

PLANNING & DEVELOPMENT COMMITTEE

14 December 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0904/10 (HB)
APPLICANT: Mrs Abbie Davies
DEVELOPMENT: Two storey extension one side, one storey extension the other, attic conversion and engineering works to the rear to include ground levelling and access steps.
LOCATION: 45 HILL STREET, HENDREFORGAN, GILFACH-GOCH, PORTH, CF39 8TW
DATE REGISTERED: 08/09/2023
ELECTORAL DIVISION: Gilfach-goch

RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS

REASONS:The development would provide improved living conditions at the dwelling for its occupants. While it is accepted the works would result in a degree of impact the amenity standards currently enjoyed by the adjacent properties, it is not considered any potential impact would be significant enough to warrant refusal of the application. Furthermore, it is not considered the development would have any impact upon the character and appearance of the site or surrounding area.

The application is therefore considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

REASON APPLICATION REPORTED TO COMMITTEE

The Service Director, Prosperity and Development considers that the nature of the proposal warrants the involvement of the Planning and Development Committee given the previous application at the same site was determined by the Planning and Development Committee, and because an agent (on behalf of objectors) spoke at the earlier Committee meeting.

APPLICATION DETAILS

Full planning permission is sought at the property for a single storey extension to the eastern side, a two story extension to the western side, raising of the ridge line, and engineering works in the rear garden area to create two level, terraced areas of

amenity space. Some minor ground works would also be undertaken at the front of the property to create an off-street parking area.

Members are advised that this application follows the refusal of an earlier application at the property, ref. 22/1464/10, which sought a similar development (single storey extension to eastern side, two storey extension to western side, raising of ridge line, and engineering works in the rear garden area to create two level, terraced areas of amenity space). The previous application was refused because it was considered the development would result in an unacceptable detrimental impact to the amenity standards of the adjacent properties. Specifically, it was considered the two storey side extension would result in a significant degree of overbearing impact to the adjacent neighbouring property to the north-west, no. 47; and views from the upper section of the terraced garden area would result in an unacceptable degree of overlooking to the adjacent neighbouring properties.

In an attempt to overcome the previous concerns the applicant has amended the scheme by reducing the width of the two storey extension to increase the distance between it and adjacent property; and by reducing the height and depth of the upper tier of the rear garden area and including privacy screens at either side. Some minor alterations have also been made to the proposed internal arrangements / site layout.

Specifically, this current scheme proposes the following:

- A single storey extension to the eastern side of the host property that would measure 10.5m in length, extending from the front of the property by 2m, by 3.7m in width at the front, reducing to 3.1m at the rear. The addition would incorporate a pitched roof design to 3.8m in height. Due to differences in ground levels at the site, falling from front to back, some ground works are required here, beneath the proposed single storey extension, to provide a level floor slab. The ground level would be increased by a maximum of approximately 1m at the rear elevation. All external materials used would match that of the host property (as near as possible).
- A two storey extension to the western side of the host property that would be set back from the front elevation by 0.15m, measuring approximately 8.4m in length by 2.6m in width, a 0.4m reduction in width from the previous scheme. The property's ridge line would be increased by 0.5m, from 7.6m to 8.1m in height to provide habitable living space in the attic. The two storey addition would be extended up to the new, increased ridgeline. Given the differences in ground levels at the site detailed above, some ground works would also be required beneath the proposed two storey extension, to provide a level floor slab. The ground levels would again be increased by a maximum of approximately 1m at the rear elevation. All external materials used would match that of the host property (as near as possible).

Members are advised the north-west wall will be approximately 3.3m to the closest elevation of number 47 Hill Street, and the south-west edge 6.8m from the closest elevation of 47 Hill Street. It must be noted the above measurements are approximate values only.

- Various ground works were undertaken at the site, without the necessary planning permission, prior to submission of the previously refused application. Two separate, terraced garden areas were created, an upper tier at the slab level of the dwelling measuring approximately 17.8m in width by 6.3m in depth, and a further, lower area towards the rear of the garden set down from the upper tier by 2m and measuring a maximum of approximately 18m in width by 10m in depth at the rear boundary. An associated retaining wall was constructed in-between.

The earlier application sought to retain the ground levels as constructed but was refused for the reasons detailed above. Between the refusal of the previous application and submission of this current application the applicant has (approximately) reinstated the original ground levels at the site which still comprise two separate terraced areas, but of reduced scale and height to that created without planning permission – an upper tier 0.95m below the slab level of the dwelling that projects from the rear of the dwelling by 2.4m and spans the width of the dwelling; and a lower tier 1.5m below the upper tier that falls away from the retaining wall in-between.

The applicant now seeks to again alter the original ground levels at the site, creating a terraced garden area of two tiers, but of reduced scale and height to that created previously without planning permission. The first, upper tier would remain 0.95m below the slab level of the dwelling but the depth would be extended to 4.3m across the whole width of the property. Two sets of access steps from the dwelling to this upper tier would be created and a 1.8m high timber screen would be installed along the north-western edge facing the adjacent property no. 47. A 1.1m high balustrade would be sited along the rear edge facing the garden.

A second lower tier would be created 1.5m below the upper tier spanning the remainder of the garden area. Given the difference in ground levels across the site the rear of this lower tier would be raised by approximately 700mm to create level space. 1.8m high timber fencing would be erected around.

- Some minor ground works would be undertaken at the front of the property to create an off-street parking area.

Members are advised that additional plans were received on 08/09/23. These included additional sections through the rear garden to confirm levels and the inclusion of

screening at the top garden tier. Some minor inaccuracies with the labelling on the plans were also updated.

SITE APPRAISAL

The application property is a two-storey detached dwelling set in an irregular shaped plot within the residential area of Gilfach Goch. It is set back from the highway to the front 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 (subject of this application). The site is set upon a hill, with the ground levels significantly dropping off from the house to the south and west. As such the rear curtilage boundary is significantly lower than the dwelling's ground floor level as is the side boundary to the adjacent property to the north-west, no. 47 Hill Street. No. 43 Hill Street at the opposite side is set 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

22/1464/10: Single storey side extension, two storey side extension and rear raised patio and associated works.

Decision: Refused, 25/07/2023.

PUBLICITY

The application has been advertised by means of direct neighbour notification. Multiple letters of objection have been received from the occupiers of the adjacent property, no. 47 Hill Street, summarised below:

- 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.
- Drainage issues.
- Inadequate off-street parking provision.
- Inaccurate plans and application forms.
- Ecology concerns.

4 letters of support from surrounding neighbours have also been received, summarised below:

- Works improve the character and appearance of the dwelling and area.
- Increased daylight provision to neighbours by removing overgrown trees.

CONSULTATION

Highways and Transportation – No objection subject to conditions in respect of the vehicle crossover construction details and to restrict surface water from entering the highway drainage system.

Flood Risk Management – No objection subject to condition requiring full site drainage arrangements be submitted to the Local Planning Authority for approval.

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 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 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 garden works and a driveway at an existing residential dwelling, required to enhance the living conditions of occupiers. As such, the principle of development is considered acceptable, subject to compliance with the below criteria.

Impact on the character and appearance of the area

The objectors have raised concerns with the potential terracing effect the extensions might have, a 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 would result in two terraced levels within the rear garden area comprising an area of amenity space at the lower level and a patio at the higher level. These elements of the scheme would not be visible from the principal elevation and would not be overly prominent from any neighbouring properties. Furthermore, this type of development is typical of the area. As such, the general impact of stepping the rear amenity space upon the character and appearance of the area is considered acceptable.

Boundary Treatments

The proposal includes a 1.8m high fence along the side and rear curtilage boundaries. These are consistent with the wider street-scene and would be of a height allowable under permitted development rights without the requirement for planning permission. As such, the scheme is also considered acceptable in this regard.

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 in the street, it would be of a relatively minor scale and height, not dissimilar to development usually allowed via permitted development and similar to many other extensions throughout the County Borough. Furthermore, while projecting from the front of the dwelling, it would not extend past the building line of the adjacent property which would reduce any prominence. As such, it is not considered that 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 have any undue impact upon the character and appearance of the site or surrounding street scene.

The proposed two-storey side extension, whilst considerable in scale, would not be located within a prominent view in the overall street scene. With a neighbouring dwelling directly to the side elevation it would be largely screened from wider views. Further, the addition would be set back from the front elevation of the host property

and there would be a 0.5m gap between the side elevation and site boundary which would limit any potential terracing effect. It is also noted that given the orientation of the application property and the neighbouring no. 47, which are set at oblique angles from one another, any future side extension development by no. 47 would not likely be in a consistent building line to the proposed development, which would again limit any terracing effect.

Finally, the external appearance of all additions will match the existing dwelling as near as possible and there is subsequently no concern in this respect.

With regard overdevelopment of the site, while it is accepted a considerable amount of development would take place, the property is set within a large plot capable of accommodating the works leaving sufficient amenity space being retained. There are subsequently no concerns in this regard.

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

Impact on residential amenity and privacy

Comments have been submitted by the objectors which raise concerns regarding residential amenity including overbearing, loss of light and loss of privacy. An assessment of the works in respect of the potential impacts upon the amenities of neighbours is set out below:

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 which have been realised by the removal of trees along the western boundary of the site.

The top-tier of the raised patio has been reduced in depth since the previous scheme and now includes a 1.8m high screen to the western side, adjacent to no. 47. It would now project only 1.9m beyond the historic depth of 2.4m which, when taken with the proposed screening, is considered would not result in significantly more overlooking than that which could currently occur. It is acknowledged that the screening will be visible from 47 Hill Street, but is considered sufficient distance would remain to not impact the outlook from the neighbouring property significantly.

Whilst it is noted there will be an element of overlooking from the sets of steps to no. 47, this would not be often or for an extended period of time given the transitory nature of such features. Further, any overlooking from the steps would be partially screened by the proposed boundary treatments and would not be dissimilar to the historic levels of overlooking that would have previously occurred.

There will be an increased level of overlooking to the gardens of the adjacent properties to the rear at Cambrian Terrace, but again, given the hillside nature of the area there is already a degree of overlooking to these properties from the site and it is not considered the levels of overlooking that would be created here would be significant enough to warrant refusal of the application. Additionally, the lower tier will be screened by a boundary treatment and the top-tier patio is over 21m from the rear elevation of 35 and 37 Cambrian Gardens. Furthermore, Members are advised that no objections have been received from the occupiers of these properties.

Finally, no. 43 is located a higher ground level and it is therefore considered no undue impact would occur to this property.

Therefore, while it is accepted the upper patio will inevitably result in a degree of overlooking to the adjacent properties, it is considered the reduction in depth since the previous scheme and the use of appropriate screening would overcome the previous concerns.

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 during short periods of time in the morning only and would not impact the rear garden amenity space substantially. Additionally, there are no side elevation windows proposed which will reduce the current level of overlooking already present from the existing side elevation windows that are at the first-floor level of the dwelling. Whilst the attic conversion has not been assigned a specific purpose, there are no windows proposed in the side elevations. Therefore, there are no significant concerns with regards to the level of overlooking or loss of light from the extension.

The extension will move the side elevation of the property 2.6m towards no. 47 Hill Street at a height of at 8.1m from the existing ground level, providing a minimum gap of 0.5m at the front elevation to the curtilage boundary extending to 2m at the rear of the dwelling. As such, there will undoubtedly be an impact to outlook from no. 47. However, it is considered the reduction in width has reduced any potential impact to acceptable levels, and the relationship would be similar to that at many other properties in the area. Therefore, on balance, the reduction in width from the previous scheme would ensure the extension does not result in an unacceptable level of overbearing impact.

Single storey extension

The single storey extension is relatively minor in scale and height and would not impact upon the amenity or privacy of neighbours.

Driveway

Comments have been received setting out that the driveway would result in a loss of outlook from no. 47. Whilst it is acknowledged the driveway will be visible from no. 47, given the very nature of a driveway, it is not considered it would have any impact upon the neighbouring property's outlook.

Summary

Through the reduction in depth of the upper patio area and the inclusion of appropriate screening, it is not considered the overall level of overlooking would be increased significantly over current levels. Whilst there will be an impact to the outlook from no. 47, it is considered the reduction in width of the two storey extension would ensure any impact would not be significantly overbearing.

Therefore, on balance, it is considered the previous concerns in these respects have been overcome, and that the development would not result in an unacceptable impact upon the levels of amenity currently enjoyed by neighbours. The scheme is therefore considered compliant with Policy AW5 of the Local Development Plan in terms of any impacts upon neighbour amenity.

Highways and Parking

Comments have been received from the objectors with regards to potential highway safety issues, mainly in respect of an increase in bedrooms and associated parking/access provision.

The Highways and Transportation department have been consulted on the matter and are satisfied with the proposal given the site is in a sustainable location and because the parking provision proposed is in line with the maximum parking standards set out in the adopted SPG. Therefore, subject to standard conditions being included with any consent relating to surface water drainage and the crossover/footway construction details, no objections are raised.

While the objectors have commented otherwise, the Highways and Transportation department comments are, and have been available to view on the Council's website since being produced.

Therefore, from a Highway's context, the application is considered acceptable.

Drainage

The objectors commented that they have concerns with the site drainage arrangements and that no such details have been submitted with the application. Following consultation the Flood Risk Management (FRM) team raise no objection to

the scheme subject to a condition being added to any consent requiring the site drainage details be submitted to the LPA for approval. It was noted that it is unclear whether SAB approval would be required given the nature of the garden works, however, the condition would overcome any concerns as any drainage scheme would have to detail sustainable drainage methods. A condition to this effect is set out below.

Landscaping

In relation to landscaping and planting there is an area assigned adjacent to the south-west curtilage boundary top tier patio. To ensure an appropriate planting is considered a planting condition is recommended to be inserted ensuring a landscaping scheme is to be submitted to the LPA for approval.

Other Matters

Removal of trees

Comments have been received from the objectors raising concerns on the ecological impact of the development, through the removal of trees on site. Whilst it is regrettable that trees have been removed, no trees within the site were protected and the applicant did not require any permissions to remove them.

Retrospective works impact

Comments have been received from the objectors 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.

Application Form Details and Inaccurate Plans

Comments have been received from the objectors with regards to inaccuracies on the application form and the existing plans. The application forms are correct and sufficient detail has been provided to understand what is proposed. Further, Local Planning Authorities are minded to apply a proportionate approach in the amount of information required and where the information is a matter of subjective judgement the quality of the information should have no bearing on the validity of the application for the purpose of Article 22 of the DMPWO.

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 extension and associated garden works are considered to comply with the relevant policies of the Local Development Plan in respect of the impact they would have upon the character and appearance of the application property and surrounding area and upon the amenity and privacy of existing neighbouring properties.

RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents received on 07/08/2023 and 08/09/2023 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Application form
- CD.01: Site Location Plan
- CD.02: Existing Ground Floor
- CD.03: Existing First Floor
- CD.04.d: Proposed Ground Floor
- CD.05.c: Proposed First Floor
- CD.06.c: Proposed Second Floor
- CD.07.c: Existing and Proposed Site Plan
- CD.08: Existing Elevations
- CD.09.d: Proposed Elevations
- CD.11.a: Existing Boundary Elevations
- CD.12.b: Proposed Boundary Elevations
- CD.13.c: Proposed Boundary Site Plan
- CD.14.b: Existing and Proposed Garden Section
- CD.15.c: Lower Garden Elevations

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

2. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety and to prevent overcapacity of the existing drainage system and potential flooding in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. Notwithstanding the details shown on the submitted plans, no further development shall commence until design and details showing the

reinstatement of the existing vehicle crossover as footway and construction of the new crossover have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

Reason: In the interests of pedestrian safety in accordance with Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

4. The existing vehicular crossover shall be reinstated in full flexible footway construction in accordance with details to first be submitted to and approved in writing by the Local Planning Authority prior to any further works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

Reason: In the interests of pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No further development shall commence until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the drainage arrangements have been completed in accordance with the approved details.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

6. Within 6 months of the decision a comprehensive scheme of landscaping shall be submitted to the LPA, which shall include indications of all existing and proposed trees (including spread and species) and hedgerows on the land and details of any to be retained or planted together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.