



## **PLANNING & DEVELOPMENT COMMITTEE**

**15 OCTOBER 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0654/10 (GS)  
**APPLICANT:** Mrs Bruford  
**DEVELOPMENT:** Retention of raised decking area and erection of an outbuilding in rear garden.  
**LOCATION:** PHILDEN BUNGALOW, RHYS STREET, TREALAW, TONYPANDY, CF40 2QQ  
**DATE REGISTERED:** 17/07/2020  
**ELECTORAL DIVISION:** Trealaw

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#### **RECOMMENDATION: Refuse**

#### **REASONS:**

By virtue of its excessive scale and design, and its elevated height, it is considered the decking area to be retained has a significant detrimental impact upon the character and appearance of the host dwelling and the surrounding locality, resulting in an unduly prominent and dominant addition to the site.

It is also considered the structure has a significant detrimental impact upon the residential amenity and privacy standards previously enjoyed by neighbouring occupiers. It results in direct overlooking of and a total loss of privacy to the adjacent residential properties, as well as an unacceptable overbearing impact upon these properties by virtue of its excessive scale and elevated height.

The decking structure is therefore considered both an inappropriate and unneighbourly form of development and is therefore contrary to the relevant policies of the Local Development Plan (AW5 and AW6) and Supplementary Planning Guidance: A Design Guide for Householder Development (2011).

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

The application has been reported to Committee as three or more letters of support have been received and the officer recommendation is refusal.

## **APPLICATION DETAILS**

The application relates to the retention of a partially completed area of raised decking within the rear garden of Philden Bungalow. The decking to be retained is 5.5 metres in depth, 15 metres in width and raised between 2 – 2.5 metres above the existing ground level. The decking has been enclosed by a 1 metre high, frosted glass privacy screen, equating to a total height of 3.5 metres. It is proposed a set of steps would run through the decking to the south-western side, leading down to the garden below.

A garden store would be erected to the rear of the decking. It would measure 7 metres in width, 6 metres in depth and 2.7 to 2.9 metres in height with a mono-pitched roofing profile.

## **SITE APPRAISAL**

The application property is a detached house located within an established residential area of Trealaw. The dwelling occupies a corner plot and is directly adjacent to the highway that connects Miskin Road with Rhys Street as well as Rhys Street itself. Owing to the topography of the immediate area, the associated rear garden, as with most rear gardens in the vicinity, are tiered. The dwelling has an elevated level plateau extending out from the rear, before falling steeply towards a lower garden area. The raised decking has been partially erected, it extends across the width of the plot and projects out approximately 5 – 5.5m from the elevated level plateau area. Works on the proposed outbuilding had not been started at the time of the officer site visit.

The surrounding area is predominantly residential in nature comprising linear rows of traditional terraced dwellings. There are no examples of large, raised terrace structures comparable to that at the application within the locality.

## **PLANNING HISTORY**

There are no recent applications on record associated with this site.

## **PUBLICITY**

The application has been advertised by direct notification to eight neighbouring properties.

Eight letters of representation were received, four in support and four in objection to the scheme. There was one letter of objection that was received anonymously.

The letters of support each stated that occupiers of those properties had no objection to the proposal.

The objections are set out below (summarised):

- Overbearing nature of development due to its size.
- Loss of privacy.
- Prevailing views of the proposal from a distance.

- Loss of light.
- Unacceptable precedent for development.

## **CONSULTATION**

N/A – none undertaken

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Trealaw but is not allocated for any specific purpose.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

### **Supplementary Planning Guidance**

A Design Guide for Householder Development

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations (Wales) Act in to planning.

It is considered that the current proposal fails to meet the seven wellbeing of future generation's goals and, as a result, is also inconsistent with the five ways of working set out in the Act.

It is also considered that the development is inconsistent with the key principles and requirements for placemaking as defined by Chapter 2 People and Places: Achieving Wellbeing through Placemaking of Planning Policy Wales; with the development also being contrary to the following chapter of PPW insofar as it relates to the development.

Chapter 3 (good design and better places, promoting healthier places, sustainable management of natural resources)

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12 - Design

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

#### **Principle of the proposed development**

The application relates to the retention of an area of raised decking to the rear curtilage of an existing residential dwelling, as well as a separate proposed outbuilding. This type of development could therefore be considered acceptable in principle, however, in this case, the works are considered to have an unacceptable impact upon visual and residential amenity. The reasons for this recommendation are set out in detail below.

#### **Impact on the character and appearance of the area**

Policy AW5 stipulates that the scale, form and design of a development should not have a detrimental effect on the site or surrounding area. Similarly, Policy AW6 is supportive of proposals that are of a high standard of design, reinforce attractive qualities, and that are appropriate to the local context. Additionally, in respect of elevated decking, the Council's SPG: A Design Guide for Householder Development states that raised decks will not normally be permitted where they can be seen from a variety of public viewpoints, or are detrimental to neighbouring properties. The SPG also suggests that the distance between original ground levels and raised decking surfaces should be minimised.

In this instance, the area of raised decking is significantly in excess of the height of the original amenity space, at 2 – 2.5 metres above ground level. This would be in combination with the fact that the structure spans the width of the site at 15 metres. To further compound this issue, the raised deck features a frosted glass privacy screen at a further 1 metre in height that is necessary to enclose it; making sure it is secure for use. Consequently, in total, the overall structure appears 3 - 3.5 metres above current ground levels.

It is considered that a structure of such excessive scale and height represents an unsympathetic, overly dominant and visually intrusive form of development that is highly visible from the amenity areas and rear gardens of neighbouring properties as

well as adjacent highways, even when positioned some distance away from the structure.

It is acknowledged that the amenity space to the rear of all dwellings of this row and those below are sited below the ground level of the dwellings of Rhys Street, and as a result, many of the gardens feature a gradual stepping of levels to ensure a usable rear amenity area. However, there is a prevalent fall of site levels from north-west to south-east between dwellings, and the work would raise a sizeable area of garden to match the highest point that currently exists to the rear of Philden Bungalow. Considering a further area of fencing is required to make this area secure and that the works would be highly visible from the adjacent highways and dwellings to the north, south and west of the site, the scale, design and elevated height of the structure proposed would have a significant impact upon the character and appearance of the locality. It is also noted that none of the surrounding examples of garden levelling appear to be to the excessive scale as that at this site.

No objections are raised regarding the proposed outbuilding.

In line with the above, the raised decking area, by virtue of its scale, design and elevated height, is considered to have a detrimental impact upon the character and appearance of the rear amenity area of the host dwelling and has become overbearing within the wider area. The proposal therefore runs contrary to the relevant policies of the Local Development Plan (AW5 and AW6) and Supplementary Planning Guidance in this regard.

### **Impact on residential amenity and privacy**

It is considered that the proposal, as currently stands and when eventually completed, creates new viewpoints that offer direct lines of site from the raised decking into the rear facing openings and private amenity areas of neighbouring occupiers. This is considered unacceptable.

The decking has been sited directly on the boundary with the immediate neighbour to the north, 110 Rhys Street and backing on to dwellings to the west off Miskin Street. As a result, residents of Philden Bungalow using the decking would directly overlook the rear amenity space of adjacent and adjoining dwellings as well as have direct views into the rears of 27 and 28 Miskin Road and 110 Rhys Street. The standards of privacy that are currently enjoyed by these occupiers when using their properties and rear gardens would be unequivocally worsened.

It is acknowledged that an existing area of raised garden is present to the rear of Philden Bungalow, and that some level of overlooking would have historically occurred as a result of current arrangements on site. However, whilst the proposal would only match this current height, the existing usable plateau is considerably smaller than the

decking area proposed. The proposal, when combined with the subsequent and inevitable intensification of the use of the larger area, are not considered acceptable.

The glass panels proposed would be too low to effectively screen these views, even though frosted glass has been used. It is also considered that if the applicant were to erect a suitable privacy screen with which to overcome the issues raised above, given the considerable height of the overall structure, the development would lead to a further unacceptable degree of overbearing impact to the street scene and many neighbouring dwellings.

No objections are raised regarding the proposed outbuilding.

Consequently and for the reasons listed above, it is considered the siting, scale and elevated position of the raised deck would result in an un-neighbourly form of development that would form a source of nuisance and disturbance, resulting in direct overlooking of an unacceptable loss of privacy to, as well as an unacceptable level of overbearing impact to the adjacent neighbouring occupiers. Therefore, the proposal does not comply with the relevant policies of the Local Development Plan (AW5 and AW6) in this regard.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

It is considered the raised decking would have a significant detrimental impact upon the character and appearance of the host dwelling and surrounding street scene as well as the residential amenity and privacy of adjacent occupiers. The application is therefore considered contrary to the relevant policies of the Rhondda Cynon Taf Local Development Plan (AW5 and AW6) and guidance set out in SPG: A Design Guide for Householder Development.

### **RECOMMENDATION: Refuse**

1. By virtue of its excessive scale and design, and its elevated height, the raised decking area to be retained has a significant detrimental impact upon the character and appearance of the host dwelling and the surrounding locality, resulting in an unduly prominent and dominant addition to the site. The development is therefore contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and SPG: A Design Guide for Householder Development in respect of its visual impact.

2. By virtue of its excessive scale and design, and its elevated height, the raised decking area to be retained results in a significant detrimental impact upon the residential amenity and privacy standards previously enjoyed by neighbouring occupiers. It results in direct overlooking of and a total loss of privacy to the adjacent residential properties, as well as an unacceptable overbearing impact upon these properties, constituting an unneighbourly form of development. The development is therefore contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and SPG: A Design Guide for Householder Development in respect of its impact upon residential amenity.