

## **PLANNING & DEVELOPMENT COMMITTEE**

**08 June 2023**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0335/10 (HB)  
**APPLICANT:** Mr Hughes  
**DEVELOPMENT:** Proposed rear garage  
**LOCATION:** 237 BRITHWEUNYDD ROAD, TREALAW,  
TONYPANDY, CF40 2PB  
**DATE REGISTERED:** 04/04/2023  
**ELECTORAL DIVISION:** Trealaw

---

#### **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW**

**REASONS:** The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the potential impact it would have upon the amenity and privacy of the neighbouring residential properties. It is also considered there would be no undue impact upon pedestrian and highway safety in the vicinity.

---

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

- The applicant is a serving Elected Member.

#### **APPLICATION DETAILS**

Full planning permission is sought for the following at 237 Brithweunydd Road, Trealaw:

- Construction of a domestic garage adjacent to the rear curtilage boundary measuring approximately 4.6m in width, 4.7m in depth and maximum ridge height of 2.9m. A roller shutter door with a width of 2.7m would provide access to the adjacent lane, with a window and access door within the rear garden.
- Engineering works including access steps from the garage to the rear garden approximately 0.9m in height and 1.3m in width.

#### **SITE APPRAISAL**

The application property is a mid-terraced, two-storey dwelling located within a residential area of Trealaw. The dwelling is set within a rectangular shaped plot and is

set back from the highway by a small enclosed front garden. A further enclosed garden is located to the rear of the property.

The property adjoins no. 236 Brithweunydd Road to the south-east and no. 238 to the north-west. An adopted rear lane adjoins the rear boundary to the south-west. The lane serves nos. 230-276 Brithweunydd Road and the rear gardens of properties along New Century Street.

There are numerous examples of garages of various styles and designs to the rear of Brithweunydd Road and New Century Street.

It is noted that application reference 23/0337/10 for a garage at 236 Brithweunydd Road has been submitted in conjunction with this application.

## **PLANNING HISTORY**

17/0896/39	Non material amendment for a proposed change to size of window in 1st floor extension (rear elevation) reducing from 2 windows to 1 window. New window inside elevation (obscure glaze) and sun light tunnel in relocated bathroom.	Granted	24/08/2017
17/0744/10	Proposed additional 2.8m single storey extension to be added to an already approved two storey extension.	Granted	24/08/2017
17/0175/10	Proposed two storey extension.	Granted	22/03/2017

## **PUBLICITY**

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

No letters of support or objection have been received.

## **CONSULTATION**

Highways and Transportation – no objection subject to conditions in respect of the garage apron tie-ins and the use being restricted to domestic purposes.

## **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 is in the process of being replaced. 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 a settlement boundary.

**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 to the construction of a garage within the curtilage of an existing dwelling for domestic use in association with that 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 proposed garage is considered acceptable in terms of its scale, design, and overall visual appearance. The garage would be sited with the least impact upon neighbouring properties at the rear of the site, and would be similar in scale, design and appearance to many other garages within the lane between Brithweunydd Road and New Century Street. It would also be subservient to the host dwelling and would not dominate any façade.

Therefore, the garage is considered not to detract from the character and appearance of the area and acceptable in this regard.

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

It is not considered the proposed garage would have a significant impact upon the amenities of the surrounding neighbouring properties for the following reasons:

The building would be sited at the rear of the curtilage of the dwelling away from the rear elevations of the adjoining properties ensuing there would be no loss of outlook. Number 236 has a mirror planning application under consideration which if approved, would ensure no overbearing or overshadowing impact would occur to this property.

Furthermore, given the relatively minor single storey height and footprint of the proposed garage, it is not considered any undue impacts would occur to number 238.

There are no side windows proposed and therefore no concerns are raised with regards to privacy.

However, to ensure the development is preserved as amenity space ancillary to the host dwelling a condition is suggested below to restrict the garage to domestic use associated with the main dwelling only.

Lastly, it is noted that no letters of objection or representation have been received from the occupants of neighbouring properties.

It is therefore considered the proposed garage would not be harmful to the amenity and privacy of surrounding neighbouring properties and the application complies with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## **Highways**

The Council's Highways and Transportation department have been consulted and are satisfied, subject to conditions regarding the usage and apron tie-ins being included with any decision. The conditions are considered reasonable and necessary and are therefore set out below.

In light of the above, the proposal is considered acceptable in terms of highway safety.

## **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. Additionally, it is not considered there would be any undue impact upon highway safety in the vicinity. 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 plan(s) and documents received by the Local Planning Authority on 24/03/2023 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Application form dated 24/03/2023
- Existing Plans, Elevations and location plan: WH.QAR/01
- Proposed Plans and Elevations: WH.QAR/02

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The garage, hereby approved, shall be used only for purposes ancillary and incidental to the use of the dwelling house known as 237 Brithweunydd Road. At no time shall it be converted to independent living accommodation, and no business shall be carried out from therein.

Reason: The garage would be unacceptable for independent residential or commercial use and to protect the amenities of the residents of the occupiers of adjoining properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to any development works commencing on site, other than preparation works, design and detail of the garage entrance apron and tie-in with the adopted lane shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial use of the garage.

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