

## **PLANNING & DEVELOPMENT COMMITTEE**

**4 AUGUST 2022**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1385/10 (GRD)  
**APPLICANT:** Mr C Harries  
**DEVELOPMENT:** Elevated timber decking.  
**LOCATION:** 36 BRONIESTYN TERRACE, TRECYNON,  
ABERDARE, CF44 8EG  
**DATE REGISTERED:** 17/01/2022  
**ELECTORAL DIVISION:** Aberdare West/Llwydcoed

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**RECOMMENDATION: GRANT, SUBJECT TO CONDITION**

#### **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.**

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

- Letters of objection from three or more individuals have been received.

#### **APPLICATION DETAILS**

The application seeks consent for the retention and completion of raised decking and associated works to the rear of 36 Broniestyn Terrace, Trecynon. A decking structure is currently in situ at the site, however the submitted plans demonstrate an enhanced scheme compared to what has already been partly built.

The finished decking would protrude approx. 3.7m from the rear wall of the property and would measure approx. 4.4m in width. The decking itself would measure approx. 1.9m in height above prevailing ground levels. The decking would be accessed from the ground floor rear facing patio doors of 36 Broniestyn Terrace and by newly formed steps which lead from the rear garden of the property.

The works would also involve the installation of a glass balustrade to the front of the decking, with 1.8m high timber screens with obscure glass panels provided to each

side of the decking, measuring a maximum height of 3.7m from ground levels to the top of the screens.

The decking would be built atop a concrete blockwork wall, which would be rendered finish to match the existing finish of the host property. The decking would be of timber construction with timber screens and a glass balustrade.

Amended plans were received by the Local Planning Authority on 11/03/2021 which provided full plans of the proposal, along with proposed materials and the provision of screens to both sides of the decking.

### **SITE APPRAISAL**

The application property refers to a traditional mid-terraced dwelling located within a residential street in Trecynon, Aberdare.

The property benefits from a small forecourt to the front with a private enclosed garden to the rear, which is set at a lower ground level to the application property's ground floor level. The dwelling faces the adjacent highway north and is bounded by terraced properties and their rear amenity spaces to the east and west. An unadopted lane runs to the rear and south of the application site.

Properties within the street are primarily traditional terraced properties of a similar scale and style to the application property. Neighbouring properties have been visibly altered, with existing examples of elevated decking within the rear gardens of properties within the street.

### **PLANNING HISTORY**

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

### **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties. A letter of objection from four individuals has been received, along with one letter of support for the proposal. The points raised have been summarised below.

Supporting Points:

- The works is considered sensitive to neighbours
- The works are compliant with planning policy
- The decking would reflect similar structures at other houses within the street

Objections:

- The hand drawn plans are incomplete, lacks finishing details and is not legible.

- The current structure is unfinished and is different to all other structures within the street
- Significant overlooking with loss of privacy to occupiers of neighbouring properties
- Objections with regard to disregard for planning regulations
- Design of the balcony is out of scale within the street, is overbearing and dominates neighbouring gardens.
- No precedence for grant of planning permission for a decking within the street
- Overshadowing and loss of light to neighbouring garden

## **CONSULTATION**

No consultation has been undertaken.

## **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 4th 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 4th 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 24th 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 of Aberdare.

**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 and completion of a raised decking and associated works 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 would be located to the rear of the property and as such would not be highly visible within the public realm. Due to its siting and existing pattern of development within the vicinity, the street scene would remain largely unaltered.

Concerning the design of the proposal. Similar decking in terms of style, scale and prominence have been erected to the rear of neighbouring properties along Broniestyn Terrace. Consequently, the provision of a raised decking at this location would not appear as an incongruous feature and would blend well with the existing built form within the street. Whilst a letter of objection notes that no records of planning permission have been granted for nearby decking structures, each planning application must nonetheless be assessed on its own merits, and the provision of decking at this location would not be considered to harm the appearance of the application site or wider area.

Objections have also been raised regarding the visual appearance of the development. However, the raised decking and associated works would nonetheless be subservient to the host property and would be of an acceptable scale and design which is consistent with its domestic setting. The materials proposed are considered acceptable, with the lower walls of the decking matching the host property's rendered finish and the timber decking and screens and glass balustrade forming a sympathetic addition to the application property.

As such, it is considered that the proposal would not detract from the character or appearance of the area and would be considered acceptable in this regard.

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

The application site is bounded on both sides to the east and west by neighbouring properties and their associated rear gardens. Concerns have been raised regarding loss of privacy to a neighbouring property. However, whilst these concerns are noted, the construction of decking of this scale at this location is not considered to significantly impact the privacy of neighbouring occupiers. The proposal includes the provision of 1.8m high timber screens with obscure glass panels to both sides of the decking, which is considered to provide sufficient privacy to both occupiers of the application property and neighbouring residents.

The proposed decking and associated works would be of a modest scale and would not be considered overbearing to neighbouring properties. Whilst the structure and timber screen would reach a maximum height of 3.7m when measured from neighbouring ground levels and protrude approx. 3.7m from the rear wall of the property, it would not be considered overtly overbearing and is considered acceptable in this respect. Neighbouring properties also benefit from modest gardens, which would lessen any feeling of enclosure caused by the proposal.

Some levels of overshadowing would likely be experienced by neighbouring rear gardens and objections have been received concerning loss of light and overshadowing; However, due to the scale and length of the decking, this would be minimal and would not be considered to significantly detriment the amenities of neighbours. Additionally, the provision of obscure glazing within the timber screen would likely limit losses of light, thus lessening any overshadowing impacts.

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.

**Other Matters:**

Objections were raised by third parties regarding the original plans submitted, in that they were not legible and appeared incomplete lacking finishing details. Amended plans have since been submitted which provide full detailed plans of the proposal and which are considered acceptable for the purposes of this planning application.

Comments were also received concerning the developer's disregard for planning regulations and that the unfinished structure, which is currently in situ, was different to all other structures within the street. However, this planning application represents a regularisation of the development, and the final assessment and determination would be based on the plans and information submitted as part of this formal planning application process.

**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 SUBJECT TO THE BELOW CONDITIONS:**

1. The development hereby approved shall be carried out in accordance with the approved plans no.'s
  - Existing. Drawing No. 212225.01
  - Proposals. Drawing No. 212225.02

and documents received by the Local Planning Authority on 15/12/2021 and 11/03/2022, 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.