

PLANNING & DEVELOPMENT COMMITTEE

25 January 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1237/10 (GD)
APPLICANT: C/o Agent
DEVELOPMENT: Two storey rear extension
LOCATION: 30 BRON-Y-DERI, MOUNTAIN ASH, CF45 4LL
DATE REGISTERED: 01/11/2023
ELECTORAL DIVISION: Mountain Ash

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development is acceptable in terms of planning policy and the proposals are acceptable in terms of all other material planning considerations.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

The proposal involves the construction of a full width double gabled extension at the rear of the application property. The extension would measure 2.4m x 9.3m and would stand 5.1m at the eaves and 6.5m at each of the two ridges. The original property has a ridgeline height of 7.25m. It is anticipated that the extension will be completed in brick and tile as per the existing dwelling. The property will remain a three-bedroomed house but will be reconfigured internally such that all bedrooms will be made bigger and two will also be provided with en suite bathroom facilities on the first floor. On the ground floor internal arrangements will be reconfigured to provide a large kitchen/dining/living area to the rear of the property along with a snug, utility room and office. In addition to the extension bi-fold doors will also be provided to the north east elevation adjacent to the above-mentioned living area.

SITE APPRAISAL

The application property is located on the north eastern up slope side of Bron Y Deri. It is a detached three-bedroom property built in brick and with a tiled roof that dates

from the mid/late 1980's. The house is set within an extensive curtilage that rises steeply to the rear of the property in a north easterly direction. Off street parking takes the form of a driveway and detached double garage. Bron Y Deri is a relatively modern estate of detached houses located to the east of the A4059 in Mountain Ash.

PLANNING HISTORY

None in the last ten years.

PUBLICITY

The application has been advertised by way of neighbour notification letters and this has resulted in the submission of seven letters of objection from five individuals. The objections raised can be summarised as follows: -

Amenity issues

- Loss of light and heat to the neighbouring property particularly the dining area.
- Residents consider the scale of the proposed development to be extreme that will have an overbearing and overshadowing impact on adjacent properties.
- Loss of privacy of the adjacent property through overlooking of the garden and pool area particularly from the proposed balcony.
- The height of the extension will reduce the amount of sunlight the adjacent garden would receive, which would reduce the enjoyment of the adjacent garden particularly in the summer months when the new extension would block sunlight to this area.

Design issues

- The plans are not dimensioned and it was only after a site visit by the original case officer that the objector realised that the original garden retaining wall is being moved back to accommodate the development which indicates the vast size of this plan.

Other matters

- Loss of security.
- Loss of view.
- The current applicants have not attempted to contact neighbours to discuss their proposals.
- There seems to be a rush to commence works as already landscaping/lopping/felling of mature trees has taken place and altered the aspect from neighbouring properties. This the objector finds this disturbing given the promotion of environmental issues in this day and age.
- The loss of trees could cause water related problems.

- Neighbours have benefitted from a right to light from the application property for over 30 years and this will be lost should the development proceed.
- Residents consider the impact of the proposals on themselves and their property to be unacceptable but believe matters could be resolved with a reconfiguration of the proposed plans.
- Adverse impact on the wildlife in the trees behind the property.
- The quality of enjoyment that grandchildren experience when visiting their grandmother at the adjacent property will be lost.
- The proposed development would negatively impact the quality of life and enjoyment of their property of the neighbours and their family.
- Loss of house value.
- Dirt, noise and disturbance caused by building works.

CONSULTATION

None required or undertaken.

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 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.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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 Householders

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 also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
SE Wales Policies
- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design
Manual for Streets

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:

The key issues in the determination of this application are the principle of the proposed development itself, the impact of the proposed development on the character and appearance of the area and the impact on residential amenity and privacy.

Principle of the proposed development

The application seeks consent for an extension to a residential property located within settlement limits as defined by the Local Development Plan. Subject to the proposals satisfying policy requirements in respect of the character and appearance of the area and the impact on residential amenity and privacy, the principle of development is considered acceptable.

Impact on the character and appearance of the area

The application property is a relatively modern brick built house within a wider estate that contains a variety of house designs, though the majority of properties are detached and set within relatively generous plots. Given the variety that exists in house design in the area the design of the proposed extension is considered acceptable in the context of the character and appearance of the area.

The only design specific issue raised by objectors was an allegation that the retaining wall to the rear of the property would need to be moved back to accommodate the proposed extension. This is not correct and the proposals would not affect the garden retaining wall.

As such, the scheme is considered compliant with Policies AW5 and AW6 in as far as they relate to this particular issue.

Impact on residential amenity and privacy

The application will have some impact on light, sunlight and associated heat to the rear of the adjacent property. Given the relationship between the two properties and the fact that 31 Bron Y Deri lies to the north west of the application property and sits at a lower level, there would be some impact particularly through the middle of the day. However, this is not considered sufficient to warrant the refusal of the planning application in this instance.

Concern has been expressed at the scale of the proposed development and the consequential impacts of that for the adjacent property in terms of an overbearing and overshadowing impact. The proposed extension projects only 2.4m from the original

rear wall of the house and across its full width. The amount of projection is limited by the need to maintain a serviceable gap between the proposed development and the garden retaining wall. Further, the use of a double gable for the roof reduces the scale and mass of the proposed development. As such and despite the difference in level between the application property and the adjacent property, the relationship between the two would remain acceptable with any overshadowing or overbearing impact reduced to acceptable levels.

Despite the application property and its neighbours being detached and within generous curtilages, there is already an established degree of mutual overlooking to the rear of all properties. The proposed extension will make this situation no worse. Objectors have specifically mentioned the inclusion of a balcony in their concerns on this issue and Members should note that this is a close fitted Juliet balcony with inward opening patio doors behind which would have no greater effect than a standard window.

Objectors have also referenced the height of the proposed extension affecting the amount of sunlight reaching the adjacent garden particularly during the summer months. As mentioned above, given the relationship between the two there would be some impact during the middle of the day though is not sufficient that it would warrant refusal of the application.

In light of the above, the proposals are considered acceptable in terms of their impact on the privacy and amenity of adjacent properties and meet the requirements of Local Development Plan policies AW5 and AW6 insofar as they relate to these issues.

Other Issues

Objectors have raised a number of other points in respect of the proposed development and these are addressed below.

- The objectors have not explained why the development would result in a loss of security to their property and there is nothing in the physical characteristics of this case that would indicate that this would be the case.
- The loss of a private view is not a material planning consideration.
- Whether or not applicants' choose to discuss their proposals with neighbours is a matter of choice and while the Council encourages pre submission discussion applicants are under no obligation to undertake such action and it does not influence the consideration of the planning merits of the case.
- Any works prior to permission being granted are undertaken at the developers own risk and they do not affect the planning merits of the proposals. In this case, the objectors have specifically referenced the removal of trees from the rear garden. This has been drawn to the attention of the appropriate officer by the Enforcement team and no further action is required. As this is governed by a separate legislative stream, the applicants have been advised in respect of

any future works and their obligations with regard to trees in the area that are covered by a group Tree Preservation Order.

- No evidence is offered to support the assertion that the trees that have been removed would affect land drainage in the area.
- The “right to light” issue is a private matter that needs to be pursued independently and not via the planning process.
- The plans have to be considered as submitted, whilst the objectors believe that their issues might be addressed through reconfiguration there is no obligation on the part of the applicants to do that.
- As the proposals will not affect the trees behind the property there could be no impact on local wildlife. Whilst trees have been removed within the garden these were largely ornamental or self-set specimens that would have been of low ecological value.
- Issues around the quality of enjoyment of a property and quality of life are not thoroughly explained by the objectors nor are they easily quantified – if they relate to the claimed overshadowing/overbearing impacts of the proposals these are addressed above.
- Loss of house value is not a material planning consideration.
- The dirt, noise and disturbance associated with development work is by its nature transient and is governed effectively by separate public health legislation

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of sustainability, the effect on the character and appearance of the area and its impact on residential amenity and privacy. It is acknowledged that there will be some impact on the adjacent property at 31 Bron Y Deri, but these impacts are of themselves insufficient to warrant the refusal of this application as submitted. Consequently, a positive recommendation is made.

RECOMMENDATION: Approve

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 consent hereby granted relates to the following plans

- Site and location plan drawing no 001
- Existing plans and elevations drawing no.002
- Proposed Plans and elevations drawing no 003

Reason: for the avoidance of doubt as to the approved plans.

3. Building operations shall not be commenced until samples of the external finishes proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples so approved.

Reason: To ensure that the extension is in keeping with the existing building in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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