

PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1464/10 (HB)
APPLICANT: Mr C Davies
DEVELOPMENT: Single storey side extension, two storey side extension and rear raised patio and associated works
LOCATION: 45 HILL STREET, HENDREFORGAN, GILFACH GOCH, PORTH, CF39 8TW
DATE REGISTERED: 27/02/2023
ELECTORAL DIVISION: Gilfach-goch

RECOMMENDATION: REFUSE

REASONS: The raised patio, by virtue of its scale and elevated height forms an unneighbourly form of development which directly overlooks and adversely impacts upon the amenity and privacy of neighbouring occupiers. It is not considered privacy screens would overcome these concerns.

The proposed two-storey side extension, by virtue of its scale and proximity to the curtilage boundary would result in an unneighbourly form of development which would have a significant overbearing impact upon the adjacent neighbours.

As such, the application is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance 'A Design Guide for Householder Development'.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Webb to assess the impact of the development upon the amenity of neighbours.

APPLICATION DETAILS

Full planning permission is sought for the erection of a single storey side extension to the eastern elevation of the dwelling, a two storey side extension to western elevation which would also include the raising of the ridge height of the existing property allow

for an attic conversion, and part-retrospective engineering works in the rear garden for an elevated terrace and boundary treatments. Specifically, the application proposes the following:

- The single storey extension will extend in front of the existing principal elevation by 2m. It would be approximately 10.5m in length, 3.1m in width at the rear and 3.7m in width at the front elevation, having a pitched roof with an eaves height of 2.4m and ridge height of 3.8m. Due to the ground levels falling between the front and rear of the site engineering works are required in this location, beneath the proposed extension, to provide a level floor slab. The ground level would be increased by a maximum of approximately 1m at the rear elevation of the proposed extension.
- The two storey extension would measure 8.4m in length by 3m in width. The property's existing ridge would be raised from 7.6m in height to 8.1m and the new addition would extend to the full height of the new ridge line to allow for the attic to be converted to living space. The two-storey extension would also require engineering works to provide a level floor slab. The ground levels would be increased by a maximum of approximately 0.95m at the rear elevation.
- Engineering works have been undertaken in the rear garden area but are not yet complete. An existing raised terrace area has been extended out by 2m through the construction of a 2m high and approximately 14.8m wide retaining wall, resulting in a raised patio with a total depth of 6.3m from the rear of the dwelling and cumulative floor area of 93m². A 1.5m high timber fence would be sited on the western side of the raised terrace as a privacy screen.
- 1.8m high timber fencing would be erected along the west, east and south curtilage boundaries.

External materials of all aspects of the scheme would match that of the existing property where possible.

Members are advised that amended plans were received on 13/02/2023. The alterations involved re-siting the two-storey extension from the east to west elevation and single storey extension from the west to east elevation due to concerns for the amenity of number 43 Hill Street, given the proximity and scale of the extension. Additional plans were received on 28/02/2023 and 22/03/2023 to include the part retrospective engineering garden works – this aspect of the scheme was not included within the original submission.

SITE APPRAISAL

The application property is a two-storey detached dwelling set in an irregular shaped plot located within the residential area of Gilfach Goch. It is set back from the adjoining highway and is finished with render and a pitched roof. There is amenity space to the front and rear, with a retaining wall constructed within the centre of the rear garden which does not benefit from planning permission and is subject of this application. The site is set upon a hill, with the ground levels significantly dropping off from the

house level to the south and west and the side curtilage boundary significantly lower than the dwelling's ground floor level adjacent to number 47 Hill Street. Number 43 Hill Street is at a higher ground level. Abutting the rear curtilage boundary are the rear gardens of adjacent properties at Cambrian Gardens which are sited at a lower ground level.

The dwelling is one of three detached dwellings at the end of Hill Street which are each of different scales, design and appearance. However, the remainder of the street scene is comprised of semi-detached dwellings of the same design and scale.

PLANNING HISTORY

There are no recent or relevant applications on record with this site.

PUBLICITY

The application has been advertised by means of direct neighbour notification. 2 letters of objection have been received, 1 from the adjacent neighbour and 1 from a consultant on behalf of the objector.

The basis of the objections are as follows:

- Overdevelopment/ impact on the character and appearance of the area
- Amenity impact: overlooking, privacy, loss of light, overbearing
- Unauthorised clearance of hedges and trees
- Unauthorised engineering works
- Foundation works encroaching into neighbour's land
- Drainage issues
- Parking provision

3 letters of support from neighbours have also been received on the basis of:

- Improving the appearance of the area
- Increasing the light provision by removing trees

CONSULTATION

Highways and Transportation – No objection subject to conditions.

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 site is within the settlement boundary for Gilfach Goch 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

- Design and Placemaking
- A Design Guide for Householder Development
- Access, Circulation and Parking Requirements

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) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is not considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW, the Well-being of Future Generations (Wales) Act or FW2040.

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 extension of and engineering works at an existing residential dwelling to enhance the existing residential use at the site. As such the principle of development could normally be considered acceptable. However, in this instance it is considered the works would result in a significant detrimental impact to the amenities of the adjacent properties (as set out in detail below).

Impact on the character and appearance of the area

Objectors have raised concerns with the potential terracing affect the extensions would result in, the lack of subservience/ scale of the extensions, conflicting finishes, and the single storey addition not being set back from the front of the host dwelling, which they comment are all issues contrary to the Council's householder design guide SPG.

Engineering works

The engineering works and terrace includes a substantial area of patio, however they are not visible from the principal elevation and are not overly prominent from any neighbouring properties. As such the general impact of stepping the rear amenity space on the character and appearance of the area is considered acceptable.

Extensions

The extensions are not considered to have a significant impact upon the character and appearance of the area for the following reasons:

While the single storey side extension would protrude from the existing principal elevation forming a visible feature, it would be of a minor scale and height, not dissimilar to development usually allowed via permitted development and similar to many other extensions throughout the County Borough. As such, it is not considered it would have any undue visual impact.

The attic conversion would increase the ridge height by only 0.5m, which is considered relatively minor and would not appear overly noticeable when taken in the context of

the wider development. As such, it is and not considered this element of the scheme would impact upon the character and appearance of the site or street scene significantly.

The proposed two-storey side extension, whilst large in scale, is not located within a prominent view within the overall street scene with a dwelling directly to the side elevation largely screening it from wider views. The west elevation is set back 0.15m and whilst it is noted there is not an adequate gap at the front of the dwelling for access to the rear, the rear is set in approximately 1.7m and the irregular plot shape limits the potential terracing affect. Additionally, as the dwelling is sat at a higher ground level and at a different orientation to no. 47 Hill Street, any future side extension development by number 47 would likely not be in a consistent building line to the proposed development. Finally, the external appearance of the additions will match the existing dwelling and there is subsequently no concern in this respect.

There is some concern regarding overdevelopment of the site when the works are considered as a whole, but the property is set within a large plot capable of accommodating the works and therefore it is not considered this would be significant enough to warrant refusal.

Therefore, whilst there will undoubtedly be an impact upon the character and appearance of the existing dwelling/site and the surrounding street scene, on balance, it would not cause a detrimental impact significant enough to warrant a refusal on visual grounds.

It is also noted that letters of support have been submitted siting the works would improve the overall appearance of the area, stating the current dwelling has been vacant for several years.

Impact on residential amenity and privacy

Comments have been submitted which raise concerns over overbearing, loss of light and loss of privacy. The proposal is considered to result in an unacceptable adverse impact upon the amenity/privacy of neighbouring properties for the following reasons:

Engineering works and terrace

There is an existing level of overlooking present within the site, from both the side elevation first floor windows and the historic rear amenity space ground levels. A level of overlooking that has recently been increased by the removal of trees along the western boundary of the site, evidence of which has been provided from the neighbouring occupiers. Although it is noted that the removal of trees has increased light provision to the rear gardens of Cambrian Terrace as set out by the supporters.

The top-tier of the raised patio would be at a similar level to the existing top of the 1.8m high boundary fence upon the west curtilage boundary. This exacerbates an already

poor relationship with the adjoining dwellings to Cambrian Terrace to the south, and no. 47 Hill Street to the west with high visibility from each outlook. Although mitigation of a 1.5m timber fence is proposed, this would impact the outlook from no. 47 and would not overcome the overlooking impact to the garden amenity space. Therefore, the raised patio area would result in an unacceptable form of development and is a recommended reason for refusal.

Two storey extension

The comments received from objectors relate to loss of light, overbearing and impact of amenity enjoyed from habitable rooms.

There will be an impact upon the light received to no. 47, however, this would generally be in the morning only and would not impact the rear garden amenity space substantially. Additionally, there are no side elevation windows proposed which reduces the level of overlooking already present from the existing side elevation windows. Therefore, there are no significant concerns with regards to the level of overlooking or light from the extension.

The extension will however move the side elevation of the property 3m towards no. 47 Hill Street at a height of at least 8.1m from the existing ground level, with additional levelling ground works proposed. Whilst it is noted the side curtilage boundary is not flush with the whole extension, the overall height and scale will significantly impact upon no. 47 Hill Street's living room outlook and would be a dominant form to the side elevation. This is considered overbearing and would represent an unacceptable form of development and are grounds for refusal.

Single storey extension

The single storey extension is similar to the development allowed via permitted development and will not significantly impact the amenity of neighbours.

Summary

The proposal is considered to detrimentally impact the amenity enjoyed by others, contrary to Policy AW5.

Highways and Parking

Comments have been received with regards to potential highway issues including an increase in bedrooms and associated parking/access provision, and content of any proposed conditions not being available on the Council's website for the public to view.

The Highways and Transportation department have been consulted on the matter and are satisfied with the proposal, subject to standard conditions being included with any consent relating to surface water drainage and the crossover/footway details. These

comments are and have been available to view on the Council's website since being produced.

Therefore, from a highways context, the application is deemed acceptable.

Other Matters

Retrospective works impact

Comments have been received with regards to the retrospective nature of the garden works. Whilst it is regrettable that works have commenced without the necessary planning permissions, any applicant is entitled to apply for planning permission retrospectively, albeit at their own risk. Should planning permission be refused, further enforcement investigation would be undertaken.

Foundation encroaching

Concerns were raised with regards to building foundations in such close proximity of the site boundaries, which could impact upon the neighbouring properties. The applicant has signed Certificate A confirming that all land to be developed is within their ownership and the development would not encroach over the boundaries. Further, any works would be subject to separate Building Regulations approval that would assess the impact of foundations upon the neighbouring properties.

Drainage

Comments have been received with regards to the amount of hard-surfaces within the development and potential surface water issues. Given the relatively minor scale of the proposed works it is considered any drainage works would be adequately controlled through the necessary, separate Building Regulations process.

Biodiversity

Whilst it is regrettable the trees have been removed to the west elevation they were not protected and the applicant is permitted to remove these without planning consent. As such, these works do not form a material planning consideration.

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 CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application is considered contrary to the relevant policies of the Local Development Plan in respect of the impact it would have upon the amenity and privacy of existing neighbouring properties.

RECOMMENDATION: REFUSAL

1. The raised patio, by virtue of its scale and elevated height forms an unneighbourly form of development which directly overlooks and adversely impacts upon the amenity and privacy of neighbouring occupiers. The addition of privacy screens would not overcome this concern. The application is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance 'A Design Guide for Householder Development'.
2. The proposed two-storey side extension, by virtue of its scale and proximity to the curtilage boundary would result in an unneighbourly form of development which would have a significant overbearing impact upon the adjacent neighbours. The application is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance 'A Design Guide for Householder Development'.