

## **PLANNING & DEVELOPMENT COMMITTEE**

**24 FEBRUARY 2022**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0114/10 (JE)  
**APPLICANT:** Cllr Mark Norris  
**DEVELOPMENT:** Domestic detached garage to rear of property.  
**LOCATION:** 33 WERN STREET, CLYDACH, TONYPANDY, CF40 2BQ  
**DATE REGISTERED:** 26/01/2022  
**ELECTORAL DIVISION:** Cwm Clydach

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#### **RECOMMENDATION: APPROVE**

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

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

- The application has been submitted by serving Elected Member Councillor Mark Norris.

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a single garage at 33 Wern Street, Clydach, Tonypany. The proposed garage would be located to the rear of the property at a lower area within the amenity space towards the rear boundary with access gained via the rear lane.

The proposed garage would measure a width of 4.8 metres by a depth of 6.7 metres. The proposed garage would have a mono pitched roof design measuring a maximum height of 3 metres sloping to 2.5 metres at the eaves to the rear.

#### **SITE APPRAISAL**

The application property is a traditional mid terrace dwelling located within a residential area of Clydach, Tonypany. The property is directly fronted by the highway at Wern Street. To the rear of the property is an enclosed amenity space bounded on both sides by neighbouring properties and an access lane to the rear beyond which are the rear gardens of properties at High Street to the south. The sloping nature of the area creates a change in level within the rear amenity space lower in level than the ground floor level of the dwelling.

The surrounding area is characterised by traditional terraced dwellings of a similar scale and design. There are a number of existing detached garages of various scales and designs located to the rear of Wern Street and High Street that are accessed via the rear lane.

## **PLANNING HISTORY**

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

## **PUBLICITY**

The application has been advertised by direct notification to 5 neighbouring properties.

No letters of objection or representation have been received at the time of writing the report.

## **CONSULTATION**

**Transportation Section:** No objection raised subject to conditions.

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Tonypany and is located within the Rhondda Historic Landscape

**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
- Access, Circulation and Parking

## **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  
PPW Technical Advice Note 18 – Transport

## **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 construction of a detached domestic garage 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 scale of the garage is in line with its domestic use and is considered to result a subservient addition to the application property. Additionally, the garage is constructed from materials which are in keeping with the character and appearance of the property and vicinity. As such, the garage not considered to adversely impact upon the character and appearance of the application property.

Furthermore, there are a number of existing garages of various designs and scales visible to the rear of neighbouring properties in the surrounding area. Consequently, the proposed garage is not considered to form dominant or incongruous addition that would adversely impact the character and appearance of the area.

Taking the above into account, the application is considered acceptable in this regard.

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

Given the nature of the site that would see the garage constructed at a lower level within the amenity space than the dwelling and neighbouring properties. It is not considered that a garage of the scale proposed would result in any adverse impact upon the few properties that it may potentially effect. In addition, any impact would be no greater than already exists between neighbouring properties in the area.

Taking the above into account, the proposal is considered acceptable with regard to its impact upon residential amenity.

### **Highway Safety**

The Council's Transportation Section were notified during the consultation period in order to assess the impact of the development on highway safety. The following response was received:

The lane to the rear of the property is accessed via the unnamed road between Wern Street and Park Street. The lane is metalled and measures approximately 3.5 metres in width and provides access for numerous other garages.

The garage would be accessed via a proposed ramp to accommodate for the level change between the lane and garage. There is concern that the proposed ramp may encroach onto the rear lane. As such, a condition has been suggested for the garage to be set back from the rear lane to accommodate for the change in levels with no alteration to the public highway permitted.

The proposed garage is sufficient to provide 2 off-street car parking spaces which will decrease on-street parking demand in an area with high on-street parking demand which is in the interests of highway and pedestrian safety.

Taking the above into account, the application is considered acceptable 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 proposal would not have a significant impact on the character and appearance of the locality, highway safety 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 SUBJECT TO THE BELOW CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan no

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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. The use of the garage hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business shall be carried out therein and at no time shall it be converted to a room or living accommodation to be enjoyed as part of the dwelling.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the LPA.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The garage shall be set back not less than 0.5 metres from the site boundary and no alterations to the rear lane shall be made to accommodate access to the proposed garage.

Reason: To prevent obstruction to the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.