

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023-2024:

**PLANNING AND
DEVELOPMENT COMMITTEE
9TH NOVEMBER 2023**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

Agenda Item No.
APPLICATION NO: 23/0896/10 – Demolition of the existing rear and side extensions, construction of a two-storey side extension and a complete first-floor extension. Works also include alteration to the structure of the existing dwelling and general renovation works (Amended site location plan received 13/09/2023), Cartref Bungalow, Hobbs Lane, Hirwaun, Aberdare, CF44 9BU

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Planning and Development Committee meeting of 19th October 2023 with an officer recommendation of approval. A copy of the original report is attached as Appendix A.

At that meeting, Members resolved to defer the application to allow for further discussions to take place with the applicant with a view towards overcoming the concerns of Members in respect of the initial submission, with particular regard to the design of the proposed front elevation of the development and its window to wall ratio.

As a consequence, it was resolved to defer determination of the application to allow the further discussions to take place.

4. PLANNING ASSESSMENT

Members are advised that following the deferral of the application at the 19th October 2023 Planning and Development Committee, discussions with the applicant have taken place and amended plans

have been received which show additional window openings to the dwellings front elevation that would serve an open plan kitchen and living area, study and two front facing bedrooms. It is considered the potential visual impact of the proposed amendment is acceptable and that the proposal now offers a more measured approach in terms of the amount of glazing proposed to the buildings gross exterior wall area. Furthermore, given the orientation of the front elevation, although the kitchen and living area would benefit from a dual aspect, the amendment would assist in allowing more light to penetrate into the other front facing rooms.

5. **OTHER ISSUES**

Members are advised that prior to this item being discussed at Planning & Development Committee of the 19th October 2023 a late letter from a neighbouring resident was received. As the late letter was not read out or summarised at the time its content is summarised and points addressed for the benefit of Members below:

- *The proposal would result in a complete destruction of our privacy and would completely ruin the rural aspect of the location.*
- *The proposal will result in increased volume of traffic on what is a single vehicle access road.*
- *The driveway which Cartref is proposing to excavate and build upon is a shared access point between two properties. This is a narrow single track, which is the only access to Diddosfa and its garage. Should this be encroached upon it would result in a reduced width blocking the right of way and access to said property or garage. This would result in a right of way blocked and no facility to access or park vehicles securely or safely as the road in front is only a single vehicle access which would block the right of way.*
- *The applicants were advised prior to applying for planning that the driveway is a right of way for them, but the land is owned by Diddosfa and that they have no ownership. The applicants have been advised that no permission or consent would be given to amend or reduce the driveway which they have chosen to ignore.*

Members are advised that the residents' concerns, summarised above, in relation to privacy, character and highway matters have been fully responded to within the original report that is contained within Appendix A.

Since the formation of the original report and the deferral of the application Members are advised the applicant has stated that it is not his intention to be un-neighbourly in any way and that, whilst the development would require the erection of some scaffolding to a section of the driveway that serves Diddosfa and Cartref, this would be limited to a point that would allow standard sized

vehicles to pass. The applicant has also advised that he would allow the occupants of Diddosfa the use of his own private driveway, that sits to the front of Cartref, for the purposes of parking, should this be required, when the new elevations are being rendered for example.

The applicant has also documented, by way of Title Deed, that a Deed of Partition exists (dated 28th January 1959) between the two neighbouring properties and would appear to not only allow the applicant full and uninterrupted passage of the driveway but other rights over the driveway such as the laying of service installations and the liberty to enter onto the driveway at all reasonable times whilst making good any damage caused.

Notwithstanding the above, Members should be aware that the Council cannot control the use of what is a private driveway and any disputes that may occur are private matters between residents. As noted in the original report, any potential issues regarding rights of access being altered, encroached upon or existing covenants on land are civil matters between aggrieved parties and cannot be taken into consideration during the determination of this application. Access rights are protected under civil law and other channels exist to resolve these issues.

CONDITIONS

Should Members regard the changes made sufficient to overcome their concerns there would be a requirement to adjust the approved plans condition so that the revised layout is approved. The full list of conditions recommended is now as follows: -

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 drawing numbers and documents received by the Local Planning Authority on 04/08/2023, 13/09/2023 and 23/10/2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Existing Ground Floor Plan (Dated August 2023)
- Existing Elevations (Dated August 2023)
- Proposed Ground Floor Plan (Received 23rd October 2023)
- Proposed First Floor Plan (Received 23rd October 2023)
- Proposed Rear Elevation (Dated August 2023)

- Proposed Front Elevation (Received 23rd October 2023)
- Proposed Side Elevations (Dated August 2023)
- Proposed Section (Dated August 2023)
- Block Plan (Dated 27th July 2023)
- Site Location Plan (Received 13/09/2023)

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

3. Notwithstanding the submitted details, prior to the commencement of the development a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting features and or nesting opportunities for birds shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the designed purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:

- a) Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- b) Materials and construction to ensure long lifespan of the feature/measure
- c) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- d) When the features or measures will be installed and made available.

Reason: To provide biodiversity enhancement, in accordance with Planning Policy Wales 11 (PPW 11) and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

19 October 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0896/10 (RP)
APPLICANT: Mr Snape
DEVELOPMENT: Demolition of the existing rear and side extensions, construction of a two-storey side extension and a complete first-floor extension. Works also include alteration to the structure of the existing dwelling and general renovation works (Amended site location plan received 13/09/2023)
LOCATION: CARTREF BUNGALOW, HOBBS LANE, HIRWAUN, ABERDARE, CF44 9BU
DATE REGISTERED: 16/08/2023
ELECTORAL DIVISION: Hirwaun, Penderyn and Rhigos

RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS

REASONS: The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, the potential impact it would have upon the amenity and privacy of the neighbouring residential properties, and its potential impact upon parking provision and highway safety.

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 conversion of the property known as Cartref, Hobbs Lane, Hirwaun from a 3-bedroom bungalow to a four-bedroom, two storey dwelling.

The works propose the removal of the existing roof of the bungalow and the construction of a first floor above, along with a number of internal alterations and the development of a two-storey extension to the property's south-eastern side elevation. As the application description also denotes, the proposal would include the removal of existing single storey side and rear flat roofed extensions.

The resulting length and width of the dwelling would remain relatively unchanged at approximately 16m by 8.4m respectively, whilst the proposed extension work would raise the eaves height of the dwelling from 2.2m to 5m and the ridge height of the property would be raised from approximately 4.5m to 7.3m.

In respect of external materials, the new elevations would consist of render and UPVC fenestration and would sit under a composite slate, hipped roof.

The application is supported by a project details and specification document which indicates that the existing foundations of the bungalow have been assessed by Vale Consultancy (Structural Engineers) who have determined that they are suitable to support the first-floor structure proposed.

SITE APPRAISAL

The application site is located within a residential area of Hirwaun and relates to a detached bungalow that is sited within a relatively large and rectangular shaped plot. The property is set back from the highway of Hobbs Lane by an amenity space and private driveway that accommodates 2 parking spaces.

To the south-eastern side of the plot is a shared, private driveway which allows access to the rear garden and is where a number of outbuildings are located. It is understood that the private driveway is within the ownership of the neighbouring property 'Diddosfa' and that the occupants of Cartref enjoy right of passage over it.

The dwelling is accessed via Ironworks Road to the east which leads onto Hobbs Lane, both of which are un-maintained. To the north, both aforementioned highways are bound by the former Hirwaun Ironworks site which is now deemed a Site of Importance for Nature Conservation (SINC).

The surrounding area includes a mix of housing type and includes terraced properties, semi-detached and detached dwellings and bungalows, the closest of which are the two relatively recently constructed detached, two-storey dwellings of Ty Llewellyn and Cysgod y Cudyll, with Ty Llewellyn being located some 9m away from Cartref to the north-west. Other neighbouring properties include Diddosfa Bungalow, located approximately 23m to the south-east and Ty Mawr, which is situated around 73m to the south-west.

PLANNING HISTORY

There are no recent applications on record associated with this site.

PUBLICITY

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

- The boundaries of the application site are at best wrong and requires attention;
- The proposed plans are tight against our driveway and the applicant would not be able to excavate any footings and then build up blocking the only access to my property, for which vehicular access is required 24/7. We would not give the applicant consent or permission to build on our land;
- The driveway between Cartref and Diddosfa is very narrow and cannot be blocked by delivery lorries or scaffolding works;
- All dwellings on Hobbs Lane are bungalows and dormer bungalows, a theme which continues onto Crawshay Street nearby;
- I am concerned about surface water drainage. The construction of two houses next to our property has resulted in water coming through our bank and onto our land to the point where it resembles a small stream;
- The amended location plan is inaccurate.

CONSULTATION

- Highways – No objection nor conditions suggested;
- RCT CBC Ecologist – No objection, biodiversity enhancement condition recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

The application site lies within the settlement boundary for Hirwaun, Penderyn and Rhigos but is not allocated for any specific purpose. The following policies are considered to be relevant in the determination of this application:

- 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 AW8** - permits development where there would be no unacceptable impacts upon features of importance to landscape or nature conservation, including ecological networks.

Supplementary Planning Guidance

A Design Guide for Householder Development

Design and Placemaking

Access Circulation and Parking

Nature Conservation

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 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.

It is considered that the location of the proposed development is compliant with the general aims of the NDF, with the following policies being relevant to the development proposed:

1. Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
2. Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
3. Policy 9 – Resilient Ecology Networks

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

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 an extension to an existing residential dwelling. The principle of development is therefore acceptable. However, this would be subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

The proposal would involve the construction of a full storey atop of the existing bungalow at the site, together with the development of a side extension to form a two-storey dwelling with a hipped roof.

As a consequence of the proposed alterations, the existing ridge line of the property would increase by approximately 2.8m to 7.3m and the eaves line also by 2.8m to 5m, providing first floor living space that would be lit by windows in the front and rear elevations.

Although it is acknowledged there would be a significant change in the appearance and massing of the property as a result of the works, the current dwelling, with unsympathetic flat roofed side and rear extensions makes no positive contribution to the character and appearance of the area. The extension to the dwelling and provision of an additional storey would, therefore, unlikely be considered an incongruous element within the immediate locality and would sit comfortably within the range of building types and scales already established within the wider street scene. The proposal would also not appear unduly prominent or out of scale in relation to the properties that immediately flank the site to the north-west, being Ty Llewellyn and Cysgod y Cudyll.

Furthermore, the application site is accessed via a private, un-maintained road and is not highly visible to the wider public realm, with existing residential properties, trees and hedgerow further obscuring the application dwelling. In addition, the plot is of sufficient scale to accommodate the extended dwelling, especially given the fact its footprint would remain largely unchanged. Consequently, the proposal could not be considered overdevelopment of the site nor would it result in detriment to the space around the property.

Therefore, it is considered that the resulting dwelling would be of a height, scale and massing which would be sympathetic to the immediate context and, as such, the development would comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

In terms of privacy, new windows and openings to the ground floor face of the dwelling would unlikely greatly alter the outlook currently gained from the property and are considered acceptable. The first-floor windows proposed would be contained within the front and rear elevations of the dwelling only and would be positioned a sufficient distance away from neighbouring properties, with existing boundary treatments also screening the development and accordingly, it is not considered that significant overlooking of neighbouring amenity spaces or neighbouring windows would occur.

The plot size and those of neighbouring properties are also fairly substantial and as a consequence, the works to increase the height of the bungalow, atop of its existing footprint, would not be so great as to detriment neighbouring properties by ways of overbearing, loss of light or outlook.

Consequently, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered acceptable and would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

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 property is served off Hobbs Lane which is unadopted with a lane width of 3.6m and is lacking in segregated footways leading to the property. Hobbs Lane, to the side of No. 24 Crawshay Street, provides a carriageway width of 4.9m and a single 1.8m footway.

Hobbs Lane is accessible via an unmetalled lane to the rear of Crawshay Street or via Crawshay Street itself which provides 1.7m footways and 5.5m carriageway.

Parking

The existing 3-bedroom bungalow has a parking requirement of 3 spaces in accordance with SPG: Access, Circulation & Parking Requirements (2011) with 2 provided on the driveway fronting the property resulting in a shortfall of 1 space.

The proposed extensions will create a 4-bedroom dwelling which will not increase the parking requirement of the property. Therefore, the parking requirement shall remain as 3 spaces with no proposed alterations to the existing parking arrangements required.

Highways Summary

The proposed extension does not increase the parking requirement associated with the existing dwelling and does not remove any off-street parking facilities and therefore, is not anticipated to generate any additional on-street parking demand or envisaged to have any detrimental impact on highway and pedestrian safety within the vicinity of the application site.

Ecological Impacts

The proposal has been subject to pre-application submission work, with the ceiling stripped, beams exposed and the loft now part of the current working area. Subsequently, the Council's Ecologist has commented that, despite the site lying adjacent to the Hirwaun Ironworks SINC and the excellent bat habitat of the River Cynon, this would have significantly reduced bat roost potential.

Therefore, given the single storey nature of the building and that it comprises householder development, a bat survey is not required in this instance. However, the formation of a first-floor to the dwelling presents an opportunity for biodiversity enhancement and, as such, it is recommended to Members that a suitably worded condition be appended to any consent.

Neighbour Consultation Responses

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

It is recognised that any blocking of the access road and/or private driveway that is owned by Diddosfa, by scaffolding and/or materials or builder's lorries used by persons who may undertake the construction works at Cartref, is likely to cause inconvenience to local residents who are served by the unmetalled access road and private driveway. However, the Council cannot control the use of what are unmaintained and private access roads and driveways and any disputes that may occur are private matters between residents.

In respect of the site location plan submitted with the proposal and the objectors concerns as to its inaccuracies, the applicant has since submitted an amended location plan with their proposal in accordance with that contained within their title deed. Members will be aware that any potential issues regarding rights of access being altered, encroached upon or existing covenants on land are civil matters between aggrieved parties and cannot be taken into consideration during the determination of this application. Access rights are protected under civil law and other channels exist to resolve these issues.

However, given the concerns shown by neighbouring residents, informative notes highlighting the developers' responsibilities under the Party Wall Act and the Private Rights of Neighbours are recommended.

Lastly, the surface water drainage concerns shown by the local resident are acknowledged. However, the submitted drawings show that an existing soakaway that is located within the front garden of the plot would be utilised and its suitability would be a matter that would require Building Regulations approval. Members will also note that very little in the way of new areas of hardstanding will be created as a result of the development, with the two-storey side extension proposed replacing an existing single storey extension at the same location.

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 and AW6)

RECOMMENDATION: Grant subject to the conditions below

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 drawing numbers and documents received by the Local Planning Authority on 04/08/2023 and 13/09/2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

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- Proposed Front Elevation (Dated August 2023)

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

3. Notwithstanding the submitted details, prior to the commencement of the development a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting features and or nesting opportunities for birds shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the designed purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:

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- b) Materials and construction to ensure long lifespan of the feature/measure
- c) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- d) When the features or measures will be installed and made available.

Reason: To provide biodiversity enhancement, in accordance with Planning Policy Wales 11 (PPW 11) and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.