



PLANNING & DEVELOPMENT COMMITTEE

25 NOVEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1122/10 (GRD)
APPLICANT: Mrs Davies
DEVELOPMENT: Retention of decking and fence to rear garden.
LOCATION: 86 THE RIDINGS, CWMDARE, ABERDARE, CF44 8AQ
DATE REGISTERED: 17/09/2021
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS

REASONS: The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

The application seeks consent for the retention of raised decking and fencing to the rear of 86 the Ridings, Cwmdare. Prior to the construction of the decking, the rear garden at the application site consisted of a small gravelled area and existing decking along with a sloping grassed lawn which fell approx. 1m from north to south.

A raised deck and fencing have since been erected to the rear of the dwelling. The decking is split into two levels, an upper decked area, and a lower decked area. The decking is however considered one structure with a small step splitting both levels.

The upper decked area is an extension of an existing decking at the rear garden and would extend the upper decked area from approx. 2.5m in width to 4.8m in width. In its entirety, the upper deck measures 5.8m in depth, 4.8m in width and a maximum 1m in height above the prevailing ground levels. The lower decked area measures 6m at its deepest point and 4.4m at its widest point and a maximum of 0.7m in height above ground level. The upper decked level sits 0.4m higher than the lower deck level.

The works also includes the erection of a fence around the edge of the decking. The fence measures at 1.9m in height along the northern boundary and approx. 1.65m in height along the eastern and southern boundary of the structure when measured from the decking itself. Due to the sloping nature of the ground at the application site and neighbouring gardens, the fence measures a maximum 2.9m in height from the prevailing ground levels reducing to approx. 2.4m in height towards the southern end of the decking.

SITE APPRAISAL

The application property is a semi-detached house of late 20th century style and construction and is located within a large residential development to the south of Cwmdare.

The property is accessed via a wide driveway shared by three properties. The application property sits within a central position and is bounded by neighbouring properties to the north, east and south. The principal elevation faces west, and to the front the property benefits from a small garden, garage, and parking space. To the rear of the property, the decking is in situ. Due to the topography of the site, the dwelling is at an elevated position and the land falls down towards properties to the rear of the application site.

The surrounding area is predominantly residential with neighbouring properties being of a similar style and scale. The application property currently benefits from a rear conservatory. Alterations and extensions are visible at properties within the locality.

PLANNING HISTORY

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

PUBLICITY

The application has been advertised by direct notification to 9 neighbouring properties. 3 letters of objection have been received. The points raised have been summarised below:

- The height of the decking has caused loss of privacy to occupiers of neighbouring properties
- Loss of sunlight to neighbouring garden due to height of fence
- The visual impact of the fence, which is considered unsightly by objectors, when viewed from neighbouring properties
- Loss of access to repair and maintain neighbouring fences
- Objections with the fence being over permitted development of 2 metres
- Decking boards have been constructed over the applicants' site boundary

CONSULTATION

No consultation has been undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 – Development in the North of the County.

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 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. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

Furthermore, 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 policy guidance considered:

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 and fencing within the curtilage of an existing residential dwelling. The principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

The decking and associated works are located to the rear of the property and is largely screened from view by the existing pattern of development within the vicinity. The area of decking and fencing does not form an overly prominent or incongruous addition that adversely impacts upon the character and appearance of the area.

Whilst objections have been raised regarding the visual appearance of the development, the decking and fence is of an acceptable scale and design which is consistent with its domestic setting. The area of decking is considered to form a sympathetic addition to the application property.

As such, it is considered that the proposals do not detract from the character or appearance of the area and are considered acceptable in this regard.

Impact on residential amenity and privacy

The application site is bordered by several properties to the North, east and south. When considering the relationship with the attached neighbouring property 85 the Ridings to the North, the fence erected along the boundary of the decking stands at 1.9m in height and is considered to screen the development and provide adequate privacy between the occupiers of both properties. As such, it is not considered that the structure results in any adverse impact upon the amenity of this property.

Regarding the impact upon 83 the Ridings to the east. The application property sits at a higher level with some elements of overlooking existing prior to the extension of the decking and fence. Whilst objections have been raised regarding loss of privacy to occupiers of neighbouring properties, it is not considered that the development would impact the amenity of neighbouring properties through loss of privacy. The works include a fence erected along the boundary of the decking which reaches a height of 1.65m along the eastern boundary when measured from the decking's floor level. This is considered to sufficiently screen the development and provide privacy for both the application property and neighbouring properties. It should be noted that existing levels of overlooking between both properties existed prior to the extension and

construction of the decking. The erection of a fence at this location would provide better screening between the application property and neighbouring properties.

Due to the sloping nature of the topography at the site, measured from the prevailing ground level the fence along the boundary with the neighbouring property of 83 the Ridings would vary between 2.4m to 2.9m in height. Whilst this is over the 2m allowed under permitted development rights, it is not considered to be so overbearing as to significantly detriment the amenities of neighbouring occupiers. Neighbouring properties benefit from rear gardens, and whilst the new fence would be visible from neighbouring properties is not considered to significantly impact upon their amenities.

Regarding the impact upon 81 the ridings to the south, the considerations are similar to ones which have already been discussed. The fence has provided further screening between both the application property and neighbouring properties, and as such is not considered to detrimentally impact the privacy of occupiers of 81 the Ridings. Additionally, the application site sits at an elevated position with levels of overlooking existing prior to the extension and construction of the decking. The erection of the fence along the southern boundary of the decking is not considered to be so overbearing as to detrimentally impact the amenities of occupiers at 81 the Ridings.

Objections were raised by third parties regarding loss of light experienced due to the erection of the decking and fence. However, any loss of light experienced would be minimal and only impact the rear gardens of properties.

As such, taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

Concerns raised by the objectors

Some concerns were raised by objectors that parts of the decking have been constructed over the boundary line of a neighbouring property. However, the applicants have confirmed in their submission and in subsequent correspondence that no part of the decking/ associated works has been built on land belonging to neighbouring properties.

Objectors also raised concerns with regards to maintaining their own fences along the boundary. However, as the decking is contained within the applicants' land these concerns would be considered a civil matter between neighbouring properties rather than a material planning consideration.

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 does not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding

neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

New Rear of Property Layout. Received by Local Planning Authority
09/08/2021

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.