

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**DEVELOPMENT CONTROL  
COMMITTEE  
2 OCTOBER 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No. 5</b>
<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>	

**1. PURPOSE OF THE REPORT**

Members are asked to determine the planning applications outlined in Appendix 1.

**2. RECOMMENDATION**

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No: 14/1001 - Wooden raised decking to level garden with patio area and fencing (Retrospective) (Amended plans received 13/08/14), 10 Country View Estate, Hawthorn, Pontypridd

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## APPLICATIONS RECOMMENDED FOR REFUSAL

**APPLICATION NO:** 14/1001/10 (GH)  
**APPLICANT:** Mr & Mrs Tuesley  
**DEVELOPMENT:** Wooden raised decking to level garden with patio area and fencing (Retrospective) (Amended plans received 13/08/14)  
**LOCATION:** 10 COUNTRY VIEW ESTATE, HAWTHORN, PONTYPRIDD, CF37 5DU  
**DATE REGISTERED:** 31/07/2014  
**ELECTORAL DIVISION:** Hawthorn

**RECOMMENDATION:** Refuse

### REASONS:

**By virtue of its height, prominent location and relationship with existing properties, the proposed raised decking constitutes an incongruous and insensitive development, and will have an overbearing impact and adversely affect the privacy and amenity of neighbouring properties.**

### APPLICATION DETAILS

Retrospective planning permission is sought to retain and amend an area of raised wooden decking and fence to the rear of 10 Country View Estate, Hawthorn.

The arrangement of the decking is such that the garden has been divided into two usable levels. Immediately to the rear of the dwelling, an existing flat patio paved with concrete slabs has been extended with decking to the same level. This has given an additional depth of 4.1m of level terrace. Currently this decked area is enclosed on the outward facing edges by an overlapping, timber board fence, giving a total length of approximately 15m.

Following discussions with the applicant regarding possible solutions to overcome the impact of the development, it is now proposed to replace this fence with a spindled balustrade and banister, in the same style as the neighbouring property at no.11 Country View Estate.

Where the ground falls away to the rear south-west boundary, the exposed area under the decking is largely faced by a feather edged timber board. As seen from a southerly viewpoint the extent of timber along the side boundary with no.9 will be reduced by the replacement balustrade and the removal of a fence panel. The majority of this boundary between the application site and no.9 is formed by an extant concrete block wall and the side elevation of a brick-built shed.

The opposite side boundary with no.11 is demarcated by a timber fence of identical design. The fence runs from the rear elevation, where the 2m height will be maintained for a short stretch, and follows the contours of the garden down to the rear boundary, where the height is maintained at 1.7m.

This planning application is presented to the Development Control Committee at the request of the Local Member, Councillor Teresa Bates.

## **SITE APPRAISAL**

The application site is a split level house located midway along a line of 15 similar dwellings. The plot falls steeply away from north-east to south-west, such that the front elevation gives the appearance of a bungalow and the rear elevation a two storey house.

The rear garden extends to a depth of 12m from the original elevation, whereupon the boundary adjoins an informal unmade car park and undeveloped land through which the Nant Corrwg Brook flows. The nearest properties to the rear are over 50m away on Ynyslyn Road. Initially the garden was laid out with a level patio and a series of seven different levelled terraces, retained with low walls and steps constructed from a range of concrete blocks, bricks and slabs; some painted with a cream finish.

Within the rear gardens of other Country View Estate dwellings, the topography changes have been treated in a variety of ways, with retaining walls and terraces of different designs, materials, colours and height, including raised decking and other structures. Whilst there is less uniformity to any of these garden developments, none of them are to the same scale and height as the decking at the application site.

## **PLANNING HISTORY**

There are no applications on record associated with this site

## **PUBLICITY**

The application has been advertised by direct notification to fourteen neighbouring dwellings.

Two identical objection letters, containing ten signatures from six different properties, were received. The signatories are concerned about the scale and visual appearance of the decking; and assert that their privacy will be infringed by the opportunity to overlook.

## **CONSULTATION**

No consultation responses have been received.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Hawthorn

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility and requires that development does not have a significant impact on the amenities of neighbouring properties.

**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 3 (Making and Enforcing Planning Decisions) and Chapter 4 (Planning for Sustainability), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other 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 a development ancillary to an existing residential property and the principle of development is therefore acceptable subject to the criteria set out below.

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

Regarding the impact on the appearance of the area, it is considered that due to its elevated position, in combination with the level changes, the decking would be seen as highly prominent from other residential properties in the area.

It is accepted that the replacement balustrade would lessen the visual impact of the development and the stark effect of such a large mass of timber would lessen as it aged. Furthermore, whilst the scale of the development is out of proportion with other properties in the area, some of which have incorporated stepped decking into their rear gardens, the visual impact of the proposed development is restricted to views from other residential gardens and the informal parking area to the rear, rather than being visible from any public area.

It has therefore been concluded that the visual impact of the proposed development on the character and appearance of the area is not so unacceptable so as to warrant the refusal of the application for this reason.

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

The proposed decking is a substantial structure and represents a visually intrusive element to the occupiers of neighbouring properties because of its scale and height. The end point of the decking reaches a depth of some 8m from the rear elevation and at this point, is approximately 2.4m above the level of the ground.

Whilst the amended balustrade fence improves permeability and reduces the sense of mass from the south, it also increases the perception of intrusion to residents either side, whereby anyone using the decking at this point will be presented almost as if on a stage.

The terraces and decking benefitting other properties are noted, but they are mostly of a much reduced depth to the proposed development and at a similar height, or are stepped to match the gradient changes of the land.

It is considered therefore, that the proposal would have an overbearing impact on the other neighbouring dwellings, particularly no's 9 and 11 Country View Estate. Furthermore, the use of the decked area would adversely affect existing levels of privacy and amenity. In these terms the proposal is considered to be unacceptable.

### **Conclusion**

By virtue of its height, prominent location and relationship with existing properties, the proposed raised decking constitutes an incongruous and insensitive development, and will have an overbearing impact and adversely affect the privacy and amenity of neighbouring properties. The proposed development is not therefore considered to comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

**RECOMMENDATION: Refuse**

1. The proposed decking, by virtue of its height, prominent location and relationship with existing properties, constitutes an incongruous and insensitive development and will have an overbearing impact and adversely affect the privacy and amenity of neighbouring properties, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**2 OCTOBER 2014**

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**REPORT**

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**OFFICER TO CONTACT**

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**See Relevant Application File**