

PLANNING & DEVELOPMENT COMMITTEE

20 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1041/10 (LJT)
APPLICANT: Mr Ben Atkin
DEVELOPMENT: Flat roof garage with associated works
LOCATION: 109 TY RHIW, TY-RHIW, TAFF'S WELL, CARDIFF,
CF15 7RW
DATE REGISTERED: 25/08/2022
ELECTORAL DIVISION: Taff's Well

RECOMMENDATION: APPROVE WITH CONDITIONS:

REASONS:

The proposed development is considered to be acceptable in respect of its visual impact and the impact it would have upon the amenity and privacy of the neighbouring residential properties.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the construction of a flat roof garage at 109 Ty Rhiw, Taff's Well. The proposed garage will be detached from the property and located at the end of the garden facing Abbey Close.

The proposed garage will measure a width of 5.5 metres and depth of 6 metres. It would have a flat roof design and measuring a height of 2.8 metres and would be finished in a dark grey whilst the walls finished in a white render. The proposed garage includes a garage door measuring 4 metres at the front elevation, which would directly front Abbey Close highway. A personnel door is proposed at the side elevation which would provide access to the garage from the garden.

SITE APPRAISAL

The application property is a semi-detached dwelling located within a residential area of Ty Rhiw, Taff's Well. The property is directly fronted by the highway at Ty Rhiw, to the rear of the dwelling is an enclosed amenity space bounded on the eastern elevation by neighbouring dwelling, and the neighbouring front garden at the western elevation. The nature of the area slopes from southeast to northwest with a moderate drop in levels between properties

The surrounding area is predominately residential in nature and is characterised by mostly traditional semi-detached dwellings of a similar scale and design to the application site.

PLANNING HISTORY

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

19/0185/10: 109 TY RHIW, TAFFS WELL, CF15 7RW

First floor side extension

Decision: 09/04/2019, Approved

16/1279/10: 109 TY RHIW, TY-RHIW, TAFF'S WELL, CARDIFF, CF15 7RW

Permission is sought for the retention of works carried out which includes creation of off road parking, alterations to ground levels using retaining walls together with a timber decking area

Decision: 09/02/2017, Approved

PUBLICITY

The application has been advertised by direct notification to 3 neighbouring properties.

3 letters of objection have been received from the occupiers of neighbouring properties. The points raised have been summarised below:

- Overbearing impact upon neighbouring properties.
- Potential of utilising as a business premise
- Impacts upon parking
- Overshadow adjoining property.
- Visual amenity.
- Proximity to adjacent boundaries.

CONSULTATION

Highways – The proposal would have no impact on the existing access to the site or the off-street parking provision afforded to the dwelling. As such no highways objections are raised and no conditions are recommended

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, 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 Pontypridd 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 placemaking, 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 all 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 the construction of a garage to the rear of an existing residential dwelling within the settlement boundary for Taff's Well. As such, the principle of development is therefore acceptable subject to the proposals satisfying the criteria set out below.

Impact on the character and appearance of the area

Although the proposed flat roof garage would be a prominent structure and visible from the highway of Abbey Close to rear of the site, when considering that existing rear garages are established along the highway, it is considered that the garage would not adversely impact upon the immediate areas overall character and appearance. Neighbouring properties No. 111 and 107 Ty Rhiw have existing rear garages that are comparable to the proposed. As such, when viewed in the context

of the street scene, the proposed garage would not be considered to adversely impact upon the character and appearance of the wider area.

The proposed garage is located to the rear of the property, it would not be widely visible in the surrounding area. When considered in conjunction with the existing garages, the development would form a moderate addition to the application property, adding to the existing layout. Therefore, it is not considered to result in such an impact that would warrant a refusal in this regard.

Taking the above into account, the proposed development is considered to comply Policies AW5 and AW6 of the Local Development Plan.

Impact on residential amenity and privacy

In terms of residential amenity, any impact would be greatest upon the adjacent properties 107 and 111 Ty-Rhiw, and rear property of 2 Abbey Close given their proximity to the proposed garage. Given the relationship with these properties, with the rear of no.107 located at a lower level, there is some concern raised with regard to the impact upon the amenity of occupiers. However, when considering that there is an existing garage to directly to the rear of this property at an elevated level, it is not considered to result in extensive over shadowing to warrant a refusal in this regard. It is also noted that no 111 Ty Rhiw is set back to the rear of the application site in comparison to no. 107, and any impact associated with the proposed garage would be similar to that which occurs between these properties and others within the vicinity.

Whilst the objectors raised concerns with regard to overshadowing, it is considered that due to the flat roof design and sloping nature of the area, the proposed garage would not exacerbate the levels of overshadowing to an extent that would warrant a refusal, given that there are existing garages beyond no. 107 and 111 Ty Rhiw.

Taking the above into account, the application is not considered to result in a significant adverse impact upon the amenities of adjacent occupiers. As such, the application is considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other issues raised by the objectors

The objectors raised concerns in relation to the proposed garage serving as a business premise, which would increase visitor parking. However, it is conditioned that the garage must solely be utilised for domestic purposes. In addition, consultation from Highways concluded that the proposed garage would have no impact on the existing access to the site or the off-street parking provision afforded to the dwelling.

The right to light was 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.

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 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 plans
 - DRG.NO. 3A
 - DRG.NO. 4A
 - DRG.NO. 5A
 - DRG.NO. 7A

and documents received by the Local Planning Authority on 04/07/2022, 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. 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 should be carried out therein.

Reason: for the avoidance of doubt as to the extent of this consent and in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan