

Planning Statement

Retrospective application for the demolition of a dwelling and the construction of a replacement detached dwelling

**The Paddock
Access to Dyffryn Farm
Dyffryn
SA10 7BQ**

January 2025

PHONE

MOB PHONE

EMAIL

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1.0 Introduction

- 1.1 This statement has been prepared to support a planning application for the above development.

2.0 Planning History - Planning Context

2.1 Planning History

- 2.2 P2024/0216 - Two storey side /rear extension, part first floor, part two storey rear extension, together with atrium extension to roof and retention of solar panels and associated mounting system to existing flat roof (amended plans received 09.06.24 and amend description of development and application forms - 27.06.24) - **Approved** 12.08.24

P2020/0507 - Two storey side extension, first floor rear extension plus detached garage – **Approved** 22.09.20

N1992/0640 – dwelling house – **Refused** 22.02.93

2.3 Planning Context

- 2.4 The Local Development Plan for the area is the Neath Port Talbot Local Development plan which was adopted in January 2016

2.5 **Policy**

LDP Policy

Strategic Policies

Policy SP1 Climate Change

Policy SP2 Health

Policy SP3 Sustainable Communities

Policy SP7 Housing Requirement

Policy SP8 Affordable Housing

Policy SP15 Biodiversity and Geodiversity

Policy SP20 Transport Network

Topic Based Policy

Policy SC1 Settlement limits

Policy AH1 Affordable Housing

Policy EN4 Replacement Dwellings in the Countryside

Policy EN06 Important biodiversity and geodiversity sites

Policy EN07 Important Natural Features

Policy TR2 Design and Access of New development

Policy BE1 Design

SPG Guidance

Parking Standards (October 2016)- SPG ¹

National Policy

Planning Policy Wales *PPW* (Edition 12 Feb 2024)²

3.0 **Application site /Application**

- 3.1 The application site is located within the settlement of Dyffryn approximately 600m west of Bryncoch.
- 3.2 Prior to the demolition of the dwelling the site contained a detached residential dwelling known as The Paddock.
- 3.3 The application site comprises of the concrete slab of the original dwelling along with its established and generously sized residential curtilage, the majority of which is laid to lawn and located to the south west of the site and forms the dwelling's rear garden. Existing outbuilding are situated within the garden area, to the side of the dwelling and also to the rear garden.
- 3.4 The application seeks consent for a like for like replacement dwelling which will be constructed on the existing concrete slab as shown in ***photo 1 & 2***

¹ <https://www.npt.gov.uk/planning-and-building-control/planning-policy/supplementary-guidance/>

² https://www.gov.wales/sites/default/files/publications/2024-02/planning-policy-wales-edition-12_1.pdf

photo 1



photo 2



4.0 **Appraisal**

4.1 **Background**

- 4.2 The applicant purchased site in 2019 having lived previously for over 20 years in Mill Race , Neath Abbey. This was their first development project.
- 4.3 The applicants obtained permission for an extension and outbuilding in 2020 and a further consent in August 2024 for substantial extensions to the dwelling.
- 4.4 Following the grant of planning permission the applicant commissioned a structural survey to assess the structural stability of the dwelling having regard to the extent of approved work. The report (**Appendix 1**) identified a number of structural issues particularly with the roof and internal walls.
- 4.5 The structural report indicated that the original cast concrete roof would require replacement as well as other structural elements of the building. Work commenced on construction of the approved extensions in September 2024. Following the completion of the extensions to DPC work commenced on the repair/replacement of the roof.
- 4.6 During the removal of the cast concrete roof, which was tied into the internal walls of the first floor walls, the walls became dangerously unstable and unsafe.
- 4.7 The applicant accepts, with the benefit of hindsight, that at this stage it would have been prudent to take further professional advice. Unfortunately, the applicants' naïveté and inexperience in such matters led him to take the advice of his builder who indicated that it would be safer, but more expensive, to demolish the building.

4.8 It is considered that the main issues in the determination of this application are the principle of the development, the effect of the proposal on the character and appearance of the area, residential amenity, pedestrian on Highway safety and ecology.

4.9 The principle of the development

4.10 The application site is outside of settlement limits as defined by policy SC1 and there is therefore a presumption against unjustified new residential development.

4.11 However, policy EN4 (Replacement dwellings) **figure 1** provides specific support for the application.

figure 1

5.3.20 Policy EN4 Replacement Dwellings in the Countryside

Policy EN 4

Replacement Dwellings in the Countryside

The replacement of a dwelling outside settlement limits will only be permitted where all of the following criteria are satisfied:

1. It is demonstrated that the building has a current lawful use as a permanent dwelling;
2. The replacement dwelling, its means of enclosure, garden, parking space and other associated features, are sited within the curtilage of the building to be replaced;
3. The proposed scale, form, siting, design, materials and landscaping are suitable within its context and/or the context of the building to be replaced and would not have an unacceptable adverse effect on the character of the area;
4. The conservation of existing buildings which are of architectural or historic interest would not be prejudiced;
5. The original dwelling is removed and the land suitably reinstated prior to the occupation of the new dwelling.

4.12 The expanded text states

5.3.21 *The replacement or rebuilding of an existing lawful dwelling located in the countryside outside settlement limits is likely to be*

acceptable where the proposal will conserve and where possible enhance local biodiversity interest, the countryside and landscape. Opportunities to provide a high quality design which respects the local style and scale of dwellings, but which may be innovative, will be encouraged where appropriate. The size, bulk and siting of the proposed building is likely to have a significant influence on the visual and landscape characteristics of the area, and proposals should not normally exceed the overall dimensions or cubic content of the original building by more than 20% or deviate significantly from the siting of the original building.

4.13 Policy EN4 sets out five detailed criteria which are assessed in **Table 1** below

4.14 **Table 1**

Criteria	Requirement	Assessment
1	<i>It is demonstrated that the building has a current lawful use as a permanent dwelling;</i>	<i>The existing house is a lawful residential dwelling and has recently been the subject of two planning approvals for extension.</i>
2	<i>The replacement dwelling, its means of enclosure, garden, parking space and other associated features, are sited within the curtilage of the building to be replaced;</i>	<i>The dwelling , parking etc will be sited within the existing curtilage.</i>
3	<i>The proposed scale, form, siting, design, materials and landscaping are suitable within its context and/ or the context of the building to be replaced and would not have an unacceptable adverse effect on the character of the area;</i>	<i>The proposal is a like for like replacement which would not have a detrimental effect on the character and appearance of the area.</i>

4	<i>The conservation of existing buildings which are of architectural or historic interest would not be prejudiced;</i>	<i>There are no existing buildings of architectural or historic interest within the area.</i>
5	<i>The original dwelling is removed and the land suitably reinstated prior to the occupation of the new dwelling.</i>	<i>The replacement dwelling will be constructed on the existing concrete slab and remaining land/curtilage will remain and unchanged</i>

- 4.15 In summary, the proposal is for a replacement like for like dwelling on the existing concrete slab. The proposal accords with criteria 1-5 of Policy EN4 and is therefore in principle acceptable.
- 4.16 In addition to the specific support provided by policy EN 4 it should be noted that the site is previously developed (brown field) and as such constitutes an efficient and sustainable form of development as set out in Planning Policy Wales
- 4.17 Whilst it is accepted that the application site is outside of settlement limits, the courts of held that the settlement boundary is not necessarily definitive and a broader assessment of the site in relation to existing area/ settlement must be undertaken.
- 4.18 *Wood v The Secretary for State [2015]* (**Appendix 2**) makes it clear that it is necessary to consider whether, as a matter of fact on the ground, a site appears to be within a village and whether or not a site lies outside a village boundary in a development plan is not determinative

“12. Before this court it was common ground that whether or not a

proposed development constituted limited infilling in a village for the purpose of paragraph 89 was a question of planning judgment for the inspector and the inspector's answer to that question would depend upon his assessment of the position on the ground. It was also common ground that while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the inspector's assessment of the extent of the village on the ground. Against that agreed background, I turn to the inspector's decision."

4.19 Having regard to the principles established by *Wood v The Secretary for State [2015]* it is clear that, whilst the site is outside the defined settlement boundary, it forms a visually well-established and integrated part of the settlement of Dyffryn having regard to proximity to other dwellings within the vicinity.

4.20 As such the development would form an unchanged, visually cohesive and attractive part of the settlement.

4.21 Character and appearance of the area

4.22 The application site is surrounded by substantial natural screening which dictates limited views from the access to the highway. In addition to the substantial screening fee proposal of seeks consent for a like for like replacement.

4.23 Given the above it is considered that the proposal will have no change to the character and appearance of the area.

4.24 Residential amenity

4.25 The location of the dwelling, the orientation of windows, intervening landscaping and relationship to exist dwellings dictate that the proposal will not have a detrimental effect on residential amenities arising from overbearing, overshadowing or overlooking.

4.26 Highway and Pedestrian safety

4.27 The application seeks consent for a like for like replacement dwelling. The proposal provides adequate turning and parking within the site and the resulting development will not result in additional vehicle movements. As such it is considered that the development will not have a detrimental effect on highway and pedestrian safety.

4.28 Ecology

4.29 The development footprint is limited to the existing dwelling. Trees and existing ecological features will remain unaffected.

4.30 A Green Infrastructure Assessment has been submitted in support of the application, this demonstrates net ecological gain. As such the development will result in ecological benefit.

4.31 Other Matters

4.32 The previous dwelling was constructed in the 1930s and had no insulation or efficient means of heating and ventilation.

4.33 The proposed dwelling will be constructed to current standards and will include the provision of solar panels to the roof. The resulting dwelling

will therefore be energy efficient for the overall benefit of the environment.

5.0 **Summary**

- 5.1 The proposal is for a replacement like for like dwelling on the existing concrete slab. The proposal accords with criteria 1-5 of Policy EN4 and is therefore in principle acceptable.
- 5.2 The proposal will have no change to the character and appearance of the area.
- 5.3 The proposal will not have a detrimental effect on residential amenities arising from overbearing, overshadowing or overlooking.
- 5.4 The development will not have a detrimental effect on highway and pedestrian safety
- 5.5 The development will result in ecological benefit.
- 5.6 The resulting dwelling will therefore be energy efficient for the overall benefit of the environment.