

PLANNING & DEVELOPMENT COMMITTEE

8 SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0101/10 (JE)
APPLICANT: Mr Lewis
DEVELOPMENT: Two storey side and rear extension and alterations to existing property to create 2no. self contained flats. Gabion basket retaining walls to form terracing to front amenity space(Resubmission of 21/1012/10)(Amended description received 28/02/22)(Bat Potential Roost Assessment received 02/06/22)
LOCATION: 5 WESLEY VILLAS, KEITH STREET, TYLORSTOWN, FERNDALE, CF43 3DS
DATE REGISTERED: 25/01/2022
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

REASONS: The proposed development is acceptable in principle and involves the subdivision and extension of an existing residential property to provide 2No. residential units in a sustainable location within settlement limits. The impacts upon the character and appearance of the area, residential amenity and highway safety are all considered acceptable and therefore accord with the relevant requirements of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Robert Bevan for the matter to come to Committee so that members can consider the impact of the development.

APPLICATION DETAILS

Full planning permission is sought for the construction of a two storey side and rear extension, associated works and the construction of gabion baskets at 5 Wesley Villas, Keith Street, Tylorstown to allow subdivision of the dwelling to 2No. flats. This application is a resubmission following the Council's refusal of planning permission for a similar development of 2no. flats on 08/10/2021. The previously application

(21/1012/10) was refused because it was considered that the proposal would represent a visually incongruous form of development that would have a detrimental impact upon the character and appearance of the surrounding area, result in the creation of poor quality living accommodation for future occupiers, and insufficient information had been submitted in relation to ecology.

In an attempt to overcome the previous concerns the applicant has now reduced the amount of works and reconfigured the internal arrangements; and also provided relevant ecology information.

The proposed two storey side extension would measure a width of 5 metres by a depth of 7.5 metres and would match the existing front and rear property lines. The proposed side extension would form one larger extension combined with the proposed rear extension which would measure a width of 9 metres and would protrude outwards to a depth of 4 metres. The works would see the existing rear projection demolished. Both extensions would share a mansard roof design which would measure an eaves height of 5.3 metres and ridge height of 8.3 meters matching the existing dwelling. In addition, the proposal would see the construction of a single storey front extension located centrally between the proposed side extension and existing dwelling that would measure a width of 8.8 metres by a depth of 1.1 metres. This extension would have a mono pitched roof design measuring a maximum height of 3.1 meters sloping to 2.1 metres at the eaves.

The proposed extensions would facilitate the conversion of the property to 2no. flats with one no. 2 bedroom flat located on the ground floor and a 1no. 3 bedroom maisonette located on the first and second floors of the property.

To provide secondary access to the first floor flat the proposal would see the creation of an elevated walkway and rearranged staircase to the rear of the property that would allow for access from Keith Street.

The proposal would also see 3no. gabion baskets located within the front amenity area, 1no. at the location of an existing retaining wall at the rear of the garden for off street parking and 2no. other structures located between the parking area and dwelling. The submitted site section indicates that the gabions would be partially concealed below ground level with the baskets measuring a maximum height of approximately 1 metre above ground level.

The application is supported by:

- Preliminary Roost Assessment
- Bat Survey Report

SITE APPRAISAL

The application property is a traditional end of terrace dwelling located within a residential area of Tylorstown. The property is attached on its northern side elevation

and is set back and significantly elevated from Hendrefadog Street to the east by an enclosed amenity space. Within the front amenity space of the property is a gated area of off street parking adjacent to the highway. The remaining area of amenity space is largely covered in low vegetation and at the time of the Officer's site visit was unkempt in appearance. The dwelling is elevated further above the amenity space with a stone retaining wall to the front and steps providing access. To the rear of the dwelling is a further area of amenity space which includes a large retaining structure along the rear boundary which separates it from the highway at Keith Street to the rear which is at a higher level. The site benefits from an existing pedestrian and vehicle access from Keith Street with an existing raised hardstanding to the rear of the property.

The area to the side of the property historically accommodated No.4 Wesley Villas that was previously demolished due to fire damage.

Surrounding development is characterised by traditional terraced properties which are of a similar scale and design.

PLANNING HISTORY

The most recent planning applications on record associated for this site are:

21/0470/10: 5 WESLEY VILLAS, KEITH STREET, TYLORSTOWN, FERNDALE, CF43 3DS

Two storey extension to the gable end on the site of the former property number 4 Wesley Villas. The extension to the rear of number 5 will be demolished with a mansard roof rear extension.

Decision: 16/07/2021, Withdrawn by Applicant

21/1012/10: 5 WESLEY VILLAS, KEITH STREET, TYLORSTOWN, FERNDALE, CF43 3DS

Two storey side and rear extension and alterations to existing property to create 2no. self contained flats. Gabion basket retaining walls to form terracing of front amenity space.

Decision: 08/10/2021, Refuse

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

Four letters of support and four letters of objection have been received from occupiers of neighbouring properties. The points raised have been summarised below:

Support

- Would improve the current appearance of the site and enhance the area.

- Provide suitable living accommodation to the applicant's family who are registered disabled and would allow them to live in their area of choice.
- Develop vacant property.

Objection

- Object to larger than average family home being made into what we feel are clearly three flats.
- Plans indicate that the development would have capacity for 10 residents.
- Height and look of roof out of character with the area.
- Impact upon roof of adjoining property.
- Result in a loss of light at adjoining property.
- Entrance walkway to the rear will directly overlook neighbouring property.
- Works to front garden could impact upon the stability of adjoining gardens.
- Walkway to front of property will result in loss of privacy.
- From what information has been provided it appears this development will change the nature and character of the area plus the unsightly gabion walls would be totally out of character.
- Loss of parking.
- Detrimental impact upon property value.
- Additional traffic would be detrimental to existing users of the adjacent highways.
- Noise and disruption from building works.

CONSULTATION

Transportation Section: No objection subject to conditions.

Countryside (Ecology): No objection following the submission of ecology reports.

Public Health and Protection: No objection although conditions suggested in relation to hours of construction, noise, dust and waste.

Flood Risk Management (Drainage): No objection although condition suggested with regard to surface water drainage.

Dwr Cymru Welsh Water: No objection although condition suggested with regard to surface water drainage.

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 has been reviewed and a replacement is in the process of being produced. 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 LDP 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 for Tylorstown and is not allocated for any specific purpose.

Policy CS1 – promotes the re-use of under used and previously developed buildings the Northern Strategy Area.

Policy AW1 – sets out the criteria for new housing development.

Policy AW2 – promotes development in sustainable locations.

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 placemaking, including landscaping.

Policy AW8 - only permits new development where it is shown that there will be no harm to locally designated sites or an unacceptable impact upon features of importance to landscape or nature conservation.

Policy AW10 - states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including noise and air pollution.

Policy NSA12 - Permits housing development within and adjacent to the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway and design standards.

Supplementary Planning Guidance:

- Delivering Design & Placemaking: Access, Circulation and Parking
- Development of Flats
- 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.

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 national 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 extensions to an existing property to form 2no. self contained flats as well as works within the amenity space which include the construction of gabion baskets to the front of the property. The application site is located within the settlement boundary and is within an established residential area of Tylorstown.

The Council's Supplementary Planning Guidance (SPG) for the Development of Flats – Conversions and New Build advises that flats are unlikely to be acceptable where they are located solely in basements, or where habitable rooms would only have roof light windows. It also requires flats to have easy and safe access for all users and advises that access through rear lanes and entrances around the backs of buildings

should be avoided wherever possible. It also advises that the Council will resist proposals that would create poor quality living accommodation and schemes should be refused for the above mentioned reasons.

In the case of this application, the proposal would see the creation of 1no. 2 bedroom flat on the ground floor of the property with access from the front of the property and 1no. 3 bedroom maisonette located on the first and second floor of the property accessed from the front and rear of the property.

A previous application at the site was refused as it was considered that the proposal would result in the creation of poor-quality living accommodation however this resubmission includes a revised floor plan that would see the creation of flats which are of an acceptable size with each main room having at least one window and reasonable outlook. In addition, both flats can now be accessed from the front of the property which is relatively well overlooked and direct access to the site can be made from the surrounding pavements and roads.

There is some concern with regard to the location of the kitchens directly adjacent to the shared wall with the neighbouring property No.6 Wesley Villas, but it is considered that any potential adverse impact could be addressed through the implementation of a scheme of soundproofing which has been conditioned below should Members resolve to approve the application.

As such, the proposal is considered to meet the requirements set out in the (SPG) and is acceptable in this regard.

Impact on the character and appearance of the area

Policy AW5 of the Rhondda Cynon Taf Local Development Plan seeks to support development where its scale, form and design would have no unacceptable effect on the character and appearance of the site or surrounding area. In addition, Policy AW6 supports development proposals that are of a high standard of design and are appropriate to the local context. Technical Advice Note 12 (Design) further aims to encourage and promote the importance of good design and clearly emphasises planning permission should be rejected on grounds of poor design.

In this case, while the development would form a significant and highly visible alteration to the original home, as set out by the letters of support, it would bring a vacant property which is currently of an unkempt appearance back into beneficial use. Further, the area to the side of the property historically accommodated an end of terrace dwelling and as such, the proposed side extension with its fenestration, layout and roof design would appear as a continuation of the existing terrace which is considered acceptable and is not considered to result in any detriment to the character and appearance of the area.

Additionally, the footprint of the proposed rear extension is considered acceptable and whilst it would feature a mansard roof giving the property the appearance of three storeys at the rear, this elevation is not widely visible within its surrounding area and therefore it would have a minimal impact upon the character and appearance of the area.

Whilst it is noted that the gabion baskets proposed would form a prominent addition to the property, the applicant has indicated that they would be finished with natural stone to give the appearance of a dry stone wall which is in-keeping with walls seen at surrounding properties. As such, it is not considered that the gabion baskets would result in such an impact that would warrant a refusal of the application. However, to ensure an acceptable finish to the gabion baskets a condition has been included below requiring the submission of details of the finishing stone, should Members resolve to approve the application.

As such, it is considered that the proposals would not adversely impact upon the character or appearance of the area and are considered acceptable in this regard.

Impact on residential amenity and privacy

The objector's comments that the proposed development would result in overbearing and overshadowing of the attached property are noted, however, as the proposed rear extension would match the depth of the existing rear projection at 4 metres and would retain a 1 metre separation distance between the boundary of the property and No.6 Wesley Villas, it is not considered that any associated impact would be great enough to warrant a refusal of the application. It was also commented by the objectors that the proposed gabion baskets would be overbearing, however, when considering the existing change in levels in the front amenity space of the property, it is not considered that the construction of these features would result in any further overbearing impact than that which already occurs.

The objections received raised concern that the proposed development would result in a loss of privacy. When considering the impact upon the attached property No.6 Wesley Villas, the proposal would remove windows on the side elevation facing this property. As such, it is considered that the proposal would result in a betterment to the existing arrangement between these properties. Whilst it is commented by the objector that the proposed walkway would provide for additional opportunities for overlooking, when considering the existing arrangement between the properties which allows for a number opportunities for overlooking from the amenity space, it is not considered it would result in any further adverse impact in this regard than that which already occurs.

With regard to the impact of the development upon 3 Idloes Place to the south, the proposal would have upper floor windows facing this property, but when considering the separation distance between properties and the existing terrace nature of the vicinity that has already established an existing level of mutual overlooking between

properties, it is not considered that the proposal would exacerbate existing levels of overlooking experienced by the occupiers of this property. It is also noted that the applicant is the current occupier of this property.

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

Highway Safety and Parking Provision

The Council's Transportation Section were consulted in order to provide comments on the suitability of the application with regard to highway safety and parking provision. The following response was received:

There are two access points serving the proposed development, 1no. off Keith Street and 1no. off Hendrefadog Street, both of which are adopted highways maintained by the Council. There is slight concern that there are no continuous footway links leading to the proposed on Keith Street at the rear, however, taking into account the limited traffic using Keith Street the ability of 1 vehicle and pedestrian to pass one another with potential to step off the carriageway, on-balance this arrangement is considered acceptable. However the proposed vehicular access from Keith Street crosses highway verge therefore the proposed will require a vehicular crossover in accordance with the Council's specification. As such a condition to this effect is suggested. Hendrefadog Street is acceptable for safe vehicular and pedestrian movement with continuous pedestrian links and satisfactory width for safe two-way traffic. The proposal provides for two off-street car parking spaces and therefore two vehicular crossovers will be required, which have been conditioned accordingly.

The existing dwelling requires up-to a maximum of 3 spaces in accordance with the SPG Access, Circulation & Parking 2011 with 3 provided, although the existing off-street car parking served off Hendrefadog Street requires illegal crossing of the full height kerb for access which is not acceptable. The proposed conversion to 1 number 3 bed apartment and 1 number 2 bed apartment requires up-to a maximum of 5 spaces in accordance with the SPG with 3 provided leaving a shortfall in the maximum standards of 2 spaces, but the proposal provides 1 off-street space for the two bed apartment and 2 spaces for the 3 bed which in this sustainable location is, on-balance, considered acceptable.

Taking the above into account, no highway objection is raised and the application is considered acceptable In this regard.

Ecology

Due to the demolition and conversion works proposed consultation was undertaken with the Council's Ecologist. During the initial consultation period the Ecologist raised concern and requested that a preliminary bat roost assessment was undertaken. This report identified that emergence survey work was required and was subsequently

requested by the Council's Ecologist. The applicant therefore submitted a bat survey report which indicated that a dusk emergence survey was undertaken and during this survey no bats were seen to emerge from the building and there was no evidence found of bat roosting activity. However, there was evidence of house sparrows nesting at the property. Following a review of the report no objection to the was raised by the Ecologist providing that the mitigation and biodiversity enhancement measures recommended in the conclusions report are conditioned to any consent.

Public Health & Protection

The Council's Public Health and Protection Division have raised no objection to the proposal, however a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be more effectively controlled by other legislation and the suggested conditions are therefore not considered necessary. An appropriate informative note would be sufficient.

Drainage

Whilst the Council's Flood Risk Management Team and Welsh Water have requested that a condition it attached to any consent with regard to surface water drainage. Developments with a development area over 100m² are required to comply with Schedule 3 of the Flood and Water Management Act 2010 in that a separate Sustainable Drainage Systems (SuDS) application is required to be made to the SuDS Approval Body (SAB) prior to any development commencing. As such, it is considered that the surface water flood risk will be adequately managed by Schedule 3 of the Flood and Water Management Act 2010 and also by Part H of the Building Regulations and it is not necessary to add the relevant drainage condition.

Other issues raised by the objectors

The objectors commented that the development appears to result in the creation of 3no. flats that could accommodate up to 10 residents. However, the plans and supporting information clearly set out that only 2no. flats are proposed and it is on this basis alone that the application has been considered. Any such further sub-division would require separate planning permission and would be considered on its own merits.

The right to light and impact upon property values were also raised within the objector's comments. Whilst these points are noted, they do not form material planning considerations and cannot be taken into account during the consideration of this application.

Concern has also been received with regard the construction of the gabion baskets and whether they will be built safely. As set out above, it is considered the general principle of using baskets on site and their visual impact is acceptable, as such it is

considered their design and construction could be controlled through condition. As such a condition to this effect is set out below. Further, the works would require separate Building Regulations approval which would ensure the construction is undertaken to the correct standards.

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 liable for charge under the CIL Regulations 2010 as amended. However, the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones where a £nil charge is applicable. Therefore, no CIL would be payable.

Conclusion

The proposed development is acceptable in principle and involves the subdivision and extension of an existing residential property to provide 2No. residential units in a sustainable location within settlement limits. The impacts upon the character and appearance of the area, residential amenity and highway safety are all considered acceptable and therefore accord with the relevant requirements of the Local Development Plan.

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
 - 436/211/PL002A
 - 436/211/PL003A
 - 436/211/PL004A
 - 436/211/PL005A
 - Proposed Front Landscape Arrangement

and documents received by the Local Planning Authority on 25/01/2022, 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.

3. No development works shall commence on site until a sound proofing scheme for the flats hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved sound proofing measures shall be implemented prior to beneficial occupation of the flats and shall remain in perpetuity.

Reason: To protect the amenity of future occupiers of the flats and those of the adjoining neighbouring property in accordance with Policies AW5 & AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The development hereby approved shall be carried out in accordance with the mitigation and biodiversity enhancement measures set out in the Conclusion and Mitigation section of the Bat Potential Roost Assessment dated June 2022.

Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the development being brought into beneficial use, 2 no vehicular footway crossings (Keith Street & Hendrefadog Street) shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

6. No development works shall commence on site until full details of the gabion baskets hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity and to ensure the structural integrity of the walls are appropriate in accordance with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.