

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**PLANNING & DEVELOPMENT
COMMITTEE
7 DECEMBER 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.6
APPLICATIONS RECOMMENDED FOR REFUSAL	

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: 17/0984 - The development proposed is 4 No. detached garages and associated works, land at Hurst Grove (North of 1b Forge Place), Abernant, Aberdare.

APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 17/0984/10 (MF)
APPLICANT: Mrs Friel
DEVELOPMENT: The development proposed is 4 No. detached garages and associated works.
LOCATION: LAND AT HURST GROVE (NORTH OF 1B FORGE PLACE), ABERNANT, ABERDARE, CF44 0SE
DATE REGISTERED: 14/09/2017
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Refuse

REASONS:

It is considered the proposed garage blocks would form substantial additions within the street frontage and would therefore result in overly prominent features that would be harmful to the character and appearance of the area and the visual amenity of the neighbouring properties along Forge Place to the rear. As such, the development is considered contrary to the relevant policies of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to Committee by the request of Councillor Rees in order to assess the impact of the proposed development upon the character and appearance of the surrounding area.

APPLICATION DETAILS

Full planning permission is sought for the construction of 4 no. domestic garages on land opposite nos. 4 and 5 Hurst Grove, Abernant. The development would comprise 2 no. double garage blocks, each accommodating 2 no. separate garage units. The applicant has detailed that the garages would be let to local residents for domestic storage.

This application forms the resubmission of a previously refused planning application, ref. 14/0111/10, which also sought consent for 2 no. double garage blocks at the application site. The previous scheme was refused due to its potential impact upon the character and appearance of the surrounding area and highway safety in the vicinity. A subsequent appeal, ref. APP/L6940/A/14/2220258, was submitted and dismissed, however, the WG Inspector did not consider the proposal would have a

detrimental impact upon highway safety along the street and instead, solely dismissed the appeal in respect of its potential visual impact. In light of the previous refusal and comments made in the subsequent Inspector's report, the applicant has now amended the scheme whereby the design of the garage blocks has been altered and external materials changed to overcome the visual concerns. The alterations include the replacement of profile sheet flat roofs and metal up and over garage doors previously proposed with pitched roofs and timber, sliding doors. The siting and footprint of the garages remains as previously proposed.

Therefore, with respect to the current scheme, the proposed structures would be sited centrally within the plot, being set back from the adjacent highway, Hurst Grove, by between 2.3m and 2.5m. The set back would incorporate a 1.8m wide footway and a vehicular crossover to allow primary access off Hurst Grove. Both garage blocks would be of an identical design and scale each measuring 6.9m in width by 6m in depth, incorporating pitched roof designs to a maximum height of 3.7m fronting Hurst Grove. Timber sliding, vehicle access doors would be sited within the front (northern) elevation of each garage with a timber pedestrian access door sited within the rear (southern) elevation of each unit. The structures would be finished in grey render and grey imitation slate roof tiles. No windows are proposed.

Given the sloping nature of the site, the rear of the plot would be built up by approximately 500mm in order to create a level floor area. However, no details of any proposed engineering/retaining works have been submitted with the application.

SITE APPRAISAL

The application site is situated centrally along an established residential street within the village of Abernant. It is roughly rectangular in shape extending to an area of approximately 200m². The plot is sited between the residential properties on Hurst Grove and Forge Place, previously forming part of the garden area of 1B Forge Place, an end of terrace property accessed off a private drive to the rear of nos. 6 to 10 Forge Place. The site frontage is onto Hurst Grove and measures approximately 20m in length. The land falls steadily from north east to south west being located at a lower level than the properties on Hurst Grove to the front, but at a higher level than those along Forge Place to the rear.

Hurst Grove has a number of residential dwellings on the northern side of the street facing the road and the application site. On the southern side of the street, to the west of the application site, are several single storey garage and outbuilding structures. A large detached dwelling, 9 Hurst Grove, is sited to the east of the site. 1B Forge Place (a residential dwelling) is sited directly to the south.

PLANNING HISTORY

Previous planning applications submitted at the application site:

14/0111	Land at Hurst Grove, Abernant	4 no. garages and associated works	Refused 23/05/14 Appeal dismissed 02/10/14
10/0862	“	Detached dwelling	Refused 25/10/10 Appeal dismissed 15/03/11

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Seven letters of objection have been received from residents of the neighbouring properties along Hurst Grove, making the following comments (summarised):

- The proposed garage structures would be out of keeping with the character and appearance of the surrounding street scene.
- Hurst Grove is a narrow residential street and is already busy due to resident's vehicles. Further, it is often congested with vehicles parked on the highway. The proposed garages would increase the amount of vehicles along the street to the detriment of pedestrian and highway safety.
- Hurst Grove is too narrow to allow vehicles to access/egress the proposed garages.
- The proposed garages would overshadow the adjacent properties along Forge Place.
- Concerns that the garages would be used for commercial storage rather than domestic use.
- The use of the garages would result in noise and disturbance to the residents of Hurst Grove.
- Delivery vehicles would block the highway and cause noise and disturbance during construction.
- As the garages may not be occupied by residents of Hurst Grove, they may not be maintained.

- The construction of garages at this location would set an unwanted precedent for similar development along the street.

CONSULTATION

Transportation Section – no objection, subject to conditions.

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

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

The Coal Authority – no objection.

Glamorgan Gwent Archaeological Trust – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Abernant, but is not allocated for any specific purpose.

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

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 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy NSA12 – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries.

Supplementary Planning Guidance

- Design and Placemaking;
- Access, Circulation and Parking Requirements.

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 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 8 (Transport) 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.

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.

Principle of the Proposed Development

The proposal seeks planning permission for the erection of 4 no. domestic garages at the application site. The plot is located within an established residential street, within settlement limits, where there would be no objection to this type of development in principle, subject to an assessment of the criteria set out below and the scheme being considered acceptable in respect of the relevant criteria.

Visual Impact

As detailed above, this application forms the resubmission of a previously refused planning application (ref. 14/0111/10) which sought consent for 2 no. similar double garage blocks at the site. The previous scheme was refused as it was considered the proposed garages, by reason of their appearance and being unrelated to any residential curtilage, would result in an adverse impact upon the character and appearance of the surrounding area.

A subsequent appeal (ref. APP/L6940/A/14/2220258) was lodged by the applicant and dismissed by the Planning Inspectorate. Within her consideration of the appeal, whilst the WG Inspector did not agree with the Council that the failure of the garages to relate to any residential curtilage would have an unacceptable impact upon the area's character, she considered the garages would result in a substantial addition of built form to the street frontage, and having regard to the open and elevated nature of the site, the proposed would be a prominent form of development resulting in a

detrimental impact upon the character and appearance of the area. The Inspector expanded by commenting that for these reasons, considerations of design and appearance were important and in this case, owing to the flat roof profile and monotonous frontages, the proposed garages would have a sterile appearance and although they would be used for residential purposes, the use of steel roof sheets and metal doors would create an unappealing semi-industrial appearance to the development which would be incompatible with its residential setting. Further, the Inspector also detailed that the large scale of the development would reiterate these unacceptable effects and whilst there are already garages near the site, these demonstrate the negative effects that such development can have and it is therefore considered the proposal would compound this visual harm. The Inspector concluded by commenting that whilst external finishes can be controlled by planning conditions, for the above reasons, it is considered that the scale, form and design of the proposed development would be harmful to the character and appearance of the area.

In light of the previous refusal and the comments made in the subsequent Inspector's report, the applicant has now amended the scheme whereby the profile sheet flat roofs have been replaced with pitched roofs incorporating imitation slate tiles, and the metal up and over garage doors have been replaced with timber, sliding doors to try and improve the visual appearance of the structures.

In this respect, whilst it is acknowledged the applicant has improved the visual appearance of the garage blocks by introducing pitched roofs and more appropriate external finishes, it is not considered the previous concerns in respect of the large scale of the garage block structures has been overcome. In fact, by adding a pitched roof to the structures the scale and general appearance of the buildings would be increased and the previous concerns would be enhanced. As such, it is considered the development would still result in the creation of substantial additions of built form to the street frontage, and having regard to the open and elevated nature of the site, would still be an overly prominent form of development. Further, whilst it is acknowledged there are already a number of garages near the site, these demonstrate the negative effects that such development can have and it is therefore considered the proposal would compound this visual harm.

It is also noted that as the site falls from Hurst Grove towards Forge Place at the rear, a number of engineering works would be required in order to level the site and to create the necessary associated retaining structures that would be needed to accommodate the garage blocks. It is therefore considered that the submitted plans are not fully clear of the extent of engineering and construction works that could be required and in reality the development could involve more engineering works than that detailed which would result in highly visible and dominant features from the adjacent properties along Forge Place to the rear of the site.

Subsequently, whilst the amendments made by the applicant are acknowledged, for the above reasons, on balance, it is not considered the previous concerns have been

overcome and the scale, form and design of the proposed development would be harmful to the character and appearance of the area, resulting in an unacceptable visual impact.

Residential Amenity

It is noted that there has been a number objections received from residents of Hurst Grove in respect of the potential impact the proposed development would have upon the amenity and privacy standards they currently enjoy. However, it is not considered that the proposed garage blocks would have a significant impact upon the levels of amenity and privacy currently enjoyed by the occupiers of the properties along this street.

The garages would be sited at the opposite side of the street to the residential properties along Hurst Grove and at a lower ground level. Therefore, given the relationship they would have with these dwellings there would be no undue impact from issues such as loss of sunlight or overbearing affects. Further given the domestic nature of the proposed use, it is not considered any loss of privacy would occur.

The residents of Hurst Grove have raised further objections with regard to the potential of the garages being used for commercial purposes that could result in noise and disturbance. However, the applicant has detailed that the garages are proposed for domestic use for the parking of private motor vehicles and general storage. Furthermore, if permission were to be granted, a condition requiring the garages are used solely domestic purposes could be attached. It is acknowledged however that the domestic use of the garages could result in some noise and disturbance from the comings and goings of their users, but it is not considered the impact would be significantly greater than that which already occurs from the current use of the existing garages along the street.

Further, whilst there is some concern with regard to the impact the proposed structures would have upon the amenities of the adjacent properties to the rear of the site along Forge Place due to the difference in levels between the application site and these properties, given the siting of the proposed garages to the north of and away from the adjacent properties, and their single storey nature, it is not considered any undue overshadowing impact would arise. Additionally, as detailed above, given the domestic nature of the proposed use, it is not considered any undue loss of privacy would occur to these properties.

It is acknowledged that a number of residents have expressed some concern with regard to the additional use of Hurst Grove by construction traffic, commenting that the vehicles associated with the development of the garages will cause nuisance and disturbance to neighbours by way of increased traffic movements and associated noise. Whilst unfortunate, it is inevitable that during the course of construction residents may observe an increase in traffic movements resulting from deliveries

associated with the construction. However, it is considered that this would occur over a limited period of time only. Furthermore, a condition could be added to any consent to reduce this impact by controlling the days and hours during which deliveries associated with the construction may attend the site, thereby avoiding disturbance during the evenings, weekends and peak traffic times. Consequently it is not considered that the movement of additional traffic generated by the construction of 4 no. garages, along the existing adopted highway of Hurst Grove, would result in an impact upon the amenities of existing residents that would be so great as to warrant the refusal of the planning application.

Subsequently, whilst the garages will undoubtedly have a degree of impact upon the amenity and privacy standards currently enjoyed by the adjoining neighbours, given the similar existing structures along the street, the proposed are typical of the area and, on balance, the application is considered acceptable in this regard.

Highway Safety

No objections have been raised following consultation with the Council's Transportation Section. It was suggested however that two conditions should be attached to any consent requiring the means of access be installed prior to beneficial use of the garages and the use of the garages being restricted to that of domestic purposes only.

It is noted that a further condition was originally suggested in respect of the construction details of the vehicular crossover to the front of the site, however, the applicant submitted an additional plan on 09/10/17 highlighting the proposed method of construction and the Transportation Section therefore removed the need for this condition.

With respect to the scheme itself, the Transportation Section commented that the proposed garages would be served off Hurst Grove which has a carriageway width of 5.4m with a 1.5m footway on the opposite side to the proposed and no traffic regulation orders. The garages would be set back from the edge of the carriageway by between 2.3m and 2.5m which is acceptable. Further, a 1.8m wide vehicular footway crossover has been proposed with a garage apron thereafter which is also acceptable. Additionally, there is considerable demand for on-street car parking space along Hurst Grove due to the lack of off-street car parking facilities associated with the residential dwellings. As such, the proposed garages have the potential to remove 4 no. on-street car parking spaces from within the vicinity of the site which would ease on-street car parking pressure in the vicinity. Finally, whilst there is concern regarding the on-street car parking reducing the available visibility at the junction of Hurst Grove with Abernant Road, given the traffic regulation order in place here which reduces vehicle speeds to 20Mph, on balance, the proposal is acceptable and no highway objections are raised.

Subsequently, whilst the comments raised by the objectors in respect of highway safety are noted and there is some concern in this respect, given the above highways assessment and taking in to account the comments made by the Inspector in respect of the previous appeal, it is not considered that any potential impact upon highway safety in the vicinity of the site would be significant enough to warrant refusal of the application.

Other Issues

A number of objectors commented that they would not want the approval of garages on the site to set an unwanted precedent for future similar developments along the street. Whilst these concerns are noted, this application seeks consent for the erection of 4 no. garages at the application site only and any future application at a different plot would be considered and determined based on its own individual merits.

It is also noted that the objectors have raised concerns regarding the past and future maintenance of the site and the use of the proposed garages by people who do not live in the immediate vicinity of the site. Whilst noted, these points are not material to the planning application and cannot be taken into consideration during its determination.

It is noted that consultation has also been undertaken with the Council's Land Reclamation and Engineering Section with a view to assessing any potential impacts upon land drainage. Their response raised no objection to the planning application subject to standard conditions and advice.

Community Infrastructure Levy 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

Whilst it is acknowledged the applicant has made some changes to the previous scheme and the visual appearance of the proposed garage blocks has been improved, it is not considered the alterations proposed go far enough to ensure the proposed structures would not result in the creation of substantial additions of built form to the street frontage and overly prominent features that would be harmful to the character and appearance of the street scene. Further, the proposed structures would appear highly visible and dominant features from the adjacent properties along Forge Place to the rear of the site. The application is therefore considered contrary to the relevant policies of the Local Development Plan.

RECOMMENDATION: Refuse

1. The proposed garage structures and associated engineering works by virtue of their siting, scale, and design on this elevated and sloping site would result in a detrimental visual impact upon the character of the area and the neighbouring properties to the rear. As such the development would be 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

7 DECEMBER 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR REFUSAL**

OFFICER TO CONTACT

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See Relevant Application File