

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2024-2025:**

**PLANNING AND  
DEVELOPMENT COMMITTEE  
7<sup>th</sup> NOVEMBER 2024**

**REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

**Agenda Item No. ....**

**APPLICATION NO:24/0217/10**

Two-storey side and first floor rear extensions, and enclosed balcony to front (amended description 04/09/2024).

**8 Brook Place, Pentre, CF41 7DT**

**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**

The application was originally reported to the Planning and Development Committee meeting of 10<sup>th</sup> October 2024. A copy of the original report is attached below as Appendix A.

Members resolved to approve the application, contrary to the recommendation of the Director of Prosperity and Development, as they did not consider the balcony element of the proposed development would result in a detrimental impact to the character and appearance of the host property or the surrounding scene; or upon the amenities of the surrounding neighbours.

As a consequence, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

**4. PLANNING ASSESSMENT**

The officer considerations in respect of the proposal's visual impact and its potential impact upon the amenities of the surrounding properties are

outlined in the original Committee report, however, a brief summary is provided below:

The scheme relates to an extension and front elevation stilted balcony to an end terraced dwelling currently in a poor state of repair.

Regarding residential amenity, following development the balcony would form the dwelling's sole amenity space. The balcony would have uninterrupted views of the garden areas opposite and would allow views back towards the front elevations of the adjacent properties. It is however noted that there is an existing level of overlooking within the vicinity and that it could be argued that the balcony would not have a greater degree of overlooking impact compared to the levels that already exist.

With regards visual amenity, the proposed extension aspect of the proposed development is consistent with the wider street-scene and is considered acceptable. However, due to the scale, elevated height and highly prominent position to the front of a terraced property, it is considered the proposed stilted balcony would form an incongruous and alien design feature within the street-scene that would dominate the facade of dwelling, resulting in a significant detrimental visual impact. It is also noted that there are no comparable design features within the vicinity, adding the incongruous nature of the proposed balcony.

Notwithstanding the above, in considering the end-terraced nature of the dwelling, its siting within a single row of dwellings, and the enclosed nature of the site with high walls to the front and side, Members considered that the balcony would not form an overly prominent feature and that the visual impacts of the proposal were sufficiently mitigated. Additionally, due to the poor state of repair of the site, it was considered that the scheme would provide a substantial improvement to the current visual amenity of the area.

Members raised some concern with regard the proposed construction methods required for the balcony and whether safe access could be provided from the dwelling's front elevation. The Building Control team have been consulted on this matter and have advised that methods could be implemented that would ensure the relevant Building Regulations would be met; but that this issue would be considered through a separate, necessary Building Regulations application during any construction phase.

## **5. RECOMMENDATION**

If, having considered the above advice, Members remain of a mind to grant planning permission, the following conditions are recommended:

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 ref.:

- SGI 03
- SGI 04
- SGI 06
- SGI 07
- SGI 08

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.

**PLANNING & DEVELOPMENT COMMITTEE**

**10 OCTOBER 2024**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 24/0217/FUL (HB)  
**APPLICANT:** Mr A Trembath  
**DEVELOPMENT:** Two-storey side and first floor rear extensions, and enclosed balcony to front (amended description 04/09/2024).  
**LOCATION:** 8 Brook Place Pentre CF41 7DT  
**DATE REGISTERED:** 1 March 2024  
**ELECTORAL DIVISION:** Pentre

---

**RECOMMENDATION:** Refuse

**REASONS:** The proposed balcony represents a visually incongruous form of development that would have a significant detrimental impact upon the character and appearance of the host dwelling and surrounding area, inconsistent with the existing pattern of development, and forming a dominant and alien feature within the street-scene.

Additionally, the balcony, by virtue of its scale, siting and elevated height would significantly impact upon the levels of amenity currently enjoyed by neighbouring residents.

The proposed development would therefore be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council's adopted Supplementary Planning Guidance (SPG): A Design Guide for Householder Development.

---

**REASON APPLICATION REPORTED TO COMMITTEE**

- A request has been received from the local ward Member, Councillor Morgan, so that Committee can assess the potential impacts of the proposed development upon the amenity of neighbours and the character and appearance of the area.

## **APPLICATION DETAILS**

Full planning permission is sought for following at 8 Brook Place, Pentre:

A two-storey extension to the eastern side and a first floor extension to the rear. The side extension would measure 6.2m in depth by a maximum width of 4.2m, reducing to 2m at the rear as it follows the irregular shape of the plot. The rear first floor addition would be set above an existing single storey annex having a corresponding footprint, 8.1m in depth by 4.2m in width. The roof of the existing property would be removed and a new roof structure covering the existing dwelling and the proposed extensions would be constructed. The roof pitch will be slightly shallower than the existing, but there would be no increase in height with the new roof tying into that of the adjoining terrace property. A first- floor balcony would be erected across the entire front elevation including 1.1m high balustrades and access doors from two bedrooms. The proposed balcony would project from the front elevation by 1.2m, over the public footway to the front and having its supports in the footway.

## **SITE APPRAISAL**

The application site relates to a two-storey, end terraced property within a residential area of Pentre. The dwelling is attached on its southwest elevation by a neighbouring property and forms one of 6 dwellings within the row. The site fronts the footway and is bounded to the north-east by a parcel of land currently used as an informal community garden. The site itself is in a poor state of repair with roof damage evident due to a historical fire. A small amenity space is located to the eastern side of the dwelling which is bound by an extensive retaining wall.

Some neighbouring properties within Brook Place have rear roof terrace areas as formal amenity spaces. The rear boundaries of Brook Place back onto St Peters Court Flats whereby the ground floor level is significantly lower. To the north elevation is the side garden boundary of Ty Celenyn, with the level approximately that of the first floor of the application site. Opposite to the east is the rear portion of 1 Trip Terrace's rear garden, approximately at first floor level of the application site. Additionally, to the east is the large garden space with mature trees. To the southwest are the additional Brook Place dwellings and a set of single storey garages that back onto the rear gardens of Llewelyn Street.

The street-scene is mixed and somewhat eclectic. Brook Place itself consists of a characterful row of quaint enclosed terraced dwellings with the access via an enclosed single-track road. Each of the properties have attractive frontages with an outlook to green areas, screened by various trees and are not readily visible from the public realm. Brook Place is surrounded by development that is built up on all sides where the pattern and scale of development differs.

## **PLANNING HISTORY**

None

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. No letters of objection or representation have been received.

## **CONSULTATION**

Highways and Transportation: No objection raised or conditions suggested.

## **POLICY CONTEXT**

The current LDP's lifespan was 2011 to 2021. 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 04 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 04 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 24 September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

### **Rhondda Cynon Taf Local Development Plan**

The site is within the settlement boundary for Pentre 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 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 12) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of all planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, although it should form the basis of all decisions. The thrust and general context of each of the policy documents are aimed at sustainable development.

While the proposed development is generally consistent with the sustainable development aims of national policy, it would have a significant detrimental impact upon the character and appearance of the area and the amenities of surrounding residents, contrary to the placemaking objectives.

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. The general principle of such a proposal would normally be considered acceptable. However, on this occasion the development proposed is considered to be unacceptable in terms of the impact it would have upon the character and appearance of the area and the residential amenities of neighbouring properties, and is therefore unacceptable.

#### **Impact on the character and appearance of the area**

The proposal is considered to result in an unacceptable adverse impact upon the character and appearance of the area for the following reasons:

The proposed side and rear extensions would not protrude past the principal elevation, would tie into the existing terraced dwellings, would not increase the ridge height, and would therefore form an acceptable feature within the street-scene. However, given its scale, elevated height and highly prominent position to the front of a terraced property,

it is considered the proposed stilted balcony would form an alien design feature within the characterful street-scene. This impact would be exaggerated by the fact that the structure would protrude from the principal elevation of the dwelling over the public footway, breaking the established common building line. Additionally, there are no examples of elevated amenity spaces to the front of properties within the area which will further exacerbate the potential visual impact. It is therefore considered the balcony would dominate the façade and would consequently result in an incongruous form of development, significantly detracting from the existing character and appearance of the host property and the wider street scene.

The proposal is therefore considered contrary with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in visual terms.

### **Impact on residential amenity and privacy**

The proposal is considered to result in an unacceptable adverse impact upon the amenity/privacy of neighbouring properties for the following reasons:

Given the scale and siting of the proposed extensions it is not considered they would result in any undue impact to the amenities of the surrounding neighbours. However, there is concern with the potential impact the proposed balcony would have upon the amenities of the closet properties.

Following construction of the proposed extensions the proposed balcony area would be the sole amenity space for the site. At an elevated height and due to the scale, it would promote extended durations of operation. It would result in uninterrupted direct views into the residential garden areas opposite which is unacceptable. As such, the proposed balcony is considered to have an unacceptable detrimental impact upon the levels of amenity currently enjoyed by neighbouring properties.

Therefore, due to the scale, siting and elevated height of the proposed balcony, it is considered the amenity and privacy of surrounding neighbouring properties would be significantly negatively impacted and the application would therefore be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan in these terms.

### **Highway Safety**

The proposed balcony would protrude forward of the principal elevation over the footway to the front, with its supports sited within the footway. Highways and Transportation advised that the footway is not a public facility and is in the control and ownership of the applicant. Consequently, while there is some concern with the balcony stilts restricting less able-bodied pedestrians to pass, no objection has been raised. As such, the proposal is considered acceptable in the context of highway safety and compliant with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

### **Impact upon Green Infrastructure**



PPW (Edition 12) and Future Wales 2040 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated. While no Green Infrastructure Statement has been submitted, the proposal raises no significant concerns in this regard given the existing context and minor scale of the development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests, nor would it have any significant impact upon climate change. The LPA have a duty to act towards securing the maintenance and enhancement of the above-mentioned features and to mitigate against the effects of climate change, however, in this case there would be no significant adverse impact and there remains sufficient scope for the applicant to make improvements in this regard. Any such improvements could be appropriately controlled by condition.

**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 proposed balcony, by virtue of its scale, siting and elevated height represents a form of development that would be visually incongruous and considered detrimental to the character and appearance of the area. Additionally, the balcony would have a significant detrimental impact upon the current levels of amenity enjoyed by neighbouring residents. Therefore, the application is considered contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

**RECOMMENDATION: REFUSE**

1. The proposed balcony represents a visually incongruous form of development that would have a significant detrimental impact upon the character and appearance of the host dwelling and surrounding area, inconsistent with the existing pattern of development, forming a dominant and alien feature within the street-scene. Additionally, the proposed balcony, by virtue of its scale, siting and elevated height would significantly impact upon the levels of amenity currently enjoyed by neighbouring residents by way of direct overlooking. The proposed development is therefore contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council’s adopted Supplementary Planning Guidance (SPG): A Design Guide for Householder Development.

=====