

## **PLANNING & DEVELOPMENT COMMITTEE**

**10 MARCH 2022**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1618/10 (RP)  
**APPLICANT:** Ms E Durell  
**DEVELOPMENT:** Two storey and single storey side extensions (amended plans received 08/02/2022).  
**LOCATION:** 19 BRECON WAY, TONTEG, PONTYPRIDD, CF38 1HW  
**DATE REGISTERED:** 27/12/2021  
**ELECTORAL DIVISION:** Tonteg

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#### **RECOMMENDATION: APPROVE**

**REASONS:** It is considered the proposal would not have a significant impact on the character and appearance of the application dwelling or locality, the residential amenity of the surrounding neighbouring properties nor upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

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

- Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

Full planning consent is sought for the construction of two-storey and single storey extensions at 19 Brecon Way, Tonteg.

Positioned to the west facing side elevation of the dwelling, the extensions would provide the dwelling with a play room, utility room and extended kitchen facilities at ground floor, whilst an additional bedroom would be developed at first floor level.

With regard to dimensions, the single storey structure would measure 2.8m in depth by 3.2m in width, whilst its mono-pitch roof would extend to 3.65m in height. The two-storey element of the development would occupy the remaining depth of the original house, being 4.75m and would be of ridge roof construction extending to 6.65m in height

With regard to external materials, it is proposed that the extensions be finished in matching face brickwork and UPVC fenestration, with a concrete tiled roof.

The scheme has been revised since its original submission which initially proposed a full length, full height two-storey side extension.

## **SITE APPRAISAL**

The application site relates to a two storey, semi-detached property set within a residential estate in Tonteg, Pontypridd.

The property faces a southerly direction with the principal elevation being set back from the adopted highway at Brecon Way by a 9m deep front amenity space and driveway that tapers in width and continues on its western side allowing access to the property's rear garden.

The property is located in a residential area containing predominantly semi-detached and terraced dwellings along with a small number of detached dwellings and bungalows. The nearest of these are located immediately to the east and at Conway Crescent, approximately 11m and 19m to the west and north of the site.

## **PLANNING HISTORY**

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

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties. Four letters of objection have been received, the contents of which are summarised below.

- The proposal would lead to a loss of light to our back garden.
- We are concerned about the impact of the development on the party wall between the applicants drive and our garden.
- The proposed extension would significantly reduce the physical separation between our home (from 9.5m to 6m) and 19 Brecon Way, thereby resulting in a large, unattractive and overbearing built form that would considerably reduce the amenity of our private garden.
- The proposal, by virtue of its scale, would result in an unacceptable massing that is incongruent with the local vernacular and would significantly impact on the enjoyment of our property, as well as that of our neighbours.
- The proposed extension would considerably reduce the amount of sunlight reaching our garden.
- We note Planning Policy sets out that extensions should be subservient to the original building and should not be overbearing to your neighbours. The block plan shows the extension would be sited immediately adjacent to our property and by continuing the eaves and ridge heights clearly fails to comply with the detailed guidance.
- We will not give consent for any access to our garden or any item, such as scaffolding to project over our garden wall, into the airspace above our garden or garage, with regards to building work.

- The extension would be an extremely ugly and imposing structure.
- Given its close proximity, the foundations have potential to damage the old stone boundary wall, which separates our garden from the applicant's driveway.
- There appears to be a large plot of land which could accommodate an extension at the rear of the site. Theoretically, this could be less noticeable and less impactful to neighbouring properties and not so imposing as a result.
- The amendments to the application, whilst welcome, do not address all of our concerns and further highlight the structural damage that is likely to occur as a result of the development towards our stone boundary wall and block built outbuilding.
- The extension at 1 Brecon Way was completed decades ago and planning laws and guidance have changed since this time. A precedent therefore cannot be declared given the rise of more ethical and modern planning guidance.
- The single storey aspect of the proposed extension in itself is still a very considerable height. This, along with the two-storey element of the extension, will block light and arguably does not abide by guidance on side extensions in a built-up area.

## **CONSULTATION**

Highways and Transportation – No objection subject to conditions.

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was for the period 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 LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister for Housing and Local Government 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 Tonteg 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  
Access, Circulation and Parking Requirements

### **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.

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.

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**

This application seeks full planning permission for the construction of single and two-storey extensions to the side of the application property. The site is located within settlement limits and the property forms an established residential dwelling. Further, the works represent appropriate additions that would complement the existing residential use. As such the development is considered acceptable, in principle, subject to an assessment of the criteria identified below.

### **Impact on the visual amenity of the area**

The proposed development, as amended, is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

In terms of visual amenity, the extensions would be positioned to the side of the property and would therefore form visible features within the existing street scene. However, the property is offset from the highway which provides mitigation, whilst the depth of the two-storey extension is not considered to be excessive and would be set back from the principal elevation and set down from the ridge of the main roof which would accord with the Council's householder design guidance relating to subservient and proportionate development and is therefore unlikely to dominate its host.

The extension would also incorporate detailing and a pattern of fenestration which would reflect that of the original dwelling, whilst it would be constructed in materials to match the existing property, with the use of brickwork and a tiled roof. As such, it is not considered that the development would appear out of keeping with the scale and appearance of original dwelling or neighbouring properties; or result in a detrimental impact on the character and appearance of the wider area, noting the range of other first floor and two storey side extensions that are visible to the street scene, most notably at 1 Brecon Way and 50 Conway Crescent. In addition, it is not considered that the development, as amended, would unbalance the semi-detached pair.

Consequently, although the development has the potential to be visually dominant towards the adjacent neighbouring properties, it is not considered any visual impact that the development would present to the local area would be significant enough to warrant refusal of the application.

As such, the development is acceptable in this regard.

### **Impact on residential amenity**

The proposed development, as amended, is not considered to have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties for the following reasons:

Whilst it is acknowledged that the development would form a visible feature towards the immediate neighbouring properties, it is not considered the proposals would be overbearing to, nor would they create significant harm via shading or cause detriment to the outlook of these dwellings.

With regard to the impact of the development on the neighbouring properties to the west of the site, it is considered that the amendments to the depth and height of the two-storey element of the scheme would reduce any overbearing impacts to the occupants of these dwellings to levels that are not deemed significant.

In addition, due to the orientation of the application site and those adjacent, it is not considered any significant shading would occur. Furthermore, no side facing windows are proposed on the extensions and it is not considered that the rear or front facing fenestration would increase the amount of overlooking impact that currently occurs to a level that would warrant refusal of the application.

Consequently, whilst it is accepted the proposed development will undoubtedly have a degree of impact upon the amenity standards currently enjoyed by the occupiers of the neighbouring properties, it is not considered any potential impact would be significant enough to warrant refusal of the application. The application is therefore considered acceptable in this regard.

### **Highway safety**

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments in relation to access and parking.

#### Access

The proposal provides vehicular access served off Brecon Way which provides an existing vehicular crossover which is considered acceptable. The proposal is in close proximity to a road junction between Brecon Way and a small cul-de-sac which also forms part of Brecon Way.

The property, as a result of the cul-de-sac, has restricted traffic flow due to on-street parking reducing traffic flow to one-way which is to the detriment of the free flow of traffic and highway safety.

Any overspill on-street car parking at this location will impact on the junction with Brecon Way to the detriment of safety of all highway users.

#### Parking

The existing property is a 2-bedroom dwelling which has a parking requirement of up to a maximum of 2 off-street parking spaces, in accordance with the Council's SPG: Access, Circulation & Parking Requirements (2011) with 3 provided which is considered acceptable.

The proposal increases the number of bedrooms to 4 which has a parking requirement of up to a maximum of 3 off-street parking spaces with only 2 provided. The proposed side extension will remove 1 off-street parking space, reducing the number of off-street parking provided to 2 spaces which results in a shortfall of 1 off-street parking space

in accordance with the SPG Access, Circulation & Parking (2011) which raises concern. There is potential to overcome these concerns by providing additional off-street parking to the front of the property and therefore, a condition has been suggested accordingly.

Based on the above, the proposal is considered to have an acceptable impact upon highway safety in the vicinity of the site, subject to condition.

### **Other Issues:**

#### Comments received from neighbouring residents

The concerns raised by the objectors are acknowledged and are appreciated. With regard to property maintenance and any impacts arising from the development upon party walls, these are private matters rather than material planning considerations. In addition, one objector has indicated that permission would be not given for any encroachment into an adjoining property. Should any guttering, scaffolding or building work overhang the shared boundary, permission from the adjoining landowner would be required and as previously stated, this is a private matter between neighbours.

However, should members be minded to approve this application, informative notes relating to the private rights of neighbours and the party wall act are considered necessary and would be pended to any consent.

The comments received from the objections in relation to the Council's planning policy and design guidance relating to householder development are appreciated and have been fully considered during the course of the application. Indeed, amended plans have been received from the applicant showing a more subservient approach has been adopted, in line with policy guidance. With regards to the impact of the development on 48 Conway Crescent, it should be noted that permitted development rights would allow the applicant to construct a similar single storey extension close to the boundary line. In terms of the impact of the development on 44 and 46 Conway Crescent, it is considered that the tapered boundary, along with the set down of the ridge of the two-storey extension and presence of outbuildings at the end of their respective gardens would mitigate any adverse impacts to acceptable levels and ensures the extension would not present as a visually dominant structure to the occupants of these dwellings.

Lastly, the comments received in relation to other extensions in the area not setting a precedent for this proposed development are acknowledged, however, the development at 1 Brecon Way is legible to the street scene having obtained planning consent during 1982, being a full length, full height two storey side extension.

### **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 application dwelling or locality, the residential amenity of the surrounding neighbouring properties nor upon highway safety in the vicinity of the site. 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 plans:

- Drawing no. ED/01 (Site Location Plan and Block Plan)
- Drawing no. ED/02 (Existing Ground and First Floor Plan)
- Drawing no. ED/03 Rev. A (Existing and Proposed Elevations)
- Drawing no. ED/04 Rev. A (Proposed Ground Floor Plan)
- Drawing no. ED/05 Rev. A (Proposed First Floor Plan)

and documents received by the Local Planning Authority on 06/12/2021 and 08/02/2022 (as amended), 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 submitted plans, the development shall not be brought into beneficial use until space has been laid out within the site for 3 off-street parking spaces in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The spaces shall be constructed in permanent materials and retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the development being brought into beneficial use, an extended vehicular footway crossing shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.



Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.