

## **PLANNING & DEVELOPMENT COMMITTEE**

**6 OCTOBER 2022**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0265/10 (GRD)  
**APPLICANT:** Mr Davies  
**DEVELOPMENT:** Construction of a hard stand for the siting of a caravan & new detached garage retrospective.  
**LOCATION:** 52 LLEWELLYN STREET, TRECYNON, ABERDARE, CF44 8HU  
**DATE REGISTERED:** 02/03/2022  
**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 of a detached garage and area of hard stand and patio, along with the erection of a fence at 52 Llewellyn Street, Trecynon.

The garage is positioned to the rear and side of the application property. The garage measures approx. 6.5m in length and 5.5m in width. The building measures approx. 2.3m in height to the eaves and 3.9m to ridge. Externally, the garage is finished in brickwork with tiles to the roof. New openings include a front facing garage door along with a side facing door and window.

The application also involves retention of raised hardstanding and small patio constructed within the curtilage of the property to the side of the dwelling. The works are positioned adjacent to the rear boundary walls of neighbouring properties to the south and the total area of works measures approx. 8.3m in width by approx. 16m in

length. The area of raised hardstanding and decking reaches heights of between 0.8m and 1.3m above prevailing ground levels. The applicant also proposes the construction of a timber fence to the northern and eastern side of the elevated patio and hardstanding area which would reach a maximum height of approx. 3.1m when measured above prevailing ground levels.

The proposal also includes the provision of a fence towards the southern end of the site screening the proposal, and a static caravan which is in situ, from terraced properties to the south. The fence would run a length of approx. 11.6m and would measure approx. 2.6m in height above prevailing ground levels.

There is currently a static caravan in situ at the application site, which is positioned atop the now constructed area of hardstanding and patio. The provision of a caravan within the curtilage of the property does not form part of the proposal and as such permission is not being sought for the siting of the static caravan.

Amended plans were submitted by the applicant which revised the site plan and application site. Initially, the applicants claimed that the access lane between no's 51 and 54 Llewellyn Street was under their ownership; however, a revised plan omitted reference to this access lane, which is in fact Council owned.

#### **SITE APPRAISAL**

The application property refers to a detached bungalow located within a predominantly residential area of Trecynon, Aberdare.

The property sits centrally within a modest plot and is set back from the adjacent highway of Trefelin by a front garden. To the side of the property is a driveway which leads to the now constructed detached garage, along with an area of amenity space which now includes the now constructed hardstanding and patio. The property also benefits from a rear garden.

The property is bounded to the north by garages, with the adjacent highway to the east and the grounds of Tegfan Residential home to the west. To the south, the application site adjoins the rear gardens of nearby terraced properties.

Properties within the immediate locality are a mix of detached, semi-detached and terraced properties of varying scales and designs.

#### **PLANNING HISTORY**

08/1049/10: 52/53 LLEWELLYN STREET, TRECYNON, ABERDARE. '*Single storey extension for en-suite bathrooms*'. Granted, 12/0/2008

#### **PUBLICITY**

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

Objections:

- Questioning the need for a garage, with applicants allegedly owning garages on adjacent land.
- Incorrect plans submitted, with lane between no's 51 and 54 Llewellyn Street being Council owned.
- Objections to utilising the access lane between no's 51 and 54 Llewellyn Street, with increase in vehicular activity and concerns with highway safety.
- The hardstanding constructed is too close to neighbouring properties, impacting privacy.
- The proposed screening fence would overshadow neighbouring properties.

Most objections received also related to the siting of a static caravan at the site, with objections outlining the following:

- Loss of Privacy to neighbouring properties.
- Loss of a view.
- The caravan overshadows neighbouring properties and causes loss of light.
- The caravan and associated works are an eyesore.
- Concerns with the proposed use of the caravan, possible Airbnb use or as a holiday unit. Concerns also relating to increase in vehicular activity and security issues should the caravan be used as a holiday unit.

#### **CONSULTATION**

Local Highway Authority

No Objections, Subject to Condition

#### **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 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 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:

## **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 a garage and the retention and completion of other works within the curtilage of an existing residential property. The principle of development is therefore acceptable subject to the criteria set out below.

#### Static Caravan:

Concerning the static caravan at the site. The provision of a caravan that meets the definition in the 1960 Act (as amended by the 1968 Act), sited within the curtilage of a domestic property and used for ancillary purposes does not amount to development and does not require planning permission.

The static caravan positioned at the site would be considered to meet the legal definition of a caravan and would be sited in the front garden and within the curtilage of the property. The applicants have also provided a statement as part of the application, stating that the caravan would be used as an annex, ancillary to the main dwelling and will be used and occupied by the applicant's family.

Consequently, the siting of the caravan at this location, for its stated use does not currently amount to a change of use nor would it be considered operational development, and planning permission is not required.

#### **Impact on the character and appearance of the area:**

The proposed garage would be sited to the rear and side of the property and whilst somewhat visible within the public realm, would not be considered over dominant in relation to the existing and surrounding properties. The garage is smaller in scale and subservient to the main house, which is considered acceptable. Overall, the garage is of a domestic scale and design, with materials considered to blend well with the site and surrounding areas.

Concerning the retention of hardstanding/ small area of patio and the erection of a timber fence to the northern, southern and eastern sides of the raised hardstanding. The works are considered relatively minor and in scale and would not be considered

to dominate the character of the property. Whilst the provision of a fence at this location could appear slightly unusual, the works would nonetheless be domestic in scale and nature. The works would be sufficiently set away from the main house and would not dominate the appearance of the dwelling as viewed from the street.

Whilst objections were received with regards to the unsightly nature of the static caravan, planning permission is not required for the siting of a static caravan at this site. Additionally, the proposed fencing would somewhat screen the static caravan, which would be considered beneficial in terms of visual amenity.

Overall, 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 proposed garage is positioned towards the rear of the application site and is set away from neighbouring properties. Due to the subservient scale and massing of the garage, and that it is set at a sufficient distance away from neighbouring properties, it is not considered that the construction of a domestic garage at this location would detriment the amenities of neighbouring occupiers.

The raised hardstanding and decking would reach heights of between 0.8m and 1.3m above prevailing ground levels, which could raise concerns of overlooking. However, the works also include the erection of a screening fence to the northern, southern, and eastern sides of the raised hardstanding and decking, which are considered sufficient in height to protect the privacy of neighbouring occupiers.

A proposed 2.6m high screening fence would be erected along the southern boundary of the site adjacent to the rear gardens of terraced properties along Llewellyn Street. The rear walls of gardens along this street measure at approx. 2.2m in height. Consequently, it would not be considered that the proposed 2.6m high screening fence, which is only 0.4m higher than an existing boundary wall between the application property and neighbouring properties to the south would be considered overbearing nor would it detriment the amenities of neighbours through overshadowing.

Several objections received relate to loss of privacy and overshadowing caused by the placement of a static caravan at the application site. However, as noted in this report, the provision of a static caravan within the curtilage of a residential property for uses ancillary to the main dwelling would not be considered development, and planning permission is not therefore required. Notwithstanding, the proposed screen along the southern boundary of the site is considered to provide sufficient privacy to neighbouring occupiers and would not significantly overshadow neighbouring 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.

### **Highway Safety:**

The Local Highway Authority consider that the proposed garage and vehicle hardstanding provides additional off-street parking at the site, which in turn decreases on-street parking demand in the interests of highway and pedestrian safety. The proposal is therefore considered acceptable in terms of highway safety, subject to conditions restricting the use of the garage to purposes normally associated with domestic use.

Whilst third parties objected to using an unadopted lane between No's 51 and 54 Llewellyn Street as a vehicular access, to the detriment of highway safety in their view, no such concerns were raised by the Highway Authority.

**Other Matters:**

Objections were raised by third parties regarding the original site plans submitted, in that they were inaccurate with the applicants claiming ownership of land which wasn't theirs. Amended plans were received, which demonstrated that the lane between No's 51 and 54 Llewellyn Street does not form part of the application site.

Objectors also questioned the need for a garage at the site, claiming that the applicants own several garages on land adjacent to the property. However, each planning application must be considered on its own merit, with the provision of a domestic garage at this location considered acceptable in principle.

Concerns were also raised with regards to the possible use of the caravan at the site. The applicants have confirmed in their submission that the use of the caravan would be as an annex, ancillary to the main dwellinghouse at the site. The occupiers would be the applicant's own family, which is considered acceptable. However, should other uses be undertaken at the site, or that it becomes apparent that the caravan is being used as a holiday let, then further planning consent may be required. Any issues pertaining to a change of use at the site, including highway safety and amenity impacts, would be considered in full as part of any future planning application.

**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
  - Location Plan. Received by LPA 06/04/2022
  - Existing Site Plan. Drawing Number BB-01. Rev B. Received by LPA 06/04/2022
  - Proposed Site Plan. Drawing Number BB-02. Received by LPA 06/04/2022
  - Garage Plans & Elevations. Drawing Number BB-03. Rev A
  - Sections. Drawing Number BB-04. Rev A

And documents received by the Local Planning Authority on 03/03/2022, 06/04/2022 and 10/06/2022, 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.

2. 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 line with Policy AW5 of the Local Development Plan.