

**Application Ref: NP/11/114**

<b>Application Type</b>	Variation/Discharge
<b>Grid Ref:</b>	SN04583932
<b>Applicant</b>	Mr AM Wells
<b>Agent</b>	Mr R Shepherd
<b>Proposal</b>	Removal of Condition 02 of NP/10/275 (obscure glazing to conservatory)
<b>Site Location</b>	Brynmor, Feidr Brenin, Parrog, Newport, Pembrokeshire, SA42 0RZ

**Summary**

This is a Section 73 application seeking to remove Condition 02 of NP/10/275. The 2010 application was a retrospective one that permitted a shed and rear conservatory to Brynmor, subject to a condition requiring obscure glazing to be installed to its eastern elevation within two months of the date of the permission (ie 18<sup>th</sup> August 2010). This condition was attached to protect the amenity of the neighbouring residents. Not installing the obscure glazing is to the detriment of neighbouring amenity and as a result the removal of the condition is not supported.

**Consultee Response**

**Newport Town Council:** No objection

**Public Response**

The application has been advertised and one response has been received. It states "We, as the neighbours and the party most concerned definitely do not want obscured glass in that window."

**Policies considered**

LDP Policy 01 - National Park purposes and duty  
LDP Policy 07 - Countryside  
LDP Policy 09 - Light Pollution  
LDP Policy 13 - Historic Landscapes Parks and Gardens  
LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park  
LDP Policy 29 - Sustainable Design  
LDP Policy 30 - Amenity  
LDP Policy 52 - Sustainable Transport  
LDP Policy 53 - Impacts on traffic  
PPW4 Chapter 04 - Planning for Sustainability  
PPW4 Chapter 05 - Conserving and Improving Natural Heritage and the Coast

PPW4 Chapter 06 - Conserving the Historic Environment  
PPW4 Chapter 12 - Infrastructure and Services  
PPW4 Chapter 13 - Minimising and Managing Environmental Risks and  
Pollution  
SPG03 - Sustainable Design  
SPG06 - Landscape Character Assessment Study, June 2009  
TAN 06 - Planning for Sustainable Rural Communities  
TAN 12 - Design  
TAN 22 - Planning for Sustainable Buildings

### **Officer's Appraisal**

#### **Background**

This application has been brought before the Development Management Committee because the Town Council has raised no objection to the removal of the condition, which is contrary to your officer's recommendation for refusal.

Bryn Mor lies to the north-west of Feidr Brenin, and is a semi-detached bungalow. It is constructed of roughcast render under concrete roof tiles, and has been extended with a single storey flat-roofed and pitched roof rear extensions. There are also rooms in the roof, including a flat roofed dormer. Planning permission was granted in 2005 for a conservatory that incorporated the existing single storey gable extension. This gave permission for a tiled pitched roof structure, with the conditional requirement of a privacy wall running along the eastern boundary. Also permitted at this time was a workshop / store building in the rear garden of the property that was to be constructed of roughcast render under a tiled roof. Neither were constructed in accordance with the permitted scheme.

Instead of the permitted extension, a upvc conservatory was built, along with a timber boarded garden shed rather than the permitted workshop. An enforcement investigation resulted in the matter being reported to the Development Management Committee in June 2010. It was reported that although there was no objection in principle to the garden shed, the conservatory by reason of its design and relationship with the existing property was out of character with the existing building, and could not be supported. The Committee resolved that appropriate enforcement action be taken and that the applicant be invited to support a retrospective application with a view to regularising the garden store. Despite the Committee's resolution, the applicant submitted an application that sought to regularise both the garden store and the existing conservatory.

In August last year the Development Management Committee considered this retrospective application and overturned the officer recommendation to refuse the application on design and amenity grounds. The Committee granted permission for both the workshop and conservatory, subject to obscure glazing being installed to the eastern elevation of the latter so as to protect the

privacy of the neighbouring property. It is this condition that the current application is seeking to remove.

### **Current Proposal**

This Section 73 application seeks to remove Condition 02 of planning permission NP/10/275. The 2010 application was in itself a retrospective one that permitted a shed and rear conservatory to Bryn Mor, subject to a condition requiring obscure glazing to be installed to its eastern elevation. Condition 02 stated "Within two months of the date of this permission details of the obscure glazing to the eastern elevation of the conservatory hereby permitted shall be submitted to and approved in writing by the National Park Authority. The obscure glazing shall be to a minimum of 1.3m high above the level of the window sill, and once approved, shall be installed within 2 months of the approved date and permanently maintained at all times thereafter. Reason: in the interests of residential amenity and privacy. Policy: Policies 77 and 78 of the Adopted Joint Unitary Development Plan for Pembrokeshire." This condition was attached by the Committee in order to protect the amenity of the neighbouring residents.

The applicant has supported the application with a Design statement that urges the National Park Authority to approve the application.

### **Key Issues**

This application raises the following planning matters: the impact of the removal of Condition 02 of NP/10/275.

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The National Park Authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the application under Section 73.

The retrospective application in 2010 seeking to regularise the unauthorised conservatory was permitted subject to a condition requiring the installation of obscure glazing to its eastern elevation so as to minimise overlooking to neighbouring properties. The raised nature of the conservatory means that it has clear, unobstructed views into the garden of the neighbouring property to the north. This bungalow is set at a lower level than the application site, being approximately 1.8m lower than the raised patio and conservatory of Bryn Mor. With both the 2005 and the 2010 permissions there have been conditional requirements to erect measures to protect the amenity of the neighbouring property. Although the existing occupants of the neighbouring property have not raised an objection to the removal of the conditional privacy requirements, the condition was attached to protect not just existing residents, but future

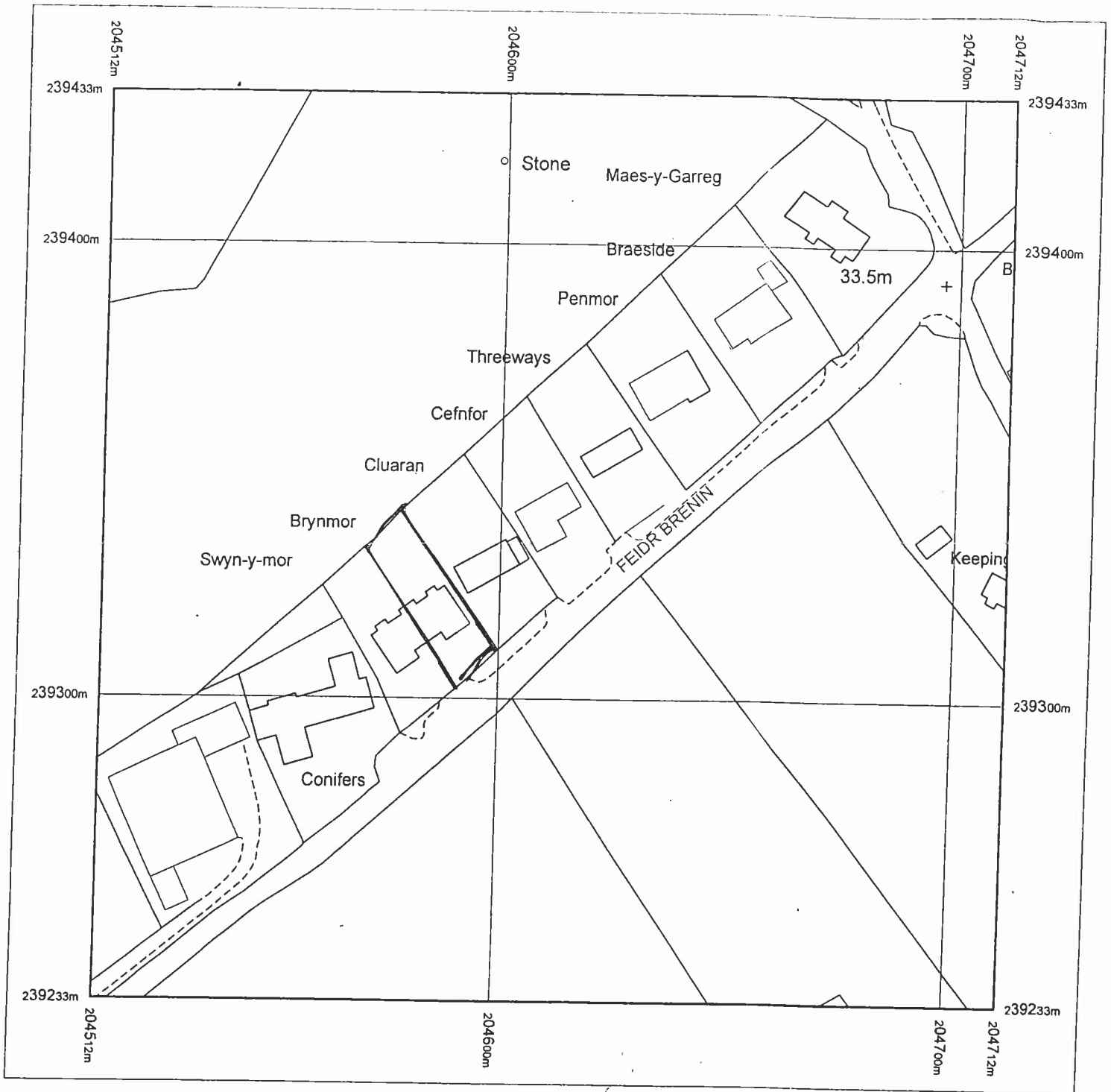
ones as well. The fully glazed nature of the existing conservatory allows clear views into the neighbouring property resulting in a loss of privacy. As a result the removal of the Condition cannot be supported.

**Conclusion**

The removal of Condition O2 of planning permission NP/10/275 would result in an acceptable loss of amenity to neighbouring properties and cannot therefore be supported.

**Recommendation**

Refuse.



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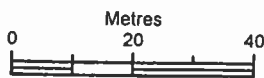
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**NP 11 1 14**

15 FEB 2011

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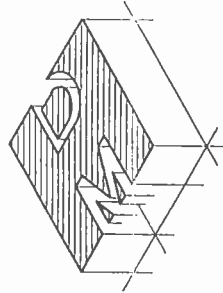
**ORIGINAL DRAWING A2**

REV.	DATE	COMMENTS
A	12.05	INSERT LOW WALL BETWEEN NEW CONSERVATORY & CLUARAN

**ISSUE PLANNING**

**CLIENT**

**Mr & Mrs WELLS**



**HARRIES**  
DESIGN & MANAGEMENT

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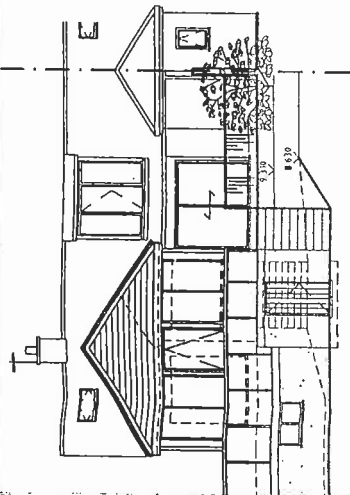
**PROJECT**

**PROPOSED EXTENSION & ALTERATIONS AT BRYNMOR, FEIDR BRENNIN, NEWPORT, PEMBROKESHIRE**

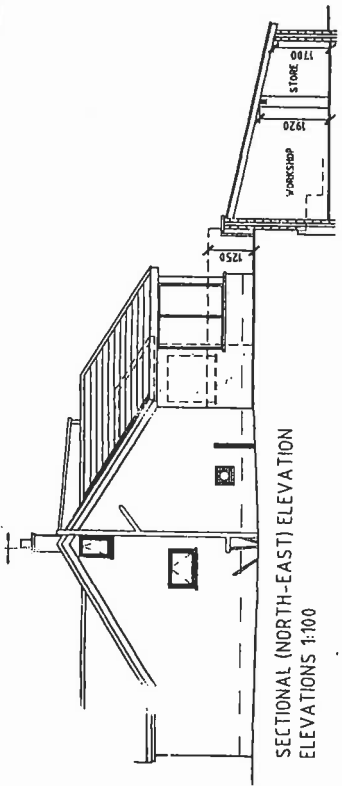
**PLANS, ELEVATIONS & SECTION AS PROPOSED**

SCALE	SEE DWG	DRAWN BY	CHKD	WITH	DATE	REV.
		AKB			29.09.2005	A

**JOB No. 816** **DRAWING No. 02**

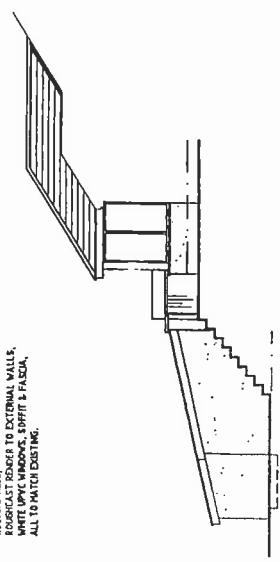


**NORTH-WEST ELEVATION**



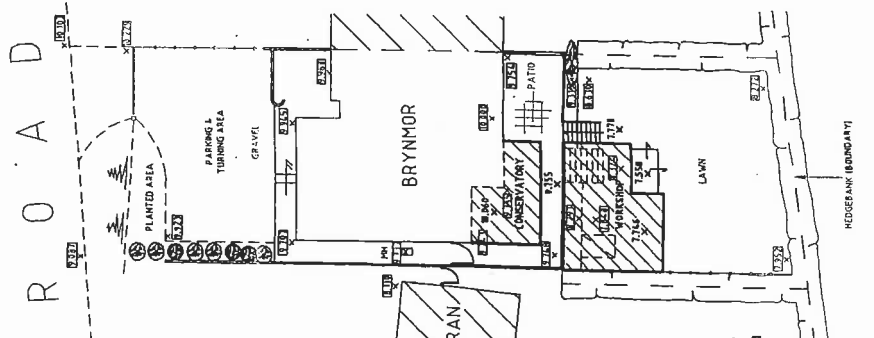
**SECTIONAL (NORTH-EAST) ELEVATION ELEVATIONS 1:100**

EXTERNAL APPEARANCE:  
ROOFING TILES,  
ROBUSTCAST RENDER TO EXTERNAL WALLS,  
WHITE UPVC WINDOWS, DOORS & FASCIA,  
ALL TO MATCH EXISTING.



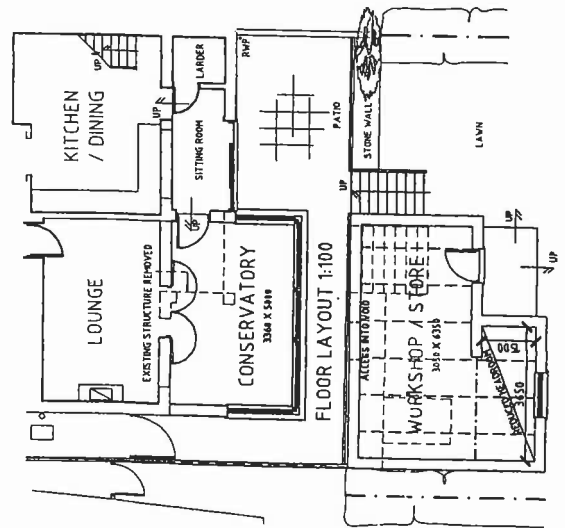
**SOUTH-WEST ELEVATION**

**R O A D**



**BLOCK PLAN 1:200**

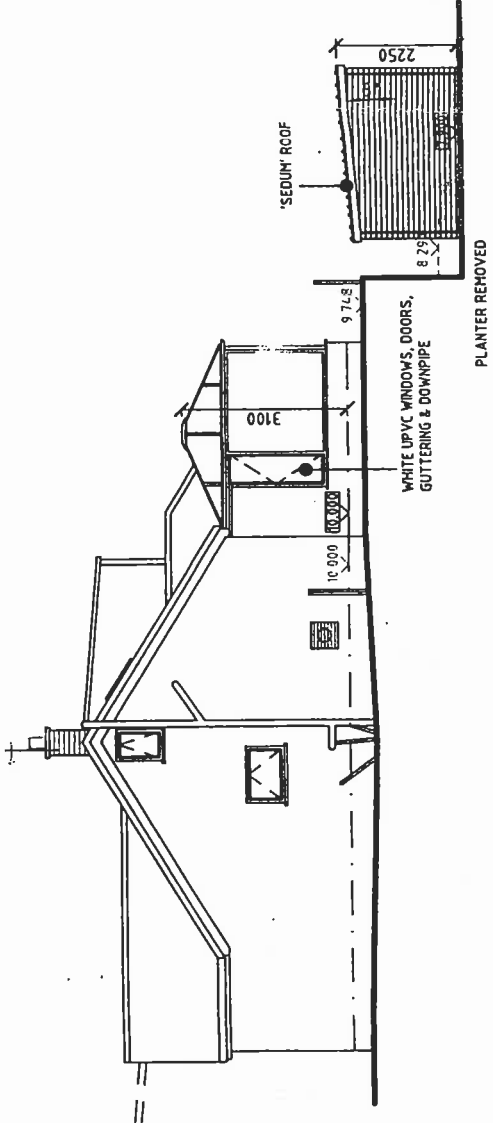
KEY:  
PROPOSED LEVELS  
EXISTING LEVELS



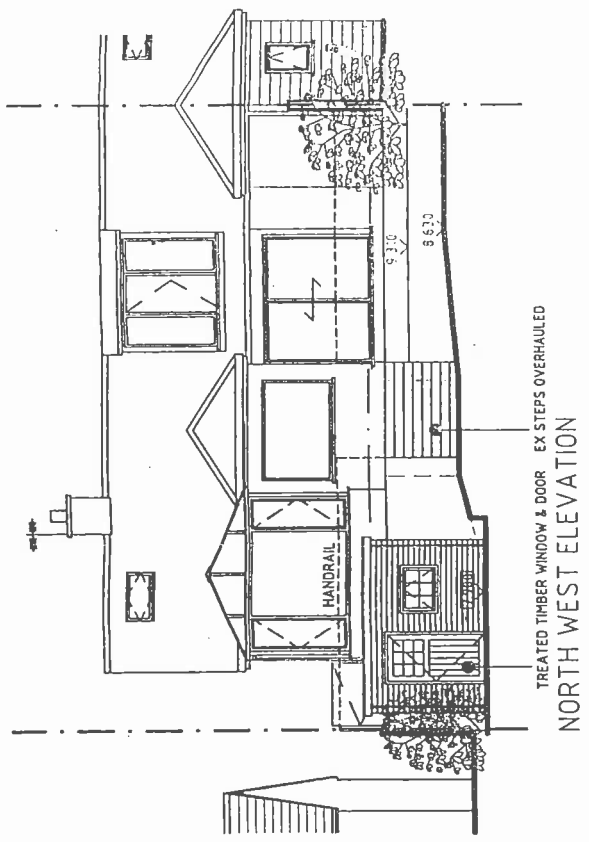
**FLOOR LAYOUT 1:100**

*LOCATION PLAN 1:500*

*C-201-50 C-201-100D READ 1:125 / C-201-100D READ 1:125*



NORTHEAST ELEVATION  
ELEVATIONS 1:100

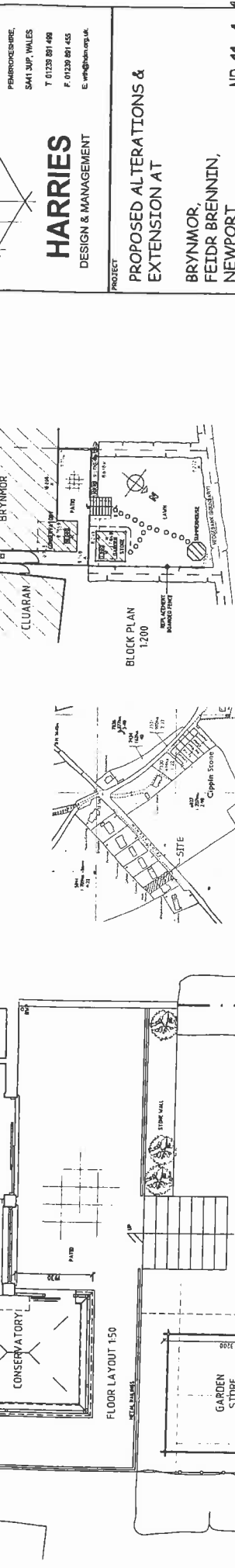
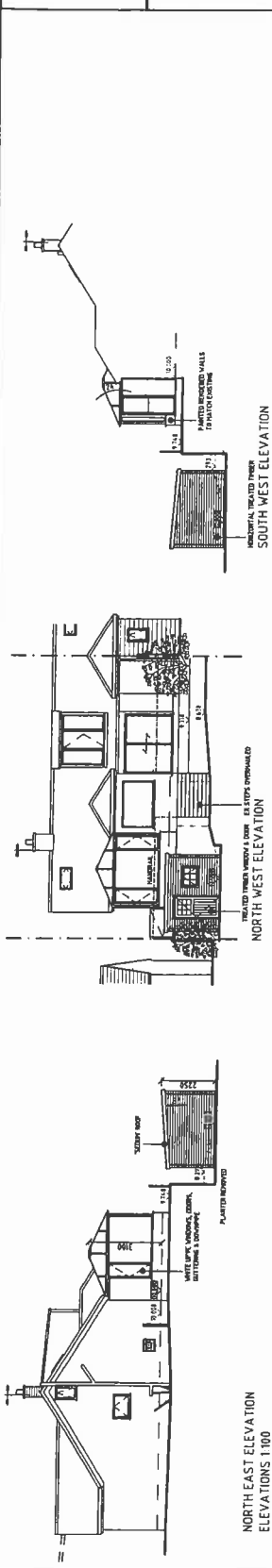


TREATED TIMBER WINDOW & DOOR EX STEPS OVERHAULED  
HANDRAIL  
EX STEPS OVERHAULED  
NORTH WEST ELEVATION

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REV.	DATE	COMMENTS

**DRAWINGS RECORDED**  
ISSUE: **PLANNING**

**CLIENT**  
MPS WELLS

**DATE**  
22 MAR 2017

**HARRIES**  
DESIGN & MANAGEMENT

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**PROJECT**  
PROPOSED ALTERATIONS & EXTENSION AT  
BRYNIMOR,  
FEIDR BRENNIN,  
NEWPORT.

**DRAWING TITLE**  
PLANS & ELEVATIONS  
AS PROPOSED

**DRAWING NO.**  
816

**DRAWING N.**  
05

**SCALE**  
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**DATE**  
03.04.2017

**REV.**  
-

**NP 11 1 14**

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