



## **PLANNING & DEVELOPMENT COMMITTEE**

**16 SEPTEMBER 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0521/10 (MF)  
**APPLICANT:** Mrs L Bruford  
**DEVELOPMENT:** Erection of outbuilding and alterations to existing decking in rear garden, and erection of fence to rear and southern side of boundaries of rear garden (amended plans received 16/08/21).  
**LOCATION:** PHILDEN BUNGALOW, RHYS STREET, TREALAW, TONYPANDY, CF40 2QQ  
**DATE REGISTERED:** 16/08/2021  
**ELECTORAL DIVISION:** Trealaw

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**RECOMMENDATION:** Approve

**REASONS:** The proposed development is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the potential impact it would have upon the amenity and privacy of the neighbouring residential properties.

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

Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

The application seeks consent for the alteration/retention of a section of raised decking to the rear of Philden Bungalow and the construction of a new outbuilding and boundary fence to the rear of the site.

A raised deck has been erected to the rear of the dwelling. It measures 5.5m in depth, 15m in width, and to a maximum of 2.5m in height above the prevailing ground levels. A 1m high glass privacy screen has been erected around the edge of the structure and a set of steps are partially constructed that lead to the south-western side. The applicant has detailed that the decking has been constructed to allow safe access

to/from the house as well as to provide a level amenity area due to the terraced nature of the garden.

The deck has been constructed without the necessary planning permission and was subject of a previous retrospective planning application for its retention, application ref. 20/0654/10. The earlier application was refused as it was considered the raised decking area, by virtue of its excessive scale, design and elevated height has a significant detrimental impact upon the character and appearance of the host dwelling and the surrounding locality; and also a significant detrimental impact upon the residential amenity and privacy standards previously enjoyed by the surrounding neighbours by way of overlooking and overbearing impacts.

In light of the previous refusal the applicant has amended the scheme and submitted this resubmission application in an attempt to overcome the earlier concerns.

It is detailed that the raised deck would be altered from its current design to result in only a 1m deep section abutting the back of the house remaining at the current height, approximately 1m above the original ground level; with the next section transitioning into a set of steps that lead down to a lower raised area set just above the previous patio level, between 50mm and 300mm above the original ground level here. This lower section would however protrude approximately 300mm past the edge of the original patio area and would therefore be 1.1m above ground level at this point due to the terraced nature of the garden. The structure would measure 13m in width including a set of steps down to the garden at the south-western side. It is detailed that balustrades would be positioned around the edge of the proposed decking but no details regarding their height and design have been provided.

The application also proposes a garden outbuilding at the rear of the site, at existing ground levels, measuring 7m in width, 6m in depth and between 2.7m and 2.9m in height. 2 no. windows and 1 no. patio door are proposed within the front elevation, facing south into the wider garden area.

It is also proposed a 1.5m high feather edge timber fence be erected above the existing boundary wall at the southern side of the rear garden, and a 2m high feather edge timber fence by erected along the western (rear) boundary of the garden.

Given the difference in ground levels between the garden and the adjacent street, and from the rear of the dwelling to the back of the garden area, the wall/fence along the southern side boundary would have an overall height of between 2m to 4.1m from street level. The fence along the western rear boundary would be set at ground level and would be 2m above ground for its entire length.

Members are advised that amended plans were received on 16<sup>th</sup> August 2021. The amended plans did not propose any alterations to the scheme as originally submitted. It was noted during the officer site visit that there were several discrepancies between

the plans and that they were not representative of the existing site layout and that proposed. As such the amended plans were simply submitted to overcome the errors.

## **SITE APPRAISAL**

The application property is a detached dwelling located within an established residential area of Trealaw. The property occupies a corner plot and is directly adjacent to the highways at Miskin Road with Rhys Street. Owing to the topography of the immediate area the associated rear garden, as with most rear gardens in the vicinity, is tiered, falling away from the property.

The dwelling has an elevated, level, timber decking extending out from the rear before falling steeply towards a lower garden area. The raised decking has been partially erected but would be altered as set out above should Members be minded to approve the application. Works on the proposed outbuilding and fence had not commenced 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 currently constructed at the application site within the locality, however, there are examples of smaller, lower structures.

## **PLANNING HISTORY**

Previous planning applications submitted at the site:

20/0654/10: Retention of raised decking area and erection of an outbuilding in rear garden.

Decision: Refused, 28/10/2020

## **PUBLICITY**

The application has been advertised by direct notification to 8 no. neighbouring properties (originally and following the submission of amended plans). Letters of objection have been received from 4 no. surrounding residents and are summarised below:

- Overbearing nature of the decking due to its scale, design and height.
- Loss of privacy due to elevated height of decking.
- Prevailing views of the proposal from a distance.
- Loss of light due to elevated height of decking.
- Unacceptable precedent for future development.
- Poor design / incongruous and dominant addition.
- Concerns with accuracy of the plans submitted.

## CONSULTATION

None undertaken

## POLICY CONTEXT

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

**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 placemaking, 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 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Given the scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant national policy guidance consulted:

## **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 an area of raised decking, an outbuilding and boundary fence within the curtilage of an existing residential dwelling, each proposed to enhance the living conditions for residents at the site. The principle of development is therefore considered acceptable subject to compliance with the relevant material considerations set out 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.

As set out above, it is considered the decking as currently built results in a significant detrimental impact upon the character and appearance of the host dwelling and surrounding locality. However, the applicant has amended the scheme and proposes radical alterations to its scale, design and height. The alterations would result in the significant majority of the lower deck area being within permitted development limits, i.e. no more than 300mm above existing ground levels, barring the very tail end of the structure at the rear. As such, it is considered the only area of contention would now be the small 1m deep upper section that abuts the dwelling.

Given the terrace nature of the rear garden area some form of raised structure would always be required here to allow safe access to/from the dwelling/garden, as existed previously. Therefore, whilst it is accepted this element of the scheme will still result in a visible feature, at only 1m in depth, it is considered unlikely that this area would be overly prominent from outside of the site. Further, given its minor depth, it could not be used in any fashion other than transitory, allowing movement between the lower decking area and the house.

Subsequently, whilst prevailing views of the proposal would still be available from public vantage points, it is considered the lowering of the height of the majority of the decking and the general reduction in its scale would ensure that it does not appear overly dominant or incongruous in relation to the visual amenity of the existing dwelling or wider area.

It is also noted that the amenity spaces to the rear of all dwellings of this row are sited below the ground level of the dwellings and as a result several gardens feature a gradual stepping of levels to ensure a usable rear amenity area. The new decking would ensure that the prevalent fall in site levels to the rear garden of Philden Bungalow is maintained, with only a small section needing to be raised above the original garden levels to ensure the use of the decking in a safe manner. The examples of garden levelling within close proximity to the application site are of a similar scale to that now proposed and as such, it is considered the amended proposal would be typical of the area and within the limits of acceptability in respect of its potential visual impact.

It is acknowledged the proposed balustrade that would enclose the decking has not been shown in any great detail, but it is considered an acceptable enclosure could be erected that would have no visual impact. Therefore, should Members be minded to approve the application, a condition is recommended below requiring further details of the balustrade be submitted to and approved by the LPA before any further development takes place.

No objections are raised regarding the proposed outbuilding's impact upon the visual amenity of the dwelling or wider area. It is considered to be of a reasonable, residential scale and design that would not appear out of place within the site or any other garden in the surrounding area.

Furthermore, whilst the new boundary fence above the existing wall to the southern side of the garden would inevitably result in a highly visible feature within the street scene, it would be of a comparable design and scale to the existing boundary wall/fence that runs along the same boundary at the adjacent property to the rear of the site. As such it would essentially form a continuation of the neighbouring boundary treatment and would not be out of character in visual terms.

In line with the above, whilst the objector's concerns are acknowledged, the proposed amended raised decking area and proposed outbuilding and fence are considered to

have an acceptable impact upon the character and appearance of the rear amenity area of the host dwelling and the wider area. The proposal is therefore considered to be in accordance with 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 the decking as currently built results in a significant detrimental impact upon the amenity and privacy standards previously enjoyed by surrounding residents. However, as set out above, the applicant has amended the scheme and proposes radical alterations to its scale, design and height.

The amended scheme would result in the majority of the lower decking area being within the dwelling's permitted development allowance, with only a very small section to the rear exceeding these limits (approximately 300mm). It is subsequently considered that the proposed lower decking area will offer no greater vantage points or opportunities for overlooking between dwellings than that which would have previously occurred from the original patio area. Moreover, the introduction of privacy screens / balustrade would actually improve the previous situation, increasing the of privacy levels for adjacent properties.

There is however some concern with regard to the elevated height of the upper platform, but as mentioned previously, this aspect of the proposal is required for safe access to/from the property and is considered to be transitory in nature only. Therefore, as the platform is only 1m in depth, it is not considered that it would be in intensive usage. Furthermore, the existing tiered garden at Philden Bungalow has resulted in historic overlooking to the rear amenity areas and fenestrations of adjacent occupiers. Therefore, it is not considered that this small aspect of proposed decking would result in such a material degradation of the amenity of the neighbouring occupiers as to result in the refusal of this application.

Given the minor scale and height of the proposed outbuilding, it is not considered it would result in any undue impact upon the amenities and privacy of any adjacent occupier.

Further, whilst the new boundary fence at the southern side of the garden would be of a considerable height at some sections, it would be stied away from any of the neighbouring properties and would result in no undue impact upon their amenities.

Subsequently, whilst the objector's concerns are acknowledged and it is acceptable that a degree of impact would inevitably occur to the privacy and amenity standards enjoyed by surrounding residents, it is considered that the previous concerns have been overcome and that any potential impact would not be significant enough to warrant refusal of the application.

It is therefore considered the proposal generally complies with the relevant policies of the Local Development Plan (AW5 and AW6) in this regard.

### **Neighbour Consultation Responses**

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

It is noted that an objector commented that the plans submitted had inaccuracies and were not representative of the existing site and that proposed. Following a visit to site these concerns were confirmed by the officer and as set out above, amended plans received on 16<sup>th</sup> August 2021 overcome this issue. The plans currently before Members for determination are now accurate.

### **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**

Whilst it is accepted a degree of impact would inevitably occur to the residential amenity and privacy levels previously enjoyed by surrounding residents, it is not considered any impact would be significant enough to warrant refusal of the application. Further, it is not considered the amended structure, outbuilding or fence would result in a significant impact to the visual amenity of the site or surrounding locality. The application is therefore considered to generally comply with the relevant policies of the Local Development Plan (AW5 and AW6) and the application recommended for approval.

### **RECOMMENDATION: Grant**

1. Within 56 days of the date of this consent the existing decking structure shall be altered in accordance the plans hereby approved.

Reason: To protect the privacy and amenity of surrounding residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

2. The development hereby approved shall be carried out in accordance with the approved plans ref:
  - Bruford curtilage floors plan



- Decking rear elevation
- Decking side elevation
- Fence specification
- Fence A
- Fence B

and documents received by the Local Planning Authority on 08/04/21, 14/04/21 and 08/08/21 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Notwithstanding the plans hereby approved, the proposed decking area shall not be brought into beneficial use until full details of the design, materials and position of the privacy screen to be erected around the edge of the new deck structure have been submitted to and approved in writing by the Local Planning Authority; and the enclosure has been installed in accordance with those approved details. The privacy screen shall be thereafter be maintained in perpetuity.

Reason: In order to maintain the privacy and amenity of surrounding residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.