



## **PLANNING & DEVELOPMENT COMMITTEE**

**21 OCTOBER 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1088/10 (GW)  
**APPLICANT:** Mr C Tyler  
**DEVELOPMENT:** Raised platform at the rear of residential 3 storey home to be used as means of fire escape (Re-submission of 21/0442/10 - Plan detailing proposed screen fence received 13/09/2021).  
**LOCATION:** 25 THOMAS STREET, TONYPANDY, CF40 2AH  
**DATE REGISTERED:** 27/08/2021  
**ELECTORAL DIVISION:** Tonypandy

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#### **RECOMMENDATION: REFUSE**

**REASONS:** The raised platform would have a detrimental impact on residential amenity from loss of privacy. The inclusion of the screen fence is considered would overcome the loss of privacy, however, the screen and platform together would have an overbearing impact.

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

A request has been received from Councillor Hughes for the matter to come to Committee for the reason that Members can consider the scale of the development and whether it will lead to overbearing impacts and the overlooking of neighbouring properties.

#### **APPLICATION DETAILS**

Previously, an application for the raised platform at the site with the addition of a proposed 1.8m privacy fence was refused (Reference 21/0442). Whilst there were concerns with overlooking, it was considered they would, on balance, be overcome by the addition of a screen. However it was considered the platform structure and screen together would lead to an unacceptable overbearing impact and the application was refused for the following reason:

*“The proposal by virtue of its size, scale and design would result in a detrimental impact to the amenity of surrounding residents by overbearing. As such the proposal would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan”.*

Following the refusal, the applicant has re-submitted the application for the raised platform at the rear of the dwelling. Members are advised the platform has already

been provided and the proposal is partly retrospective. The platform covers the entire garden area and is raised 2.1m above the garden level of the property. A 1.1m high hand rail is provided along its side edge with the boundary of 24 Thomas Street. An enlarged opening in the rear elevation of the dwelling has been created as access to the platform. A set of steps is provided at the rear to provide access to and from Waun Road. It is detailed the raised platform would be used as a means of fire escape.

During the application process and in the interests of clarity, clarification has been sought from the applicant as to whether the 1.8m high screen (proposed in the previous application) was to be included or not in this application. The applicant subsequently submitted updated plans clarifying the 1.8m privacy screen was to be included in the current application. This would consist of a wooden panel painted white and would be provided on the edge of the platform adjacent the boundary with 24 Thomas Street. The application was then re-advertised to neighbours to make them aware of the amendment to the proposal.

### **SITE APPRAISAL**

The application property is a traditional terraced property on the corner of Thomas Street and Waun Road in Tonypany. The terrace is on sloping land and the adjoining properties are at a lower level. The dwelling is two storeys fronting Thomas Street and due to the sloping land is three storeys at the rear. A gate on Waun Road provides access to the rear and steps to the raised platform.

The raised platform is at the ground floor level of the dwelling adjacent to a part-width rear projection. An enlarged opening in the rear elevation of the dwelling has been created as access to the platform. The platform is raised above the garden level of the property and boundary treatment with the adjacent dwellings due to the sloping land.

### **PLANNING HISTORY**

**21/0442/10: 25 THOMAS STREET, TONYPANDY, CF40 2AH**

Raised platform at the rear of residential 3 storey home to be used as means of fire escape. (Amended Plan detailing screen fence received 21st May 2021).

Decision: 29/06/2021, Refuse

### **PUBLICITY**

The application was originally advertised by direct notification. No letters of objection or representation were received.

Following updated plans being received that clarified a 1.8m privacy screen would be provided, the application was re-advertised by direct neighbour notification. One response from a neighbour was received and the comments relevant to the planning application are summarised below:

- A higher fence is not necessary as all the surrounding gardens have always been clearly visible from the kitchen and bedroom windows of the property.

### **CONSULTATION**

None undertaken

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary and isn't allocated for a 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.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity.

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.

Future Wales: The National Plan 2040 (FW2040) and Planning Policy Wales Edition 11 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is not considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also inconsistent 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 minor 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:  
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 an extension to an existing residential dwelling. The principle of development could therefore be considered acceptable. However, in this case, it is considered the proposal would result in an unacceptable overbearing impact to the surrounding properties.

#### **Impact on residential amenity.**

The raised platform has been constructed adjacent the side of the rear projection of number 25 Thomas Street and is open on the side facing the neighbouring properties (albeit it has a low handrail). It is noted the dwelling's existing windows, on the side of the rear projection, already overlook neighbouring gardens to some extent. However, whilst the applicant states the platform would only be used as a fire escape, the platform has a relatively large area and could be used as amenity space. It would be closer to neighbouring properties than the existing windows on the dwelling and would allow greater views over neighbouring gardens and back in to the windows on the rear elevations of nearby dwellings. Therefore, it is considered the platform as constructed, would have a detrimental impact on the amenity of the occupiers of neighbouring dwellings from overlooking and loss of privacy.

The applicant has amended the current application and proposes to place a 1.8m high screen fence along the edge of the raised platform. An neighbour living nearby states the fence is not necessary as there is existing overlooking from the kitchen and lounge windows of the dwelling. As detailed above, the overlooking from the raised platform is however considered more significant than from the existing windows. Therefore, such a screen would prevent overlooking and would, in the main, protect the privacy of the occupiers of neighbouring properties.

In the previous application (21/0442) it was however argued that the 1.8m screen (and existing boundary treatment) would result in a tall elevation along the whole of the side boundary of number 24 Thomas Street and this would have an overbearing impact on the occupiers of that dwelling. Furthermore, it is noted the garden level of number 24 is at a lower level relevant to the application dwelling number 25, which would exacerbate the situation. It is recognised that local residents have not raised objections on the grounds of an overbearing impact. Members are advised this should however not outweigh the above consideration, as the amenity of potential future occupiers of nearby dwellings and others in the surrounding area should also be considered.

Therefore, taking into account the above assessment, the raised platform with the 1.8m screen is recommended for refusal due to the impact from overbearing. Furthermore, if a privacy screen fence was not provided, it would overcome the overbearing issue, but would result in what is considered unacceptable overlooking and a loss of privacy.

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

The platform, as constructed, is raised above the top of the boundary treatment with number 24 Thomas Street. As a result, the platform and hand rail have a disjointed visual appearance from the existing boundary treatment and building. It is considered the addition of the 1.8m wooden screen fence would exacerbate the poor visual appearance, however, on balance, it is not considered this issue would justify a refusal reason.

### **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 proposal would have a detrimental impact on the residential amenity of the surrounding neighbouring properties from overbearing. The application is therefore considered contrary to the relevant policy of the Local Development Plan (AW5).

### **RECOMMENDATION: Refuse**

1. The proposal by virtue of its size, scale and design would result in a detrimental impact to the amenity of surrounding residents by way of significant overbearing. As such the proposal would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.