

## **PLANNING & DEVELOPMENT COMMITTEE**

**07 September 2023**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0165/10 (RP)  
**APPLICANT:** Mr M Welsh  
**DEVELOPMENT:** Retention of detached garage / workshop.  
**LOCATION:** 87 COED ISAF ROAD, MAESYCOED, PONTYPRIDD,  
CF37 1EN  
**DATE REGISTERED:** 08/03/2023  
**ELECTORAL DIVISION:** Graig and Pontypridd West

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**RECOMMENDATION:** Approve

#### **REASONS:**

The principle of development at the site is considered acceptable and has already been established. In addition, it not considered the proposal would have a significant impact upon the character and appearance of the area, the residential amenity of the surrounding neighbouring properties, or highway safety within the vicinity of the site.

The application is therefore considered to comply with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Three letters of objection have been received from occupiers of adjacent neighbouring properties.

#### **APPLICATION DETAILS**

Full planning consent is sought for the retention of a garage/workshop that has been constructed to the rear of 87 Coed Isaf Road, a semi-detached dormer bungalow located within the residential area of Maesycoed, Pontypridd.

The structure, which is accessed via a service lane off the highway of Llandraw Woods, to the south-west, in addition to ancillary land within the applicant's ownership, has replaced 2no. former garage structures at the site, although Members will note from the plans that accompany the application that one of the garages has been

partially demolished and incorporated into the structure of the new building, and that the second garage is actually still currently standing within the new structure.

Of concrete block construction and sitting under a profile sheet clad roof covering, the garage/workshop has a floor area measuring 11.780m in length by 10.400m in width and extends to a maximum height of 4.6m, as viewed from the rear garden of the application site owing to the prevailing topography.

A set of roller shutter doors have been installed within the south-west facing front elevation of the structure and address the access lane, whilst an access door has been positioned within the south-east facing side elevation and a short set of steps developed which allow access/egress to/from the rear garden of the plot.

## **SITE APPRAISAL**

The application site is located within a residential area of Maesycoed, Pontypridd, and consists of a semi-detached bungalow which is set within a rectangular shaped plot.

The property faces a south-easterly direction with the principal elevation occupying an elevated position above the footway of Coed Isaf Road, set back by an enclosed front garden, driveway and set of access steps. The external finish of the house is mainly of painted render and has been modernised by the addition of a front facing dormer.

To the north-eastern elevation is a single storey pitched roof garage, whilst a further enclosed garden is positioned to the north-west facing rear elevation and is bound by those of neighbouring plots on both sides. Beyond the property's garden curtilage is amenity land within the applicant's ownership, with this being outlined in blue on the site location plan that accompanies the proposal and benefits from vehicular access off the aforementioned tarmac lane from which it is enclosed by a set of metal gates.

Neighbouring properties in the immediate street scene are predominantly semi-detached bungalows, however, the wider area displays a variety of different house types. Many of the neighbouring bungalows on this part of Coed Isaf Road benefit from the use of detached garages with several of these being located off the rear access lane.

## **PLANNING HISTORY**

94/0772/09	Application for a Certificate of Lawfulness for Existing Use as a Building Business	Approved	29/11/94
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## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties. Three letters of objection have been received and raise the following points.

- The scale of the building is not in proportion with the surrounding buildings and area;
- The building is in a raised position, industrial looking, unsightly and out of character with the residential area;
- The building is imposing on the privacy of the immediate neighbouring houses and gardens;
- Although not shown on the submitted plans, the existing building has provision for window openings on several elevations. These windows would be capable of overlooking neighbouring gardens and properties;
- The sheer size of the building as a replacement to the previous two garages suggests that the unit may be used for purposes other than garaging and storage, especially given its proximity to the rear yard;
- The structure has been built right up to the boundary, such that no room for maintenance is provided. Guttering on the side of the building, when secured, would potentially hang over the garden of a neighbouring property;
- The development is overbearing and overshadows my garden.

## **CONSULTATION**

- Highways and Transportation – No objection subject to conditions.
- Flood Risk Management – No objection, 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 4<sup>th</sup> 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 4<sup>th</sup> 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 24<sup>th</sup> 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 both within and outside of the settlement boundary for Graig and Pontypridd West 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 place making, including landscaping.

**Policy AW10** – states development proposals will not be permitted where they would cause or result in risk of unacceptable harm to health and/or local amenity because of air or noise pollution.

## **Supplementary Planning Guidance**

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) 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 relevant policy guidance consulted:

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 seeks full planning consent for the retention of a garage/workshop that has been constructed within the extended curtilage of an existing residential dwelling. The principle of development is therefore acceptable; however, this would be subject to an assessment of the site-specific criteria set out below.

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

The structure has been constructed at the uppermost part of the property's garden and has replaced, in part, 2no. garages that once occupied this part of the site. Whilst the cumulative footprint of the former garages was fairly substantial, it is acknowledged that the newly built structure is a far bulkier addition to the site on account of its height, design and scale and appears more akin to an industrial unit rather than a domestic garage.

Notwithstanding this, the building, by being located to the rear of the site, has very little distinguishable impact upon the public realm, being largely screened by the multiple other garage structures that address the highways of Coed Isaf Road/ Llandraw Woods along with the gated, tarmacked access lane and is only visible in glimpses from the front of the site.

Consequently, although the neighbouring objectors deem the structure to be a visually incongruous form of development, and whilst it is acknowledged that the building is larger than a typical residential garage, given the size of the curtilage and other land within the applicant's ownership it is not considered that the structure is disproportionate to its surroundings. However, it is recommended to Members that a condition is applied so that the structure is finished in an appropriate material to help soften its appearance, at least towards the closest residents, and would limit the visual impact of the development and assist in its integration with the immediate vicinity.

Therefore, based on the above, it is not considered that the structure would detract from the visual qualities of the area to a point which warrants refusal of the application.

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

The structure would not be occupied as a habitable space and, with the absence of any window openings, its use would not likely cause any significant privacy or amenity issues to other residents.

In addition, the elevations of the structure are set well away from the adjoining and adjacent properties themselves, such that the outlook of neighbouring occupiers would not be unacceptably altered.

Furthermore, sited to the north of the row of dwellings, the structure would not create significant shading of neighbouring gardens, with any limited impact being contained to the uppermost parts of 85 and 89 Coed Isaf Road during the early and latter parts of the day respectively.

In this context the degree of detriment to neighbouring residents is not considered to be unacceptable or be to such a degree that would justify refusal of the application. Therefore, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

## **Highways and Accessibility**

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments in relation to access and parking.

### Access

The proposal is accessed via a single width rear lane that is lacking in vision splays at the junction and is acceptable as a secondary access for domestic use only. The rear lane is served off Landraw Woods. There is space to the rear of the property for vehicles to turn, allowing access and egress to and from the lane in a forward gear which is considered acceptable.

Taking into account the sub-standard nature of the lane leading to the proposal a condition restricting the use of the structure for domestic use only, with no trade or business therein has been suggested.

### Parking

The garage provides for a minimum of 3 parking spaces which is in accordance with SPG: Access, Circulation & Parking Requirements (2011) maximum standards for a residential unit which is considered acceptable.

### Highways Conclusion

There is slight concern that the structure may be used for purposes not associated with 87 Coed Isaf Road. However, taking into consideration that a condition has been suggested to overcome this concern and that the development would provide off-street parking facilities, thereby reducing on-street parking demand on Coed Isaf Road, the proposal is considered to have an acceptable impact upon highway safety in the vicinity of the site.

## **Drainage**

The proposed development would result in a total construction area of over 100 square metres and the applicant would therefore be required to submit an application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB), under Schedule 3 of the Flood and Water Management Act 2010. However, members will be aware that SuDs is not available retrospectively.

Consequently, as the applicant has failed to outline how surface water will be disposed of on the application form and has not provided any relevant surface water details for review the Lead Local Flood Authority have requested further information, via condition, as to how surface water will be managed and disposed of at the site.

## **Neighbouring Consultation Responses**

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

The objectors have tendered objections regarding the potential loss of privacy to their rear amenity areas and rear facing habitable room windows. Having viewed the current situation on site, provision has been left within the elevations of the structure for windows to be installed which is not reflected on the submitted plans. Therefore, for the sake of certainty, an approved plans condition is recommended so that no material erosion of the neighbouring occupants existing levels of privacy occurs. Members should note, however, that a neighbouring resident's garage does have one window opening within its rear elevation, albeit it is obscure, and that overlooking does appear prevalent in the immediate area owing to the tiered nature of neighbouring garden levels and the number of dormer extensions that have been developed.

The objectors point as to the intended use of the garage is acknowledged and a condition is suggested so that the use of the garage is of a domestic scale only. To this end, Members are advised that the applicant does own a sizable portion of land to the rear of the application site, with this being outlined in blue on the site location plan that accompanies the proposal.

Members should be made aware that the Council sold this area of land to the proprietor of 87 Coed Isaf Road on the 27<sup>th</sup> March 1997 and as part of that disposal, it was covenanted to the Purchaser within the Transfer not to erect any building or structures on the land without the prior written consent of the Council. Further, the covenant does not allow for any development here that may cause a nuisance or annoyance to

adjoining land owners or users of land. Consequently, if Members are minded to approve the application and should the applicant subsequently conduct any commercial operation from the garage and/or the other land in his ownership, then in addition to enforcing the suggested condition other provisions outside of the planning process would be available to the Council to protect the amenities of neighbouring residents.

Lastly, the issues raised in respect of maintenance and any possible encroachment via overhang of guttering are civil matters for the applicant and neighbouring parties to resolve. However, members are advised that, for the purposes of this application, the applicant has completed Ownership Certificate B of the application form and has served notice on each property that has an access off the lane and which includes both of the immediate neighbouring properties that bound the site.

### **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, the residential amenity of the surrounding neighbouring properties or highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 AW6 and AW10).

### **RECOMMENDATION: Grant**

1. Notwithstanding the submitted plans, within 6 months of the date of this consent the garage/workshop hereby approved shall be finished in external materials matching those found at the existing dwelling of 87 Coed Isaf Road.

Reason: In order to safeguard levels of visual amenity, in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

2. The development hereby approved shall be carried out in accordance with the approved drawing numbers and documents received by the Local Planning Authority on 16/06/2023 and 06/07/2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing no. PLA01 (Block Plan)
- Drawing no. PLA02 (Current Plans)



- Drawing no. PLA03 (Current Elevations)
- Site Location Plan

Reason: For the sake of certainty, to ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The use of the garage/workshop 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 the garage/workshop 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 amenity of neighbouring residents and safety of all highway users, in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Within 3 months of the date of this consent the applicant shall evidence how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Reason: To ensure that surface water runoff from the development does not cause or exacerbate the flood risk on the development site or elsewhere, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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