

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2017-2018:**

**PLANNING & DEVELOPMENT  
COMMITTEE  
3 AUGUST 2017**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No. 6</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: 17/0554 - Proposed Erection of 10 X 3 Bed Dwellings, with associated off-Street Parking and Amenity Space, land at Salisbury Road, Abercynon.
2. Application No: 17/0610 - Erection of a shed to the rear of the property with lane access, 60 Primrose Terrace, Porth.

## APPLICATIONS RECOMMENDED FOR REFUSAL

**APPLICATION NO:** 17/0554/10 (HL)  
**APPLICANT:** How Refreshing Ltd  
**DEVELOPMENT:** Proposed erection of 10 x 3 bed dwellings, with associated off-street parking and amenity space.  
**LOCATION:** LAND AT SALISBURY ROAD, ABERCYNON, CF45 4NU  
**DATE REGISTERED:** 30/05/2017  
**ELECTORAL DIVISION:** Abercynon

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**RECOMMENDATION:** Refuse.

### REASONS FOR RECOMMENDATION:

Whilst the principle of residential development on the site has been established, it is considered that the current proposal is unacceptable as it would represent over-development of the site, which in turn would adversely impact upon the character and appearance of the site and the residential amenity of those living in Aberdare Road. The design, mass, size and scale of the dwellings are also considered out of keeping with the overall character and appearance of the area. The application is therefore considered contrary to the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy.

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### REASON APPLICATION REPORTED TO COMMITTEE:

The application proposes the development of ten residential units and as such is not covered by determination powers delegated to the Service Director Planning.

### APPLICATION DETAILS

Full planning permission is sought for the construction of a ten dwellings on a parcel of land located between Salisbury and Aberdare Road, Carnetown, Abercynon. The proposed properties would be developed in three blocks: Block 1 at the south-western end of the site would contain three dwellings; block two in the middle would contain four dwellings and block three at the north-eastern end of the site would also containing three dwellings.

Each property would measure 5.6m in width, 11.4m in depth. The dwellings would be split-level in design, with a two storey front elevation facing Salisbury Road to the north-west, with a maximum height of 8m falling to 4.85 metres at eaves level. The south-eastern (rear) elevation, overlooking the properties in Aberdare Road, would be three storey in design with a maximum height of 11.8m falling to 8.65m at eaves level. Kitchen and dining accommodation would be provided at lower ground floor level with a living room, garage and principal entrance from Salisbury Road at ground floor level, and three bedrooms and a bathroom at first floor level. A

maximum distance of 2m would be maintained between the proposed block of houses.

Given the topography of the site, the dwellings would be partially cut into the land profile with the land between the tarmac edge of the highway and the front elevation of the properties being built up to provide a 2 metre wide pavement and 5 metre deep level parking area. A 6 metre deep, terraced garden would be provided to the rear of each dwelling. The section plan submitted indicates the provision of a 2 metre high retaining wall on the south-eastern boundary of the plot, adjacent to the rear lane with Aberdare Road.

Externally the properties would be predominantly finished in render with brick work on the lower ground floor south-eastern (rear) elevation, an artificial slate roof and powder coated windows and doors.

## **SITE APPRAISAL**

The site is a steeply sloping parcel of land positioned between Salisbury Road to the north-west and Aberdare Road to the south-east. The site has recently been cleared of its covering of rough vegetation. The application site has an area of 0.13 hectares with a road frontage with Salisbury Road of 61m and a depth of 23m. The upper (north western) boundary of the site is level with Salisbury Road, however the land falls steeply toward the level of Aberdare Road, to the south-east with an approximate 6m change in levels. Salisbury Road has a relatively narrow carriageway width and the dwellings on the opposite side of the road occupy an elevated position. The south-western boundary is defined by a pedestrian path with steps which link Salisbury Road with Aberdare Road. To the rear (south-east) of the site is a narrow lane which also serves the rear of the dwellings that front Aberdare Road. These properties are at a substantially lower level than the uppermost point of the application site. The surrounding residential area is characterised by traditional terraced houses on the northern side of Salisbury Road and Aberdare Road; however a number of more modern, larger, detached properties have been developed on neighbouring plots.

## **PLANNING HISTORY**

16/0475	Land to the east of Salisbury Road, Abercynon	Discharge of conditions 3 – External walls; 4 – Road and cross-over details; and site setup drawing no SS.01 of planning permission 15/0985/10	Pending
15/0985	Land to the east of Salisbury Road, Abercynon	4 no pairs of semi-detached dwellings (8 dwellings)	Granted 31/12/15
14/0920	Land between Salisbury Road and Aberdare Road, Carnetown, Abercynon	Construction of 1 pair of split level semi-detached dwellings with associated works including parking provision for 4 cars	Refuse 24/09/14

13/0906	Plots 2 & 3, Land at Salisbury Road, Abercynon.	Construction of detached residential dwellings.	Granted 21/01/14
10/0939	Plot 1 & Plot 4, land at Salisbury Road, Abercynon	Construction of 2 no. split level detached residential dwellings with access and parking off Salisbury Road.	Granted 22/11/10
08/0045	Land at Salisbury Road, Abercynon	Outline application for residential development (Amended description)	Granted 16/04/08
95/160	Land at Salisbury Road, Abercynon	Residential development	Granted
90/178	Land at Salisbury Road, Abercynon	Residential development	Granted 23/05/90
85/358	Land at Salisbury Road, Abercynon	Proposed 4 no. Dwellings	Granted 13/11/85  11/12/85
79/785	Land at Salisbury Road, Abercynon	Proposed retention of erection of sectional wooden buildings	Granted 12/11/80

## PUBLICITY

The application was advertised by direct neighbour notification and site notices. 9 letters of representation have been received and are summarised as follows:

- Littlewood Lane is an unmade, private lane with services beneath. It is not suitable for wide or heavy loads.
- Three storey elevations would generate increased overlooking and loss of privacy to the rear gardens of Aberdare Road;
- The height and orientation of the dwellings would generate increased overshadowing and loss of light;
- Minimal spaces between units and existing properties creating a cramped development;
- The design, height and scale will appear out of place amongst terraced houses and will not integrate;
- Concerns regarding impact of development on existing noise levels, traffic generation and use of existing amenities;
- Will result in the loss of a Wildlife area which accommodates grass snakes, amphibians, nesting birds and bats;
- Concerns regarding impact of proposal on existing drainage and increased surface water run off;
- Concerns regarding noise disturbance, lack of privacy, dirt and dust generation and road disruption during construction;

- There is an existing high demand for on street parking. Proposal will result in a reduction in parking availability for existing residents and will increase traffic generation in Salisbury Road;
- Japanese knotweed is present on site;
- The current proposal is significantly larger than that previously approved and will result in a loss of view and increased overlooking; and
- The application encroaches on land, over which the neighbour has prescriptive rights of access and ownership.

## CONSULTATION

Transportation Section – no objection subject to conditions

Coal Authority - object. The application site is located within the Development High Risk Area. Insufficient information has been submitted to allow for an assessment of the risks from existing coal mining features and hazards, on any proposed new development to be made.

Natural Resources Wales – no objection.

Land Reclamation and Engineering – no objection subject to conditions.

Dwr Cymru/ Welsh Water – no objection subject to conditions.

Public Health and Protection – advice provided and conditions recommended with regard to demolition, noise, dust, waste and lighting.

Wales & West Utilities – advice provided regarding the position of apparatus.

## POLICY CONTEXT

### Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries of Abercynon and is unallocated.

**Policy CS1** sets out criteria for achieving strong sustainable communities including, promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

**Policy AW1** sets out the criteria for new housing proposals, commenting that the provision of new dwellings will be met by a number of methods, including the development of unallocated land within the defined settlement boundaries.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**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 AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy NSA10** - requires a minimum density of 30 dwelling per hectare

**Policy NSA11** - requires the provision of at least 10% affordable housing on sites of 10 or more dwellings.

**Policy NSA12** – set out the criteria for development within and adjacent to settlement boundaries.

### **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), Chapter 4 (Planning for Sustainability), Chapter 8 (Transport), and Chapter 9 (Housing), set 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;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

### **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 application proposes the construction of ten residential units on a parcel of land that is located inside of the defined settlement limits as defined by the Rhondda Cynon Taf Local Development Plan (LDP) and within an established residential area. As such, the key consideration in the determination of the application is the principle of residential development; whether the site is capable of accommodating ten dwellings, associated means of access, parking and amenity facilities, without resulting in a detrimental impact upon both the character and appearance of the area and the amenity and privacy of neighbouring dwellings; and the impact of the development upon highway safety in the vicinity of the site.

#### **Principle of Development and Planning History**

As specified above, the application site is located within the defined settlement limits; within an established residential area of Abercynon; and has an extensive history of

planning permission for residential development. The most recent application, 15/0985 granted full planning permission for the development of 4 no pairs of semi-detached dwellings (8 dwellings) on the 31st December 2015. This permission is extant and could be built out. It is considered that the principle of residential development of the site has been positively established by the granting of earlier applications and is acceptable subject to a number of material planning considerations, which are discussed below.

### Character and Appearance

As specified above the application seeks consent to develop ten residential properties on the site. The dwellings would be arranged in three blocks and have been designed with a two storey front elevation facing Salisbury Road and a three storey rear elevation. The density of development proposed equates to approximately 75 dwelling per hectare. Whilst the planning history has positively established the principle of development, the largest scheme approved - application 15/0985/10, granted full planning permission development of 4 pairs of semi detached dwellings. Each approved dwelling measures 5.12m wide, 9.2m deep with single storey front elevation and three storey rear elevation with a maximum height of 10.4m and a separation distance of 5m being maintained between each pair of properties.

The current scheme proposes the provision of a greater number of dwellings that would also be wider, deeper and taller with a significantly smaller gap maintained between the blocks than those previously approved. As a result of this, the entire site frontage becomes a parking area for the units, similarly the garden area for each dwelling is reduced. It is considered that the increase in the number of units proposed in association with an increase in the size and scale of each dwelling combined with the reduction in separation distances would result in the formation of overly prominent buildings, with increased visual bulk, particularly when viewed from the rear lane and rear of Aberdare Road, where the buildings would be three storey construction.

Overall, it is considered that the cumulative impact, resulting from the increase in units numbers and the scale of each 'building block' would represent the over-development of the site. In turn this would result in a development that would have significant mass and bulk and would appear out of keeping with the character of the street scene, contrary to the requirements of policies AW5 and AW6 of the LDP.

### Residential amenity

As set out above, the site represents an in-fill plot located within an established residential area of Abercynon. As such, a number of existing residential dwellings are located in the vicinity of the application site. In terms of the properties to the north-west on Salisbury Road, these occupy a slightly elevated position with the front elevations of the existing and proposed dwellings being separated by a distance of approximately 18m. Although it is acknowledged that the development would change the outlook from the ground floor windows of the properties in Salisbury Road, loss of view is not a material planning consideration. Due to the position and orientation of the plot, the dwellings proposed could generate increased overshadowing and loss of light to the front elevations of the properties in Salisbury Road. However,

although the dwellings proposed are taller than those previously proposed for the site, it is considered that the difference in levels between the application site and those on the north-western of Salisbury Road would prevent an increased level of overshadowing and loss of light significantly detrimental to the amenity of existing residents. It is also considered that the distances maintained and the difference in floor levels, would also ensure that the level of privacy and amenity currently experienced by the residents in Salisbury Road, would not be significantly compromised by the development proposed.

The dwellings to the south-east on Aberdare Road are situated at a significantly lower ground level than the application site. The plans indicate that a minimum distance of 21m would be maintained between the rear elevations of the existing and proposed dwellings, with a distance of approximately 8.4m maintained between the proposed dwellings and the rear gardens. Although the maintenance of 21m distance is acceptable, concerns are raised with regard to the impact of the development and the privacy and amenity of the rear gardens of Aberdare Road. It is considered that the perception of overlooking generated by the development would be exacerbated as a result of the topography of the site; mass; and height of the proposed dwellings in association with their raised finished floor level relative to Aberdare Road. It is therefore considered that the mass, scale and position of the dwellings proposed would have an overbearing and detrimental impact on the privacy and amenity of dwellings and rear gardens of the properties in Aberdare Road. The application is therefore considered contrary to the relevant criteria of policies AW5 and AW6 of the LDP.

### Highway Safety

With regard to the potential impact upon highway safety, following consultation with the Council's Transportation Section, on balance, no objections have been raised to the proposal in highway safety terms, with the consultation response providing the following information:

The site would be served off Salisbury Road, which is an adopted highway with a carriageway width of 5.2-5.5m. The road has no official turning area, resulting in vehicles using the un-adopted lane (at the south-western end) to turn to access/ egress in forward gear. There are no parking restrictions on Salisbury Road, which in turn results in on-street car parking taking place on both carriageway lanes, narrowing the available width to single file traffic, with considerable demand for on-street car parking.

The submitted layout plan, Drawing No. 491-004, indicates a 5.5m wide carriageway and 1.8m wide footway fronting the site which would provide for safe and satisfactory vehicular and pedestrian access which is acceptable in principle subject to detailed design. In accordance with the Council's Supplementary Planning Guidance, the proposed three bedroom dwellings require up-to a maximum of three off-street spaces per plot, with two spaces per plot provided. Being mindful of the sustainable location of the proposal in close proximity to public transport and within walking distance of Abercynon Town, the proposed provision of 2 spaces per plot is acceptable. Although the tandem parking areas proposed would result in multiple reversing movements to and from Salisbury Road which is of concern, the impact of this would not be so detrimental to safety to warrant a highway objection.



Whilst there is some concern that construction traffic could potentially use the private lane Little Woods to access / egress the site which could potentially lead to increased maintenance liability to the residents which is not acceptable, a suitably worded condition could be placed on a grant of consent, requiring all vehicles during construction to access / egress the site using Salisbury Road and Elizabeth Street.

Overall, although concerns are raised with regard to the existing high demand for on-street car parking along Salisbury Road narrowing the available width to single file traffic, taking into account that the development proposes the provision and maintenance of a 5.5m carriageway and 1.8m footway along the site frontage; provides for two off-street car parking spaces per plot; and the previous granted permissions, on balance, it is considered that the development would not have significantly detrimental impact on the highway safety and free flow of traffic in the area and is compliant with the requirements of policies AW5 and AW6 of the LDP.

## **Other**

### Previous Land Use

The entire site falls within the High Risk Coal Mining Area as defined by the Coal Authority. As part of the application, a Coal Mining Report has been submitted in support of the application. Following consultation, the Coal Authority have advised that the report does not provide an assessment of the risks to the proposal from existing coal mining features and hazards that are believed to be present within the application site and surrounding area and, as a result have raised an objection to the application on the grounds of insufficient information. In light of the consultation response received, the application is considered contrary to policy AW10 of the LDP.

### 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 liable for a charge under the CIL Regulations 2010 as amended, However, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

### Conclusion

Having taken account of all of the issues outlined above, concerns have been identified both in relation to the over-intensive development of the site and the consequential impact of this scale and massing on the character and appearance of the street scene and wider area. It is also considered that insufficient information has been submitted to allow an assessment of the impacts of existing coal mining features and hazards upon the development to be made. The application is therefore considered to be contrary to the policy framework within the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales and is recommended for refusal for the reasons set out below.

**RECOMMENDATION: Refuse**

1. The massing and scale of the buildings and the resulting cumulative impact of the proposal, would represent the over development of the site. In turn this would adversely impact upon the character and appearance of the site and its immediate setting. The application is therefore determined as contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales.
2. The properties proposed, as a result of the elevated position and proximity relative to the dwellings in Aberdare Road, in association with their design and scale, would generate a level of overlooking and infringement of privacy, detrimental to the residential amenity of those living closest to the site, contrary to the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.
3. Insufficient information has been submitted to prove that a residential development on the site would not be at risk from, or detrimentally affected by existing coal mining features and hazards within the application site and surrounding area. The application is therefore determined as contrary to the requirements of policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 17/0610/10 (LJH)  
**APPLICANT:** Mr Garry Lloyd  
**DEVELOPMENT:** Erection of a shed to the rear of the property with lane access.  
**LOCATION:** 60 PRIMROSE TERRACE, PORTH, CF39 9TF  
**DATE REGISTERED:** 12/06/2017  
**ELECTORAL DIVISION:** Porth

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**RECOMMENDATION: Refuse**

**REASONS:**

**The height and mass of the development is so great and overly dominant as to have an unacceptably over-bearing impact on the residential amenity of occupiers of neighbouring dwellings each side, contrary to LDP Policies AW5 and AW6.**

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**REASON APPLICATION REPORTED TO COMMITTEE**

The application is requested to be presented to Committee by Councillor Julie Williams to consider the visual and residential amenity impacts of the development.

**APPLICATION DETAILS**

Full planning permission is sought for the retention of a domestic shed within the rear garden of no. 60 Primrose Terrace, Porth. The shed is sited along the boundary of the rear garden and measures 5.16m in width by 3.5m in depth and when finished would have a flat roof construction with a total height of 2.5m from the level of the rear lane and 5.1m from the ground floor level of the dwelling. The external walls of the shed would be rendered concrete blocks and the roof would be covered with a fibreglass roofing system. A pedestrian access door is situated onto the rear lane and a further door and window are proposed within the rear elevation, the shed is accessed from the garden via existing steps.

Planning permission was sought and refused by the Council for a near identical proposed development (application reference 09/0691).

## **SITE APPRAISAL**

The application property is a typical, two storey mid-terraced property situated within the residential area of Porth. The property has a concrete tiled roof and has been extended to the rear with a two-storey extension finished with a sand cement render. Neighbouring properties are of a similar style and construction with the majority being extended to the rear with single storey additions. Rear gardens within this particular street scene are approximately 7 metres in length, and the application site has a small additional garden space between the extension and the boundary wall. Due to the topography of the site, neighbouring gardens are set at a much lower ground level in relation to the lane, with the gradient of land sloping towards the rear of the dwellings.

## **PLANNING HISTORY**

The most recent planning application on record relating to the application site is:

09/069	60 Primrose Terrace Porth	Erection of a garden shed at rear of property.	Refused. 27/07/09
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. Four letters of objection have been received as a result of this exercise and are summarised as follows:

- The building is taking all the light from the lounge and blocks all natural light.
- It takes the light from my bathroom and spoils my view.
- The building is an eyesore and way too big/large, it's a monstrosity and offensive to look at.
- The scale and height of this building is overpowering for such a restricted area and will significantly impinge on privacy.
- It is not a shed, it's a huge garage. How busy is it going to be? What sort of vehicles will be using the lane? Dog walkers and school children use the lane.
- Why does it need to be so big? Is he planning on running a business from there?

- The shed was refused permission in 2009 but it has been built anyway.

## **CONSULTATION**

None undertaken with this type of application.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Porth and 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.

#### **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 Chapter 2 (Development Plans), 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 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:**

### **Principle of the proposed development**

The application relates to the construction of a shed within the curtilage of an existing residential dwelling and such development is normally acceptable in principle unless outweighed by the other material considerations discussed below.

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

In terms of visual amenity, Primrose Terrace is characterised by a terrace of housing with fairly small rear gardens that accommodate a variety of sheds and garages, some of which open on to the access lane that runs to the rear of the terrace. The gardens slope upwards from the houses towards the rear access lane therefore most of the shed, garages and outbuildings are constructed at levels above that of the dwellings. Whilst acknowledging that there are various outbuildings in this kind of situation to the rear of other houses in the wider neighbourhood, the application site sits within a part of the neighbourhood that is characterised by small scale storage sheds that are set at a level below that of the rear access lane. Unlike these neighbouring buildings the floor level of the application building is set at the same level as the rear access lane, with the consequence that elevation of the building within and facing the garden is significantly greater in height than that facing the rear lane. Indeed, it is considered that the scale and height of the proposed structure is out of keeping with the character and appearance of neighbouring development viewed from the application dwelling and neighbouring properties, and is an overly dominant and incongruous feature.

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

Turning to the consequences of the development on neighbouring residential amenity, the building is of a substantial size, in particular height, having a maximum height of 5.1 metres above the ground level of the garden within the property. The relatively small size (approximately 7 metres in length) and sloping topography of rear gardens of the application property and neighbouring dwellings merely serve to emphasise the size and height of the building. Objections have been received from the neighbouring properties adjacent to the application site, expressing concern in regards to the impact that the structure has upon levels of privacy, light and general amenity. It is accepted that the development provides additional opportunity for overlooking, but in mitigation it is also considered that because gardens in the neighbourhood are set on an elevated level, the proposal does not result in a significant increase in mutual overlooking of neighbouring property compared to that which could occur in the absence of the building. With regards to the potential loss of light, the rear gardens of the terrace have a north-western orientation and as a result it is considered that the building is only likely to shadow number 61 during the late afternoon. Notwithstanding the above, however, due to the great height and sheer scale of the shed in relation to the size and level of neighbouring gardens and outbuildings, it is considered that the development has an unacceptable overbearing impact upon the adjacent gardens of 59 and 61 Primrose Terrace contrary to Policies AW5 and AW6 of the LDP.

### **Planning history of the site**

Planning permission was refused in 2009 for the construction of an outbuilding at this address for reasons that the development would have been unsympathetic to the character and appearance of the locality and would have an unduly overbearing impact on neighbouring residential amenity. The present application now seeks consent to retain a structure that is same overall dimensions and height relative to the rear lane, and with arguably same visual and residential amenity consequences as the development previously rejected by the Council. This is a very pertinent material consideration that merely serves to add weight to the conclusions discussed in detail above.

**Other Issues**

**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 height and mass of the development is so large as to be overly dominant and harmful to surrounding character and appearance and to have an unacceptably overbearing impact on the residential amenity of occupiers of neighbouring dwellings each side, contrary to LDP Policies AW5 and AW6.

**RECOMMENDATION: Refuse**

1. The garden shed, as a consequence of its height and mass, is an overly dominant, unsympathetic development which is unacceptably harmful to the character and appearance of the surrounding area. As such, the proposal is contrary to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.
  
2. The garden shed, as a consequence of its height and mass, has an unacceptable overbearing impact on dwellings at nos. 59 and 61 Primrose Terrace. As such the development has unacceptable detrimental impact on the level of residential amenity of the occupiers of those dwellings, and accordingly is 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**

**PLANNING & DEVELOPMENT COMMITTEE**

**3 AUGUST 2017**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**OFFICER TO CONTACT**

**APPLICATIONS RECOMMENDED  
FOR REFUSAL**

**MR. J. BAILEY  
(Tel: 01443 494758)**

**See Relevant Application File**