

PLANNING & DEVELOPMENT COMMITTEE

23 November 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0905/10 (AM)
APPLICANT: Mr W Cameron
DEVELOPMENT: Retrospective removal of garage/shed to replace with a prefabricated shed and garage together with some vertical feather edge board fence 1800mm high.
LOCATION: 16 BAPTIST ROW, BLAENLLECHAU, FERNDALE, CF43 4NY
DATE REGISTERED: 07/08/2023
ELECTORAL DIVISION: Ferndale and Maerdy

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

Reasons: The principle of development at the site is considered acceptable. In addition, it is not considered the proposal would result in 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.

Reason Application Reported to Committee

- Three or more letters of objection have been received.

Application Details

Full planning permission is sought for the retention of a prefabricated shed and a separate prefabricated garage along with boundary fencing at 18 Baptist Row, Blaenllechau, Ferndale. The buildings to be retained have replaced a former garage and separate shed sited in a similar position and are used for domestic purposes.

The shed to be retained is sited towards the western boundary of the rear garden area with the garage towards the eastern boundary. The shed measures a width of 2.7 metres, a depth of 4.2 metres with a pitched roof measuring a height of 2.7 metres sloping down to 2.1 metres at the eaves. The garage measures a width of 4.8 metres, a depth of 5 metres with a pitched roof measuring a height of 2.7 metres sloping down to 2.1 metres at the eaves. Both the shed and garage feature a window at the northern

elevation and a pedestrian door at the eastern elevation. The garage also features two garage doors in the southern elevation. Both buildings are finished in a pebble dash.

The area of ground to the south of the garage has been laid with a gravel/hardcore to form a yard area. Surrounding this area to the west is timber, close board fencing measuring a height of 1.5 metres. Further timber, close board fencing to a height of 1.8 metres has been erected along the eastern boundary. Gates opening inwards with a height of 2 metres and a width of 4.1 metres are located centrally along the eastern boundary.

Site Appraisal

The application site relates to a two-storey, semi detached dwelling located within Blaenllechau, Ferndale. The principal elevation of the property faces a north eastern direction and is set below the public highway at Baptist Row. To the rear is a large, enclosed amenity area bound by a neighbouring garden curtilage to the west, a private lane to the east, and Baptist Square to the south.

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 and a site notice. 4 Letters of objection and 2 letters of support have been received, which raised the following points (summarised):

Objections

- The lane adjacent to the site has been used by residents for parking for 14 years. The garage now uses this access and has stopped parking in the lane.
- Part of the fence near the bridge block's view from a disabled ramp at the adjacent property, increasing risk when exiting the property.
- The placement of loose chippings has spread into the lane and has created a hazard to wheelchair users.
- Garage is not being used for parking purposes and appears to be used as a workshop.
- Parking is limited on the street and parking in the lane is the only option for a wheelchair user at the adjacent property for ease of access.
- Fence is on unregistered land.

Supporting

- Improved the area and made it look much cleaner and safer.
- Has removed the rat run.

- Development has greatly improved the area.

Consultation

Highways and Transportation - no objections raised.

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 LPD 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 the defined limits of Ferndale as set out in the Local Development Plan.

Policy AW5 – New Development: This policy sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – Design and Placemaking: This policy requires development to involve a high-quality design and to make a positive contribution to placemaking.

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 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.

Main Issues

Principle of the proposed development

The application seeks consent for the retention of a prefabricated shed and garage along with boundary fencing at an existing residential dwelling, constructed to improve living conditions at the property. The principle of development is therefore considered acceptable, subject to compliance with the relevant material considerations set out below.

Impact on the character and appearance of the area

Policy AW5 stipulates that the scale, form, and design of a development should not have a detrimental effect on the site or surrounding area. Similarly, Policy AW6 is supportive of proposals that are of a high standard of design, reinforce attractive qualities, and that are appropriate to the local context.

It is considered that the outbuildings are of a design and appearance that are appropriate to their setting and to the visual amenity of the area, being of a similar design and scale to many other garden outbuildings found in the area. Furthermore, set within the site they are largely screened from view so have little impact upon the

adjacent street scene. The timber fencing is also considered acceptable in visual terms, being of an appropriate height and a common feature of the locality.

Therefore, it is considered that the development is acceptable and in keeping with the character and appearance of the area.

Impact on residential amenity and privacy

The garage and shed are located to the rear of no. 16 Baptist Row, roughly centrally within the garden area. As such, given their relatively minor scale and height, it is not considered they are overbearing to or result in any loss of light to the closest neighbouring properties. In addition, as previously set out, there are a number of garages and sheds in the vicinity of the site so this type of development is typical of the area. Furthermore, the garage and shed would be for domestic purposes only, so the use would not impact upon the amenities of the surrounding neighbours. It is however considered necessary to add a restrictive condition to any consent to ensure the use of the buildings is limited for domestic purposes only.

With respect to the boundary fencing, as noted above, close board timber fencing is seen throughout this area and at only 1.8 metres in height, would have no undue impact the amenities of the surrounding neighbours.

The proposal is therefore not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. The following comments have been received:

In terms of access, the adjacent 3 Baptist Row has a rear footway access which is used for disabled access to the property due to the existing stepped access to the front off the public highway. It is noted that there is a dispute between the applicant and the adjacent resident with regards off-street car parking within the lane whilst maintaining access to the proposed garages. The lane in question is privately owned and therefore access is a civil matter between both parties. Furthermore, the application site has previously had garages with access required for off-street car parking via the lane.

The outbuildings provide for secondary off-street car parking which generates limited vehicular movement to and from Baptist Square and removes some degree of on-street car parking in an area where there is considerable demand, which is acceptable.

The vision from the proposed lane access is obstructed by the existing bridge abutment, the boundary of number 3 Baptist Square and on-street car parking.

However, taking into account the limited traffic from the proposed, the fact that there were garages on site previously, and the slow speed of traffic along Baptist Row, the proposed is acceptable in this respect. As such no highway objection is raised or condition suggested.

Other issues

Regarding other concerns raised by objectors that haven't already been addressed, the objectors have commented that they have historically used the private access lane for parking and disabled access to the rear of their property, and that access to the outbuildings now prevents that. While this point is acknowledged, all development works have been undertaken on land under the ownership of the applicant, confirmed by the relevant Ownership Certificate being signed. Furthermore, access the private lane is a civil, private matter between the two parties that Council could not enter into.

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

The principle of development at the site is considered acceptable. In addition, it not considered the proposal would result in 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.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance with the approved plans
 - North east elevation of garage & shed as proposed.
 - South west elevation of garage & shed as proposed.
 - North west elevation of garage as proposed.
 - South east elevation of shed as proposed.
 - North west elevation of shed as proposed.
 - Ground plan as proposed.

and documents received by the Local Planning Authority on 07/08/2023, 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. The use of the garage and shed 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 they 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 safety of all highway users, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.