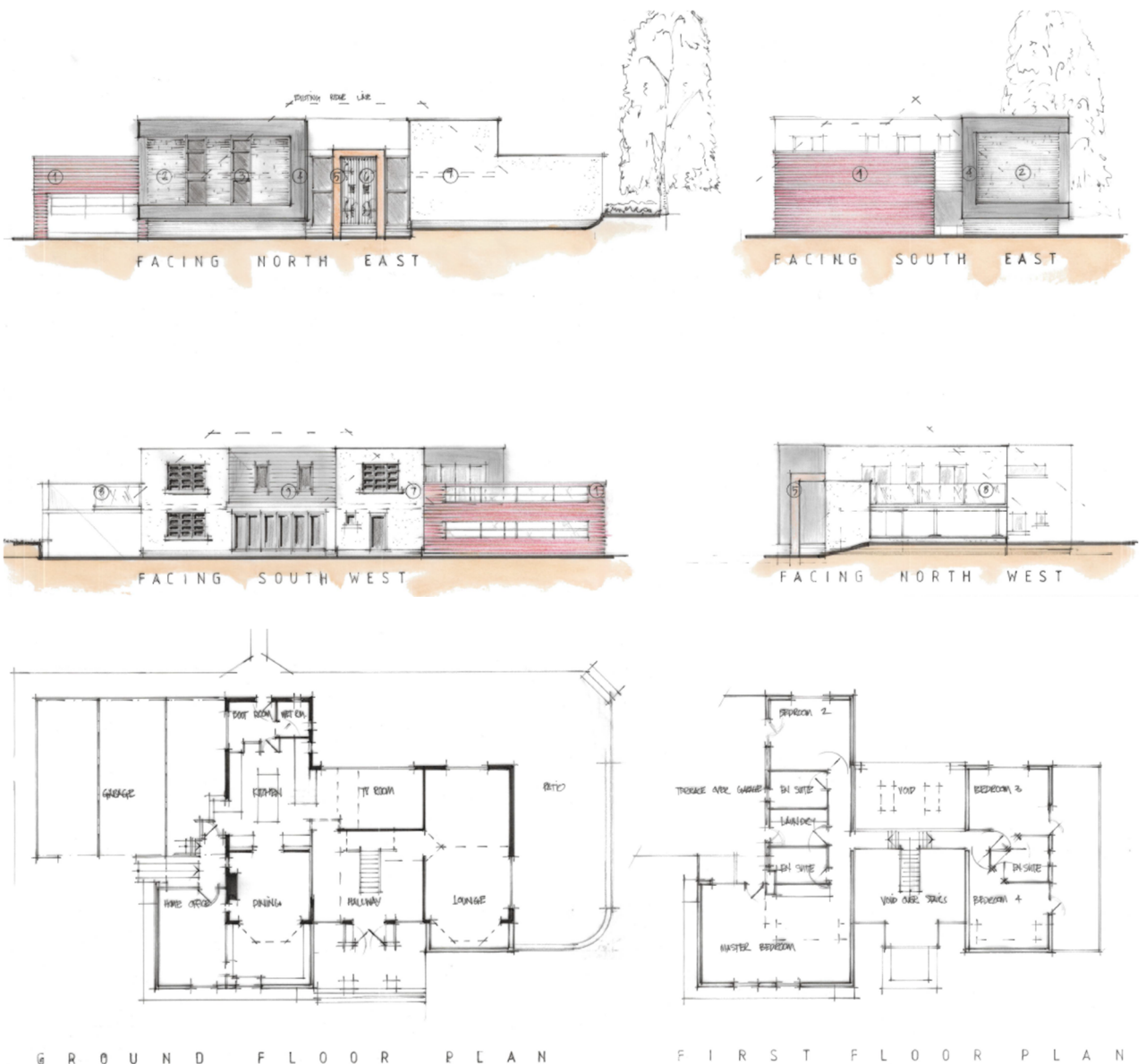
DESCRIPTION OF DEVELOPMENT

This is a full planning application for single and two storey extensions to the existing dwelling. The proposed development will have a flat roof which measures at 6.2 metres high, 0.7 metres below the existing ridge height of the property.

The proposal includes a ground floor extension, with the addition of a 9.7 metre wide, 8.2 metre deep garage to the south east elevation. The garage is flat roof which measures 4.3 metres high.

The north west elevation will have a two floor extension, with the ground floor being a home office and the first floor being a master bedroom. This extension measures at 4.2 metres wide and 5.8 metres deep. The south west elevation will have a balcony, measuring 9.5 metres wide and 2.6 metres deep. This elevation will have 2 sets of sliding glazed doors as well as a floor to ceiling window, and be K-rend.

The elevation facing north east includes hardwood entrance doors, with a Corten steel frame porch. The elevation will have 2 floor to ceiling windows, with Moreover, the elevation will be slate cladded, with coated aluminium windows and aluminium cladding.



PLANNING HISTORY

1980/01837/OUT, Address: Brackendene, Burdon Hill, Wenvoe, Proposal: Proposed Housing Development 9.0 acres, Decision: Refused, Decision Date: 16/12/1980;

1984/00224/OUT, Address: 'Brackendene', Burdonshill, near Wenvoe, Proposal: Proposed bungalow (residential), Decision: Refused, Decision Date: 05/04/1984;

1988/01441/OUT, Address: Burdons Hill Lane, Wenvoe, Proposal: 5 No. Houses., Decision: Refused, Decision Date: 20/03/1989;

1989/01221/OUT, Address: 'Brackendene', Burdons Lane, Wenvoe, Proposal: Dormer Bungalow, Decision: Refused, Decision Date: 21/11/1989;

2020/00748/1/CD, Address: Brackendene, Burdonshill, Proposal: Discharge of Conditions 1-13. Planning permission ref: 2020/00748/FUL - Proposed glamping site on part of Brackendene, Burdonshill, Wenvoe, Decision: Conditions Partially Determined (Approved only), Decision Date: 08/03/2023;

2020/00748/FUL, Address: Brackendene, Burdonshill Lane, Wenvoe, Proposal: Proposed Glamping site on part of Brackendene, Burdonshill Wenvoe, Decision: Approved, Decision Date: 07/06/2021;

2020/00759/FUL, Address: Brackendene, Burdonshill Lane, Wenvoe, Proposal: Proposed replacement outbuildings on existing equestrian manege structure, Decision: Approved, Decision Date: 10/11/2020;

2023/00766/LAW, Address, Brackendene, Burdonshill Lane, Wenvoe, Proposal: The continued use and occupation of Brackendene following non-compliance with agricultural occupancy condition for a consistent period of 10 or more years, Decision: Approved, Decision Date: 31/10/2023;

CONSULTATIONS

Wenvoe Community Council were consulted on 17 May 2023. No letters of representation have been received to date.

Wenvoe Ward Member was consulted on 17 May 2023. Cllr Godfrey said 'I fully support the application'.

REPRESENTATIONS

The neighbouring properties were consulted on 17 May 2023. Two letters of representation have been received to date.

The letters received summarised:

- Whilst the application form states otherwise, trees and hedges have already been removed surrounding the property.
- The development will overlook neighbouring properties.

- The works would only make sense as a step towards change of use, at least in part, as a commercial building.
- Once the external walls have been erected then the actual layout of rooms inside the building will be hidden and the building may actually hide bedrooms for paying guests and rooms for dining and drinking.
- Such a development would be contrary to council policy for the protection of the Vale and would unwittingly undermine the restrictions previously specified for use of the brick built glamping pods on the adjacent land owned by the same person.
- The council should make it clear that any permission is restricted to use of the building as a single integrated residential unit without use as a business.

REPORT

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP9 – Minerals
 POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas
 POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 – Location of New Development
 POLICY MD2 – Design of New Development
 POLICY MD7 – Environmental Protection
 POLICY MD9 – Promoting Biodiversity
 POLICY MD12 - Dwellings in the Countryside

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Placemaking in Rural Areas
- Accessibility
- Development in the Countryside (including new housing)

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

3.10 In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.

3.14 Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals.

3.16 Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected.

Chapter 5 - Productive and Enterprising Places

- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
 - Technical Advice Note 12 – Design (2016)
- 2.6 *“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”*
- 4.5 *“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”*
- 4.8 *“Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”*
- 6.16 *“The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”*

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

The main issues to consider when assessing the proposal against the above guidance and policies include the visual impact of the proposal and the impact upon the neighbouring properties. Moreover, the impact of the development upon the SLA must be assessed.

Principle of the development

As noted within the planning history section of this report, an agricultural occupancy restriction was placed on the original consent for the construction of the dwelling, restricting its occupation to a person solely or mainly employed in the locality in agriculture. The planning history also details that a Certificate of Lawful Use was granted in 2023, and the issue of this certificate acts as confirmation that the dwelling at the time of determination of application ref. 2023/00766/LAW had been occupied in breach of the agricultural occupancy condition for a period of at least 10 years, back from the date of that specific application.

Visual impact

Since the site lies outside of any settlement boundary as identified by the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Policy MD12 (Dwellings in the Countryside) is of particular relevance. This is a two-part policy which has separate criterion dependant on whether the proposal is for a replacement dwelling or extensions to dwellings, in the countryside.

This policy states that extensions to dwellings in the countryside will be permitted if the dwelling as extended:

- Is not disproportionate in size to the original dwelling;
- Would not unacceptably affect the character of the existing dwelling and its contribution to rural character; and
- Would have no materially greater impact on the landscape

Policy MD1 (Location of New Development) that new development on unallocated sites should, amongst other things:

- have no unacceptable impact on the countryside (Criterion 1)

Policy MD2 (Design of New Developments) relates to the design of new development and states that in order to create high quality, healthy, sustainable and locally distinct places, development should:

- Be of a high standard design that contributes positively to the context and character of the surrounding natural and built environment and protects existing features of townscape and landscape interest.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

This is supported in principle by Planning Policy Wales (Edition 11), TAN 12 (Design), and the Councils Residential and Householder Development SPG.

As it stands, Brackendene is a hipped roof bungalow constructed in the early 1960s, as an agricultural worker dwelling, which would at the time, have been approved as an exception to the general presumption against new residential development in the countryside.

The dwelling is located off Port Road (A4050). The dwelling sits on its own at the bottom of Burdonshill. The dwelling is screened from view from the A4050 when travelling towards to site from the south. However, the dwelling is visible from the junction of the A4050 with Burdonshill. Whilst Burdonshill is not a public (adopted) road, it should be noted that the lower part of the road is used to access Pugh's Garden Centre and as such is publicly accessed with high levels of traffic associated with the use of the garden centre.



View of side/rear of existing dwelling eastwards

In comparison to the nearby dwellings on the A4050 Road and the bungalow of Cresta to the east, 'Brackendene' sits in an elevated position, with an outlook over the dwellings to the south east of the property and as stated above, is prominently sited when viewed from the junction of Burdonshill with the A4050.

The bungalow, as aforementioned, was approved in 1961 as an agricultural dwelling and as such, has a relatively utilitarian form, despite having architectural details characteristic of its era of construction, and when viewed from the public view points of the site, has very little impact on the wider landscape.

In terms of planning policy, Policy MD12 seeks to retain the rural character of dwellings and mitigate the physical impact of extensions to such dwellings on the landscape and to control extensions in terms of their scale, design and appearance to reflect their sensitive rural location.

The existing bungalow has a width of some 15m and a depth of 8m, with a further wing to the rear extending the depth to 11.5m, in addition to a conservatory added onto the rear projecting wing. The property has an eaves height of 2.2 m and a ridge height of 6 m.

The original bungalow has a floorspace of some 135 sq m and the conservatory an additional 9.5 sq m. All of the accommodation is to the ground floor of the dwelling.

The proposed extended dwelling would have a ground floor space of some 300 square metres - 114 sq m (Garage), 61 sq m (Home Office and Dining Room) and 125 sq m (Hallways and Lounge). The first floor accommodation will have a floor space of some 157 square metres - 47 sq m (Master Bedroom), 44 sq m (Bedroom, En suite, Laundry) and 66 (Bedrooms and Balcony). This would total to around 457 sq. metres.

The resulting extended dwelling will be some 18.8m wide in respect of its two storey elements and together with the single storey wings either side, will total some 30m in width, by a depth of some 15.3m.

In terms of height, the resulting extended dwelling would be 6.2 metres high, with the garage measuring 4.3 metres high, with both elements having a flat roof.

Therefore based solely on the assessment of criterion 1 of MD12, the dwelling as extended would be in excess of three times larger than the floorspace of the existing dwelling and would be wholly disproportionate in size to the original dwelling.

Criterion 2 of MD12, only permits extension to dwellings where it would not unacceptably affect the character of the existing dwelling and its contribution to rural character.

As stated above the scale of the increase in the floorspace is in excess of three times the original dwelling. The creation of two storey accommodation, the loss of the bungalow roof and replacement two storey flat roof extension, together with the scale and massing of the extensions and alterations would wholly subsume the existing bungalow. Whilst the application is made and is being assessed as an

extension, it would appear as a replacement dwelling, with no part of the existing dwelling readily visible when viewed from outside the site. On this basis the proposal would unacceptably affect and would result in the loss of the character of the existing dwelling, contrary to Criterion 2 of MD12.

With respect to the design of the extended dwelling, the approach to the design with a large dominating flat roof elevation would, given the character of the dwellings in the vicinity of this rural site, be completely incongruous and would fail to respect its context and relationship to the surrounding rural landscape. Moreover such a stark design approach is considered to be distinctly urban and wholly at odds with the rural character of the area.

Whilst acknowledging that the existing dwelling has limited architectural merit, it is of an appropriate size and scale, with a more functional design and form, derived from the fact that it was built as an agricultural worker dwelling, which has a limited impact upon the wider countryside. In comparison, the proposal would result in a dwelling of a substantial scale and massing, with the scale of extensions and alterations resulting in the total loss of any of the original character of the bungalow, with the proposed extensions being wholly disproportionate in size to the original bungalow, and of an inappropriate design and form for the rural setting.

The existing dwelling is visible from the north east of the off the A4050, as well as the 'Pughs Garden Village'. In addition, due to the modest height and overall scale and massing of the existing dwelling, it has limited visibility from the public highway to the south, which is further mitigated by a mix of vegetation and bungalows, and consequently has a very limited impact upon the wider rural landscape.

In contrast, the proposed scale of the extensions and alterations proposed would result in a considerably more prominent dwelling, and would have a marked change to the character of the site and the wider rural landscape when viewed from public viewpoints. Whilst the proposal would be lower than the ridge of the bungalow, the wall plate height would be 4m higher than the existing eaves. Its impact would be exacerbated from public viewpoints, as well as from the public right of way, running to the north of the site. It would therefore represent a visually obtrusive and incongruous addition to the application site and rural setting of the site. It is consequently considered that the proposed dwelling would fail to comply with criterion 3 of Policy MD12.

For the reasons set out above, it is considered that the proposal would be disproportionate in size to the original dwelling and would have a materially greater impact on the landscape, contrary to criterion 1, 2 and 3 of Policy MD12 of the LDP. Furthermore, the development is considered to be contrary to criterion 1 and 2 of Policies MD2 of the LDP. In addition, due to its unacceptable impact on the countryside, the proposal would also be contrary to criterion 1 of Policy MD1 (Location of New Development).

Furthermore, as the development fails to reflect to the character of the rural area and its relationship to its surroundings, it would also be contrary to paragraphs 2.6, 4.5, 4.8 and 6.16 of Technical Advice Note 12.

Impact on Neighbouring Amenity

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Additional guidance is contained in the Council's SPG on Residential and Householder Development.

Impact upon Cresta

Brackendene sits in an elevated position in comparison to other properties along the A4050. Brackendene is located around 30 metres away from 'Cresta'. As a result of the separation distance, it is considered that there will be no material impact of the development upon 'Cresta'

The proposed north west elevation of Brackendene has a balcony over the garage measuring 9.5 metres wide and 2.6 metres deep, which offers a first floor view towards the A4050 as well as the property 'Cresta'. No obscure glazed side screens have been proposed as a part of the new plans. However, the distance between the properties is such that the use of the balcony or views from any windows within the extended dwelling would not result in an unacceptable loss of privacy to the occupiers of 'Cresta' or any other nearby occupiers.

Parking Provision

The proposal would increase the number of bedrooms to four, and in line with the Council's Adopted Parking Standards the dwelling requires a maximum of three parking spaces. The proposed garage alongside the driveway would provide sufficient car parking space to meet these requirements.

Amenity Space

It is considered that sufficient private amenity space would be retained on-site to serve the occupiers of the dwelling once extended as proposed.

Mineral Safeguarding

LDP Policies SP9 (Minerals) and MG22 (Development in Minerals Safeguarding Areas) seek to safeguard known mineral resources. Whilst the existing dwelling is in an area with known resources, the development would not affect the current situation in terms of access to mineral resources and therefore the proposed works would not conflict with these policies.

Biodiversity Enhancement Provision

Paragraph 6.4.5 of Planning Policy Wales (Edition 11, 2021) states that *“Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.....”* Information regarding how each proposal would enhance biodiversity is requested within the initial acknowledgement letter received with each planning application. To date, the applicant has failed to provide details of how this will be achieved. However, if the application were to be approved, the matter would be conditioned.

REASON FOR RECOMMENDATION

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

RECOMMENDATION

REFUSE (W.R.)

1. By reason of their significant size, lack of subservience to the existing bungalow and prominence from public view points, the proposed extensions and alterations would result in an extended dwelling that would be disproportionate in size to the original dwelling and the resulting dwelling would be harmful to the character of the wider rural area and the countryside. The proposal is therefore considered to be contrary to Policies MD1 (Location of New Development), MD2 (Design of New Development) and MD12 (Dwellings in the Countryside) of the adopted Vale of Glamorgan Local Development Plan (2011-2026), the advice and guidance contained within TAN 12 (Design).

NOTE:

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.