

PLANNING & DEVELOPMENT COMMITTEE

21 March 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 24/0017/10 (HB)
APPLICANT: Mr D Cummings
DEVELOPMENT: Single storey and two storey extension
LOCATION: 20 PINEWALK DRIVE, GLYNFACH, PORTH, CF39
9NL
DATE REGISTERED: 05/01/2024
ELECTORAL DIVISION: Cymer

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 to 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 significant impact upon the character and appearance of the site or surrounding area.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received from occupiers of adjacent neighbouring properties.

APPLICATION DETAILS

Members are advised the application is a resubmission of a previously refused application that sought a similar scheme, ref. 23/1222/10. 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, the previous application was refused due to the views from the side elevation first floor windows which would have resulted in an unacceptable level of overlooking. In an attempt to overcome the previous concerns this resubmission seeks an extension of the same scale and height as that previously proposed, but with the first-floor bedroom window being of a smaller scale and opaque glazed and the first-floor bathroom window placement now sited facing forward and not on the side elevation.

Specifically, the current scheme proposes full planning permission for a two-storey extension and single storey extension to the rear and side of 20 Pinewalk Drive. The proposal is as follows:

- The ground floor aspect would be set in from the northwest side elevation boundary by 0.15m and would have a width of 7.3m. The depth would be 4m from the existing rear elevation and would also connect to the existing integrated garage and have a 1.8m section with a maximum depth of 5m. The first-floor would be set in from the northwest curtilage boundary by 1.4m with a maximum width of 6.05m. The first-floor aspect is slightly shallower in depth and extends past the existing rear elevation by 3.5m and would also build above the existing garage providing a 1.8m section with a maximum depth of 4.5m. The extension would have a flat roof with a height of 5.9m.

The side elevation of the extension would be a minimum of 1m and maximum of 2.2m from the side curtilage boundary with the neighbour, 21 Pinewalk Drive. Internal modifications are also proposed including an obscure glazed side elevation bedroom window to the existing dwelling, front elevation bathroom window to the new habitable space, rear windows and ground floor windows and access doors to the rear amenity space.

External materials include brickwork and external walls to match the existing and white UPVC windows, doors and fascia's.

SITE APPRAISAL

The application property is a semi-detached house, attached on its northwest elevation, located within a residential area to the south of Porth and east of Cymmer. The dwelling occupies a prominent position within the area occupying a plot close to the junction of Pinewalk Drive and Glyn Street. The terrain falls away significantly down the street in a north-west direction and increases in height gradually towards the dwellings to the east and south-east. The closest dwelling to south-east is number 21 Pinewalk Drive which is sat at a higher ground level and has a principal elevation facing south, whereby number 20 Pinewalk Drive's front elevation faces south-west. The rear garden of 21 Pinewalk Drive tapers to a point along number 20 Pinewalk Drive's side curtilage boundary. There is a distance of approximately 2m from the existing ground floor garage to the closest corner of 21 Pinewalk Drive. To the rear is a flat garden extending approximately 14m and further onwards an open landscape view. To the front is an enclosed driveway and access road to Pinewalk Drive.

Although the other dwellings within the cul-de-sac are of the same 1960's/70's era, many have been subject to extension and modification.

PLANNING HISTORY

23/1222/10, Rear single and two storey extension (Amended plans received 08/12/2023), Refused, 22/12/2023.

PUBLICITY

The application has been advertised by direct notification to neighbouring properties. 3 letters of objection have been received. In summary they include:

- Impact on the character and appearance of the area in terms of scale, appearance and remainder of the street.
- Impact upon the residential amenity of neighbours (overbearing, overshadowing, loss of privacy, location of the ground floor external door).
- The application does not conform to the 45 degree rule.
- Loss of views.
- Loss of house value.
- Concerns over land stability.

CONSULTATION

No consultation has been undertaken.

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 a settlement boundary 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

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 12 (PPW) was issued on 7th February 2024. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) current policy position 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. The thrust and general context of each of the policy documents is aimed at sustainable development.

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 an existing residential dwelling within settlement limits, to improve living conditions for residents. The principle of such development is considered acceptable.

Impact on residential amenity and privacy

Public comments have been received on the impact upon the amenity of neighbours including overbearing to number 21, overshadowing to number 21 and 19, a general loss of privacy and a loss of views to the surrounding Valley.

While these concerns are acknowledged, it is not considered the extension would have a significant overshadowing impact due to the overall orientation of the development, the difference in terrain levels and the relationship with neighbouring properties. Although the extension would add a mass nearby the rear garden of number 21 Pinewalk Drive, there is already an element of overshadowing from the existing buildings and this is somewhat softened by number 21 Pinewalk Drive being sited at a higher ground level. Further, the extension would be set away from the boundary of number 19 reducing any potential impact here. Therefore, it is not considered the addition would result in an unacceptable overshadowing impact to the neighbours either side.

The objectors make specific reference to the 45 degree rule, however, this is just a general guide and not an adopted policy. As such, while it is accepted a degree of overshadowing would occur, with the proposal considered acceptable in this respect, any impact would not itself be considered a significant enough reason for refusal.

The extension will result in a degree of overbearing due to its overall mass and its proposed width which will move the side elevation wall 1.8m closer to number 21 Pinewalk Drive. Whilst this will undoubtedly have an impact, the first-floor aspect is slightly shallower and due to the change in terrain levels the overall impact would be mitigated somewhat. The extension is located away from the boundary of number 19 Pinewalk Drive and therefore would not have a significant direct overbearing impact here. On this basis, on balance, it is not considered the proposed addition would have a significant enough overbearing impact on the neighbours that would warrant a refusal on those grounds alone. Further, while it is noted the side elevation wall will impact the outlook of number 21 Pinewalk Drive, it is not considered any impact would be to unacceptable levels due to the open nature of the rear elevations of neighbours and the change in terrain levels. The views across the Valley will be impinged slightly for number 21 Pinewalk Drive and to a lesser degree number 22 Pinewalk Drive, however loss of views cannot be considered as material planning consideration.

The proposal includes 1no. first floor side elevation bedroom window due to necessary internal alterations within the existing house because of the proposed extension. The window would directly face the rear elevation of the adjacent number 21 Pinewalk Drive. The plans indicate this window would be a high-level opaque glazed opening which is considered to sufficiently reduce the overlooking and potential light spill impact. The proposed en-suite window would be within the principal elevation and does not serve a habitable room. It is therefore considered the level of light spill would not be at an unacceptable level. The rear bedroom window would also not increase the level of mutual overlooking already seen within the vicinity of the area. Comments have been received relating to the placement of the ground floor rear door. On this occasion, due to the existing boundary treatments the door placement is not considered to impinge significantly on the amenity of number 19 Pinewalk Drive.

Subsequently, when considering the impact of the extension and associated internal modifications necessary in respect of neighbour amenity, the proposal, on balance, is considered acceptable and compliant with Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's SPG on householder development.

Impact on the character and appearance of the area

Public comments have been received on the basis of the proposal being inconsistent with the character and appearance of the area which they comment are all issues contrary to the Council's householder design guide SPG. Whilst it is acknowledged a flat roof extension is not a preferred roof type, this design is typical for extensions in this area and with the extension predominantly located to the rear, it would only be partially visible from the principal elevation. Although visible from neighbouring properties, the extension would be subservient to the host dwelling, would have materials to match the existing and overall is not considered to dominate the overall façade of the plot.

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.

Other Matters

Reduction in house price

Comments were received concerning the potential impact upon house values. Whilst these are noted, they do not form a material planning consideration.

Instability of the land

The plot of land has been previously developed and is within the curtilage of a dwelling. No further engineering works are required, beyond that associated with the extension, and any previous land issues cannot be considered as a material planning consideration of this application.

Alternate Designs

Comments were received suggesting alternate designs for the application. Whilst this is noted the role of the Local Planning Authority is to assess the plans that have been received, which in this case are considered acceptable (as set out above).

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 extension and associated 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, SUBJECTO TO CONDITIONS:

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 permitted shall be carried out in accordance with the approved plans and documents unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Application form
- Proposed Ground Floor Plan Sheet 7 of 13 Rev A
- Proposed First Floor Plan Sheet 8.1 of 13 Rev A
- Proposed Rear Garden Elevation Sheet 9 of 13 Rev B
- Proposed Driveway Elevation Sheet 10 .1of 13 Rev D
- Front Elevation Sheet 11.1 of 13 Rev B

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