

APPLICATION NO: 13/0242/10 (BJW)
APPLICANT: Mr B David
DEVELOPMENT: One new house on land within the garden curtilage (re submission 12/0333) (Amended plan received 14/7/14)
LOCATION: 38 CHANDLER'S REACH, LLANTWIT FARDRE, PONTYPRIDD, CF38 2NJ
DATE REGISTERED: 08/03/2013
ELECTORAL DIVISION: Llantwit Fardre

RECOMMENDATION: Approve.

REASONS:

The application proposes a substantial dwelling on a large plot within the settlement boundary which is of a scale and design that would be sympathetic to the character of the area and is therefore acceptable in principle.

The proposed dwelling is not considered to cause detriment to the amenities of existing neighbouring properties and the separate means of highway access is considered to be acceptable.

APPLICATION DETAILS

Full planning permission is sought for a three bedroom, split-level dwelling on land that currently forms the garden area of 38 Chandlers Reach, Llantwit Fardre, Pontypridd.

The dwelling would be located to the west of 38 Chandlers Reach within an area that currently forms its extensive side garden. The proposed dwelling would measure 9.7m in width by 8.15m in depth by 4.7m in height to the eaves and 7m in height to the ridge of the roof, as viewed from Chandlers Reach and 7.2m in height to the eaves and 9.4m in height to the ridge of the roof as viewed from the lane which provides vehicular access to the proposal.

Accommodation would consist of a hall way, store room and garage at lower ground floor level; a living room, kitchen, study and W. C. at ground floor level and 3 bedrooms, 1 en suite and a bathroom at first floor level.

Additional accommodation would be provided by way of a decked area over the proposed lower ground floor level garage. The decked area would measure 9.5m in length by 2.2m in depth. A balcony would also be provided to the first floor bedroom and would measure 900mm in depth by 7.3m in length. Both areas

would be bounded by a 1.1m high glass balustrade. The property would be finished in facing brick with a concrete interlocking tile roof.

The proposal would also involve the following:

- The modification of the existing garage for 38 Chandlers Reach to provide a smaller garage measuring 4.05m in width by 5.8m in length while the existing height would be retained. The modification would allow a new pedestrian access to be formed on the side boundary with 37 Chandlers Reach.
- The installation of a wider entrance apron to allow 2 vehicles to be parked in front of 38 Chandlers Reach.
- The installation of new, repositioned steps to provide pedestrian access to 38 Chandlers Reach.

Vehicular access to the property would be via the existing lane, a no through road, to the south of the site. The lane serves an existing property, Windways, located to the south-east of the site, is single width and has an established, continuous banking and hedgerow along its length.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the proposal would respect the character and appearance of the area, protect the amenities of existing neighbouring properties, while making a more productive use of the land.

SITE APPRAISAL

The application site is irregularly shaped and accessed off an internal estate distributor road. The site consists of the house, garage and garden area of 38 Chandlers Reach, is relatively flat and has a total area of approximately 1030 square metres.

The site is bounded to the rear by a highway which is a no through road carriageway providing access only to a limited amount of properties along its length. The site is bounded on all other sides by residential properties and boundary treatments consist of close boarded fencing and hedges.

The dwelling would sub-divide the plot with the new house residing in an area of former garden approximately 535 square metres.

PLANNING HISTORY

12/0333	38 Chandlers Reach, Llantwit Fardre,	2 new houses on land within the garden curtilage (amended plans	Refused 21/12/12
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Pontypridd

received 11/10/12).

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. 6 responses have been received, 3 to the originally submitted scheme, 3 to the current scheme. Any further responses will be reported orally to Members, those received make the following points:

- Overlooking/loss of privacy.
- Noise and disturbance from the use.
- Devaluation of property.
- Rise in the level of traffic noise due to the close proximity of parking spaces to my property (8 Pine Court).
- Increase in traffic levels will have a detrimental effect on surrounding properties.
- The proposal would result in an overcrowded and congested development that would adversely affect the current sustainable uncompromising living environment.
- The lane is a community route that is closed to through traffic and is used by ramblers, dog walkers children and horses who can use it safely without fear of HGV's and speeding cars using the lane.
- Use of the lane for construction traffic should not be permitted.
- We made a similar application for a dwelling with access off the lane which was refused due to access considerations.
- We require 24 hour uninterrupted access to our property as we have to attend to ill family members on daily basis. RCT would be responsible for any adverse outcome if the lane was restricted for this development.

CONSULTATION

Transportation Section – no objection, subject to conditions.

Land Reclamation and Engineering – no objection, subject to conditions.

Public Health and Protection – no objection, subject to conditions.

Dwr Cymru Welsh Water – no objection, standard advice offered.

Western Power Distribution - no comments received.

Wales and West Utilities – no comments received.

South Wales Fire and rescue Service - no comments received.

Countryside, Landscape and Ecology – no comments received.

Llantwit Fardre Community Council - no comments received.

POLICY CONTEXT

The site is within the settlement boundary and unallocated.

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth.

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.

Policy AW8 - only permits development where it would not cause harm to features of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 9 (housing) set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

Other relevant policy guidance consulted:

Planning Policy Wales 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 development site is within the defined settlement boundary where development is considered to be acceptable in principle subject to compliance with other policies within the Local Development Plan.

It is considered that the dwelling could be accommodated at the site without leading to over development and that the proposal would make a productive use of the land that would be in keeping with surrounding land uses.

The site was previously considered to be “backland” development because the vehicular and pedestrian access was shared by the existing and the proposed dwelling. The vehicular access is now gained by the rear lane with only pedestrian access being gained by a dedicated, modified arrangement off Chandlers Reach. Therefore, due to the change in access arrangements, the proposal is no longer considered to represent “backland” development.

Character and appearance of the area

The area is characterised by a mix of modern dwellings types and styles with link houses, semi detached and detached houses commonly featured with facing brick being a common building material. It is considered that the site would represent an urban infill opportunity and it is considered that the design of the property clearly takes its influences from the modest style and appearance of properties within the area.

Given the dimensions of the site and its location within the area and relationship with other dwellings, it is considered that this is a reasonable and acceptable approach.

The property would appear as a two storey dwelling as viewed from Chandlers Reach while its facade onto the lane access would be essentially three storey. This arrangement takes into account the level of the lane access and allows the property to address this level change while also providing parking and turning space on site.

Both facades are considered to be in keeping with the modern aesthetic of the surrounding estate and are acceptable in this regard.

Impact on amenities of neighbouring properties

The site represents an infill plot that would have a close relationship with existing neighbouring properties due to the fairly densely built up urban form of the surrounding area.

Having regard to the layout and design of the proposed property and its relationship with surrounding dwellings, it is considered that the proposed property could be accommodated at the site without leading to overdevelopment. This plot is unusually large within the context of the adjoining properties and the proposed property and the existing dwelling would have a reasonable and positively comparable amenity space to other properties within the locality.

The property would be a acceptable distance from neighbouring properties such that its height would not have an overbearing impact and the layout of the rear facing, first floor windows that serve a bathroom and landing would not have an adverse impact on existing levels of privacy. The side facing bedroom window would have an oblique view of the rear garden area of 9 Pine Court however, it is considered that the tree within the garden area would maintain the existing level of privacy and would be acceptable in this regard.

Concerns were raised on the previous application and the initial scheme for this re-submission regarding the impact that the vehicular access to the proposed dwelling and the amenity of 37 Chandlers Reach. Both previous schemes included a vehicular access to the property off Chandlers Reach along the boundary of No. 37.

It was considered that the previously proposed access would lead to a considerable increase in vehicular movements at this point and would lead to an intensification in the use of this area for the additional vehicle movements. Furthermore, the increase in both vehicular and pedestrian use of the proposed access would cause additional levels of noise and disturbance that would be detrimental to both the privacy and amenity of this property.

However, this arrangement has been altered with the existing garage reduced in size and the access to the new property being restricted to pedestrian access only. In this regard, it is considered that the new access arrangements for a single additional dwelling would not have an adverse impact on the privacy or amenity of 37 Chandlers Reach and is acceptable in this regard.

Highway safety

The Transportation Section has raised no objection to the application. These observations are made on the basis of the separate pedestrian and vehicular access to the property and are subject to several conditions to ensure highway safety. In coming to this view, the Transportation Section have had regard to the high level of parking demand within the area and the parking and turning provision detailed on the amended scheme. Additionally, the status of the lane

as a “no through road” and the relatively low level of additional use a single dwelling would create.

The reduction in the size of the garage is considered acceptable within the context of the surrounding area and there would be sufficient available parking provision retained at the existing dwelling to retain acceptable levels of parking at the property.

Consequently it is considered that the proposal, subject to the conditions specified, would be acceptable in this regard.

Neighbour Comments

The points raised by the neighbouring properties are acknowledged however it is considered that there would be adequate and acceptable distances between the proposed dwelling and neighbouring properties. First floor windows have been positioned at an oblique angle, serve non-habitable rooms or spaces and are screened by existing trees. Therefore it is considered that there would not be any significant overlooking or loss of privacy caused by the proposal.

In terms of noise and disturbance from the use, it is considered that the proposal would be for a residential use that would be sympathetic to surrounding land uses. There are adequate distances between the site and neighbouring properties and no reason to conclude that the property would be any more harmful than existing dwellings.

Devaluation of property is not a material planning consideration that would be relevant to the determination of the proposal.

The parking arrangement is independent of Chandlers Reach and is considered sufficient for the requirements of the property and calling service and delivery vehicles. Consequently, it is considered that the proposal would not lead to any additional traffic noise or congestion that would be detrimental to either the amenity of neighbouring properties or highway safety.

The existing property is located with a large side garden area and this is unusual within the context of this fairly densely built estate. It is considered that the resultant development would create two plots that would compare equally and favourably with other dwellings in the locality and would not be either overcrowded or cramped in character or appearance.

It is considered that the use of the lane for an additional dwelling would not generate significant additional levels of traffic that would have an adverse impact on existing users of the lane. Restricting the use of the lane to preclude heavy construction traffic could be controlled by condition.

In terms of the neighbouring property, Windways, previous application this was made in 1992 and refused for several reasons. It is correct that access was one reason for refusal as it was subject to an objection from the Highways Authority however, the application was made in outline form where details may have been insufficient to demonstrate that access could have been provided in a satisfactory and acceptable manner. What is more relevant is that the application site was outside the settlement boundary and was considered to be unsuitable development in the countryside. The site remains outside the settlement boundary while this planning proposal is within and therefore the considerations are entirely different in this regard.

In terms of the requirement for uninterrupted access to their property this is a civil matter beyond the remit of the planning system. It is acknowledged that there is the potential for disturbance during the construction phase of the development although this should not hinder the access of the existing property to a significant degree. If this proves to be the case then it would become a police matter to enforce any obstruction that occurs. In terms of the proposed dwelling it is not considered that a single additional house would cause an increase in the volume of traffic movements that would adversely affect the existing dwelling.

Conclusion

The application is considered to comply with Policies AW5, AW6, AW8 and AW10 of the Local Development Plan in respect of the issues outlined above.

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 development hereby approved shall be carried out in accordance with the amended/revised plan(s) received by the Local Planning Authority on 14/07/2014.

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

3. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might

arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained 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.

5. 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.

6. Building operations shall not be commenced until samples of the materials 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 sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. Construction works on the development shall not take place other than during the following times:
 - i) Monday to Friday 0800 to 1800 hours;

- ii) Saturday 0800 to 1300 hours;
- iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

9. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

10. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a Conceptual site model. A copy of the desk-top study shall be submitted to the Local Planning Authority without delay upon completion.
2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the

Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme have been implemented. A suitable validation report of the proposed scheme is to be submitted and approved by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plan 877-03 and approved by the Local Planning Authority and that area shall be retained for the parking of vehicles only.

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

14. Prior to the commencement of development, facilities for wheel washing shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Wheel washing shall be in operation during the duration of the development period.

Reason: To prevent debris and mud from being deposited onto the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. All HGV deliveries to and from the site during the construction period shall take place only between the hours of 09:00 and 15:00 Mondays to Fridays.

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

