

PLANNING & DEVELOPMENT COMMITTEE

9 November 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0979/10 (MF)
APPLICANT: Mr Lewis
DEVELOPMENT: Timber decking to the rear of the property.
LOCATION: 65 HEOL-Y-COED, PONT-Y-CLUN, PONTYCLUN,
CF72 9AT
DATE REGISTERED: 30/08/2023
ELECTORAL DIVISION: Pontyclun Central

RECOMMENDATION: Approve, subject to conditions.

REASONS: The raised deck is of an appropriate design and scale that ensures it has no detrimental impact to the character and appearance of the site or surrounding locality. While it is accepted a degree of overlooking of the immediate properties does occur, it is not considered the levels of overlooking from the site have been significantly increased over and above that which would have previously occurred.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by an immediate family member of a serving Councillor.

APPLICATION DETAILS

Planning permission is sought for the retention of a raised timber deck to the rear of the application property. The deck measures 4.9m in width, spanning almost the full width of the dwelling's rear elevation, and projects from the rear of the house by 6m. The rear garden falls away from the property and therefore the deck is set at ground level at the back of the dwelling but extends to a maximum of 1.1m above ground level at its highest point (southern elevation). A 1m high timber balustrade is located along the southern and western elevations facing the garden area, and timber close board fence along the eastern elevation on the boundary with the adjoining property, no. 67.

SITE APPRAISAL

The application property forms a traditional, two-storey, semi-detached dwelling located within a residential area of the village. The dwelling is set back from the street by a small, enclosed garden area to the front. A footpath is located to the western side which leads to an enclosed garden area at the rear which falls away from the dwelling. A raised timber deck structure has been erected in the rear garden (subject of this application). Neighbouring properties are all of the same design and scale, with several having examples of deck structures comparable to that at the application property.

PLANNING HISTORY

No previous planning applications have been submitted at the site.

PUBLICITY

The application has been advertised by means of direct neighbour notification. No representations have been received.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The current LDP's lifespan was 2011 to 2021. 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 04 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 04 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 September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside of the settlement boundary for Pontyclun 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 standard of design and to make a positive contribution to placemaking, including landscaping.

Supplementary Planning Guidance

- Design and Placemaking
- 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) was issued on 24 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 considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also 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 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 national planning 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.

Principle of the Proposed Development

The application seeks planning permission for the retention of a raised deck structure at the site, constructed to enhance the living conditions of residents at the property. The principle of development is therefore considered acceptable, subject to compliance with the relevant material considerations set out below.

Visual Impact

The development works inevitably result in a visible addition to the site. However, sited to the rear of the dwelling the structure is only visible from within the site and from the rear of the immediate neighbouring properties, from which it is largely screened by existing boundary treatments. It is also noted that there are several similar structures throughout the locality and therefore this type of development is typical of the area. Finally, the deck has been constructed of appropriate external materials and to a high standard that does not detract from the character and appearance of the site and ensures any visual impact is minimised.

The application is therefore considered acceptable in visual terms.

Residential Amenity

Given the relatively minor scale and height of the deck it does not result in any overshadowing or overbearing impact to the adjacent properties. It is however accepted that any raised deck structure of this nature would inevitably result in a degree of overlooking to the immediate neighbouring properties, but that overlooking from these types of structures has generally been considered acceptable in recent appeal decisions, depending on the scale and height of the raised platform and the use of appropriate screening.

In this instance as all rear gardens along the street fall away from the dwellings in the same manner as that at the application site, all gardens in the street already overlook one another and the properties to the rear to a certain degree. As such, it is not considered a raised deck of a relatively minor height of 1.1m has significantly increased the degree of overlooking than that which would have previously occurred.

It is noted however that the boundary fence along the eastern side of the site is located at ground level. Therefore, as the garden falls away from the dwelling, while the fence is 1.8m above the deck at the rear of the dwelling it reduces in height towards the back of the structure which does result in some direct overlooking of the adjoining property's rear garden area. However, this impact is considered minimal and it is noted that no objections have been received from this property, or any other adjacent properties,

following consultation. It is however considered that a 1.8m high screen should be installed along the full length of the deck in this location, at deck level, to remove any opportunities for direct overlooking. A condition to this effect is set out below. While it is accepted the screen would result in a degree of overshadowing/overbearing to the adjoining property, it is not considered any impact would be significant given the screen would not be considerably higher than the existing boundary fence.

Subsequently, in terms of the potential impact upon the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

Community Infrastructure Levy 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

The raised deck is of an appropriate design and scale that ensures it has no detrimental impact to the character and appearance of the site or surrounding locality. While it is accepted a degree of overlooking of the immediate properties does occur, it is not considered the levels of overlooking from the site have been significantly increased over and above that which would have previously occurred; and any impact can be reduced through the installation of an appropriate privacy screen.

It is therefore considered the application complies with the relevant local and national planning policies and is acceptable.

RECOMMENDATION: Approve, subject to conditions below.

1. The development hereby approved shall be carried out in accordance with the approved plans ref:
 - Site Location Plan
 - Block Plan
 - New Decking Elevations
 - New Decking – Plans and Details

and documents received by the Local Planning Authority 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. Within 3 months of the date of this consent a 1.8m high privacy screen shall be erected on top of the raised deck along its eastern boundary with No. 67 Heol-y-Coed.

Reason: To protect the amenities of the immediate neighbouring properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.