

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE**

19 DECEMBER 2013

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No.4.1

**SITE MEETING
APPLICATION NO. 13/0945 – FIRST
FLOOR EXTENSION TO FORM A
BEDROOM, SHOWER ROOM AND
TOILET (RE-SUBMISSION) – 5 ST.
JOHN’S STREET, CYMMER, PORTH**

Author:

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No.132 (Development Control Committee, 21 November 2013) a site inspection was undertaken on Tuesday, 3 December 2013 to consider the impact of the proposal on the neighbouring property.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillor R.B. McDonald and D.Weeks respectively) and County Borough Councillor E.Webster in consultation with Local Member, County Borough Councillor M.Tegg.
- 3.3 Members viewed the application site and the Development Control Officer outlined the application to construct a first floor rear extension to accommodate a bedroom and a shower room.

- 3.4 Members noted that a previous application for a first floor extension at the property had been refused as it was considered the siting, design and scale of the proposed extension would have an adverse impact upon both the character and appearance of the property and also the amenity of No.6 St.John's Street. This decision was upheld at appeal, however, the Inspector concluded that the main issue was the effect of the proposal on No.6 and in particular, the proximity of the wall of the extension to the bedroom window of that property. In order to overcome these concerns, the applicant had submitted the proposal now before Members which was recommended for approval as it was not considered to have a significant impact of the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties.
- 3.5 Members also noted there were other extensions of a similar scale to that proposed at No.5 on other neighbouring properties.
- 3.6 An inspection was then undertaken at the neighbouring property, No.6 St. John's Street, to assess the impact of the proposed extension on that property with regard to overshadowing and loss of light at first floor level.

APPENDIX 1

APPLICATION NO: 13/0945/10 (KL)
APPLICANT: Mr A Williams
DEVELOPMENT: First floor extension to form a bedroom, shower room and toilet (Re-submission)
LOCATION: 5 ST JOHN'S STREET, CYMMER, PORTH, CF39 9LA
DATE REGISTERED: 25/09/2013
ELECTORAL DIVISION: Cymmer

RECOMMENDATION: Approve

REASONS:

The application is acceptable in principle and is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

APPLICATION DETAILS

Full planning permission is sought for the construction of a first floor extension to the rear of 5 St. John's Street, Porth.

The extension would measure 3.1 metres in width by 4.5 metres in depth. Its pitched roof would have a maximum height of 6.3 metres from ground level, sloping down to 5.3 metres at its eaves. The extension would accommodate a bedroom and a shower room at first floor. It is proposed that the extension would have a rendered finish with concrete roof tiles to match the existing dwelling.

The application constitutes the resubmission of a similar first floor extension measuring 3.4 metres in width by 6.6 metres in depth, which was recently dismissed at appeal. Since that decision, the applicant has met officers on site to discuss an alternative scheme in order to overcome the inspector's concerns, particularly in respect of the impact on number 6 St. John's Street.

SITE APPRAISAL

The application site is a two-storey middle of terrace dwelling situated within the residential area of Cymmer, Porth. The property has a small garden area to the front and an enclosed garden to the rear which faces a narrow access lane. Its original back wall has been extended with a long, single storey extension. The roof of this extension overhangs the boundary with number 6 St. John's Street.

This neighbouring property (no. 6) has been extended with a two-storey and single storey extension. It has a secondary bedroom window facing the boundary of the application site and a principal bedroom window in the main back wall. Number 4 St. John's Street has a similar single storey extension to that in situ at the application property.

PLANNING HISTORY

| | | |
|---------|---|---|
| 12/1307 | First floor extension to form a shower room and bedroom | Refused – Dismissed at Appeal 25/01/13 29/04/13 |
| 12/0826 | First floor extension to form a shower room and bedroom | Refused 20/09/12 |

PUBLICITY

The application has been advertised by means of direct neighbour notification. One letter of objection has been received and is summarised as follows:

- The extension will overshadow the neighbouring single storey extension.
- The extension will affect light into the neighbouring property at first floor.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Cymmer, 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 place making, including landscaping.

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 Chapter 4 (Planning for Sustainability), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant 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:

The Principle of the Proposed Development

The application relates to the extension of an existing residential property and the principle of development is therefore acceptable subject to the criteria set out below.

As mentioned earlier, planning permission was refused for a first floor extension to the rear of 5 St. John's Street under planning application 12/1307. The application was refused as it was considered the siting, design and scale of the proposed extension would have an adverse impact upon both the character and appearance of the property and also the amenity of number 6 St. John's Street. This decision was upheld at appeal, however, the inspector concluded that the main issue was the effect of the proposal on the occupants of number 6 St. John's Street and in particular, the proximity of the wall of the extension to the bedroom window of this property.

Visual Impact

In terms of visual impact, the proposed extension would measure 3.1 metres in width by 4.5 metres in depth. It would measure 6.3 metres at its highest point from ground level and incorporate a pitched roof design which slopes down to 5.3 metres at its eaves. This has been reduced in size from the plans submitted under the previously refused scheme, which measured 3.4 metres in width by 6.6

metres in depth with a maximum height of 6.5 metres from ground level. The reduced scale of the proposed extension is now considered to be acceptable and the design and overall appearance would be in-keeping with similar additions in the area. Furthermore, the extension would be finished in appropriate matching external materials that will ensure it is not overly prominent within the rear street scene and it is considered the proposal would have no adverse impact on the character and appearance of the existing property or surrounding locality.

Residential Amenity

In terms of residential amenity, the proposed extension would be set in by 500mm (approx 20 inches) from the edge of the single storey extension. This was proposed to be only 200mm (approx 8 inches) under the previously refused scheme and this, along with the proposed 6.6 metre projection, was considered by the inspector to result in an oppressive and un-neighbourly form of development and cause unacceptable harm to the living conditions of the occupiers of number 6 St. John's Street.

It is acknowledged that the extension now proposed would cause some overshadowing on number 6 during the morning, however, it is considered that the reduction in its scale would limit this. Given the reduced scale of the proposal is 4.5 metres in depth and the increased distance from the neighbouring property, it is therefore considered that the current scheme now overcomes the reasons for refusal under the previous scheme and the inspector's concerns regarding loss of natural light and the extension having an oppressive effect.

Additionally, with extensions of a similar scale to that of the proposal, it is considered that a precedent of this type of development has been set in the locality and therefore, its impact is not considered to be significant enough to warrant the refusal of the application.

Conclusion

It is not considered the proposal would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. As such, the application is considered to comply with the relevant policies of the Local Development Plan (policies AW5 and AW6).

RECOMMENDATION: Grant

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 external materials of the proposed extension shall match as near as possible the materials of the original dwelling house.

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.

LOCAL GOVERNMENT ACT 1972

As amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

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Minute No.132 (Development Control Committee, 21 November 2013)