

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**PLANNING & DEVELOPMENT
COMMITTEE
1 FEBRUARY 2018**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 8(1)
APPLICATION NO: 17/0650/10 - DEMOLITION AND REBUILD OF EXISTING GARAGE, LAND OPPOSITE 28/29 THE AVENUE, PONTYGWAITH, FERNDALE	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the proposed updated report and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Planning and Development Committee on 17th August 2017 (a copy of the original report is reproduced as **APPENDIX A**).

Following consideration of the report, Members resolved to defer the application to allow further discussions to take place with the applicant in respect of the size of the proposed garage and its impact on the surrounding area (Minute 41(2) refers).

Negotiations were therefore entered into with the applicant on the basis that a garage of reduced size and block construction would be submitted in line with the considerations of Members. The applicant initially indicated that he would lodge an appeal with Welsh Government for “non-determination” as the Council had failed to issue a decision within the statutory 8 week determination period. However, the applicant’s agent later confirmed that amended plans would be submitted in an attempt to address the concerns of the Planning and Development Committee.

The amended plans were submitted on 6th October 2017 with consultation being undertaken with neighbours and site notices being displayed at the site. The amended plans detail a garage with the same footprint as previously sought (5.15m(l) x 4.05m(w)) however the profile of the garage would present a gable end to the front and rear elevations with a height of 2.15m to the eaves and 2.65m to the ridge. The amended proposed wall

materials would be plastic coated steel sheeting, with the colour to be confirmed in discussion with the Council, while the roof would be painted corrugated steel sheeting. Three additional letters were received raising issues regarding the increased size of the garage; the visual appearance of the garage, which they considered to be ugly and the fact that the developer had continued working on the proposal despite being advised to stop by the Council.

The application was reported back to the Planning and Development Committee on 7th December 2017 with the applicant and one objector both taking the opportunity to again address Members of the Committee. Non-Committee Local Members County Borough Councillor L. M. Adams and Councillor R. Bevan spoke on the application and put forward objections to the proposed development.

The Development Services Manager outlined the contents of a "late" letter received from Mrs A Evans and B Evans, Mrs Gregory and Mr and Mrs Isaac in objection to the application. The Development Service Manager then presented the application to the Committee and following consideration of the proposal, it was resolved that as Members were minded to refuse the application contrary to the recommendation of the Service Director Planning because they considered the development to be overbearing and out of character for the area, the matter be deferred to the next appropriate meeting of the Planning and Development Committee for a report from Service Director Planning, if necessary in consultation with the Director of Legal and Democratic Services, upon the strengths and weaknesses of taking a decision contrary to recommendations, prior to determination (Minute No. 108 refers).

4. UPDATED CONSIDERATIONS

Since the Planning and Development Committee meeting of 7th December 2017 the applicant has lodged an appeal against non-determination of the application. The Council therefore cannot determine this application but has instead to consider what decision it would have come to in respect of the application, in order to be conveyed to the Welsh Government and used as the basis for the Council's case at appeal.

The merits of the planning application are considered in full in the original committee report (reproduced as **APPENDIX A**). However, if after further consideration Members are of the opinion that the application ought to have been refused then the following reason for refusal is considered to reflect the views of Members previously expressed.

1. The proposed garage, by virtue of its scale and design, would represent an overbearing structure that would be out of character with the area and detrimental to the amenity of neighbouring properties and the visual amenity of the area contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

APPENDIX A

APPLICATION NO: 17/0650/10 (BJW)
APPLICANT: Mr K Withers
DEVELOPMENT: Demolition and rebuild of existing garage

LOCATION: LAND OPPOSITE 28/29 THE AVENUE,
PONTYGWAITH, FERNDALE, CF43 3LN
DATE REGISTERED: 20/06/2017
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: Approve

REASONS:

The proposed replacement garage would be of an acceptable scale, design and appearance that is in keeping with the surrounding area and which would not have an adverse impact on the amenities of neighbouring properties or on highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received in relation to the application.

APPLICATION DETAILS

Full planning permission is sought for erection of a detached domestic garage on land opposite 28/29 The Avenue, Pontygwaith, Ferndale.

The garage replaces a previous, smaller garage on the site which was removed and works on the current proposal has commenced. The developer was contacted by the Planning Enforcement Section following complaints by neighbouring residents concerned over the increase in size and appearance of the garage. The works then ceased while planning permission was applied for. Works completed so far comprise the retaining wall, concrete base, timber frame structure and the side walls although these have not been colour coated.

The proposed garage would include a rear retaining wall due to the sloping nature of the site at the rear and would immediately abut the highway of The Avenue. The proposed building would measure 5.15m in length by 4.05m in width by 2.05m to the eaves and 2.75m in height to the highest part of the mono-pitched roof. The garage would be finished in painted corrugated sheet walls and roof and would feature a roller shutter door.

The garage would be arranged so as to access directly onto the adjacent highway of The Avenue over a concrete apron.

SITE APPRAISAL

The application site is a rectangular shaped piece of land located opposite properties in The Avenue, Pontygwaith.

The site had a previous, albeit smaller, garage on the site. The land either side is mainly clear, however there is an electrical substation approximately 6m to the north west; garages 65m to the north west and other garages 40m to the south east.

PLANNING HISTORY

None.

PUBLICITY

This has included the direct notification of properties surrounding the site and the display of site notices. Four letters of objection have been received, one of which was a petition signed on behalf of three individual properties. The main points of the objections are as follows:

- The new garage is twice the size of the original building.
- Works have already started.
- The building is just a large corrugated shed and does not enhance the look of the area.
- A number of years ago the Council assured the residents of The Avenue that when the plateau was sold that no building on it would obscure the resident's view.
- The land is opposite 28/29 the Avenue.
- Loss of view.

CONSULTATION

Transportation Section – no objection, subject to conditions to restrict the use of the garage to purposes associated with a domestic use and that no trade or business is to be carried out therein and details of the garage apron to be agreed with the Local Planning Authority and implemented in accordance with the agreed details.

Land Reclamation and Engineering (Drainage) Section – no objection, subject to a condition requiring the submission and approval of a drainage scheme for the proposal.

Public Health and Protection Division – no response received at the time of writing the report. Any response received will be reported orally to the Members of Committee at the meeting.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

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 – requires the assessment and mitigation of significant adverse risks to public health, the environment and/or impact upon 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).

Planning Policy Wales Technical Advice Note 12 Design.

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

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 proposed development is for the rebuilding of a garage within the settlement boundary and the principle of the development is therefore acceptable subject to the criteria set out below.

Visual amenity

It is considered that the proposal would be of a design and appearance that would be appropriate to its setting and to the visual amenity of the area. Therefore, it is considered that the development is acceptable and in keeping with the character and appearance of the area.

Impact on neighbouring properties

The proposed garage would be of an appropriate scale, design and appearance. The garage would replace an existing structure (albeit a smaller one) on the site with a larger garage. However, it is considered that there is an adequate distance between the proposal and properties within the area and that, subject to the application of a suitable colour that no detriment would be caused.

Consequently, it is not considered that the proposal would have any additional adverse impact on the closest neighbouring properties that would be sufficient to refuse the application.

Highway safety

The proposal would create a replacement garage facility at the site within a residential setting. The applicant has specified that the garage is for domestic purposes however, the Transportation Section has suggested a condition to ensure that this is the case. It is considered that this condition, along with the other condition regarding the vehicle apron on to The Avenue would be reasonable and necessary in this regard.

Consequently, it is considered that the proposal is acceptable in this respect.

Drainage

The proposal would create a substantial new structure at the site that would increase the amount of impermeable area and have implications for the drainage arrangements of the site and its surroundings.

The application has been the source of consultation with the Council's Drainage Section which has raised no objection to the application subject to Drainage conditions. Having regard to the suggested conditions and the scale of the development it is considered reasonable and necessary to include the conditions in order to adequately address this issue.

Other issues

The application has been the subject of several objections from neighbouring properties. Having regard to the representations received the following comments are offered:

1. The submitted plans indicate an increase in size of the width of the garage of 20cms and a decrease in ridge height of 20cms. This is considered to be a very minor increase in the scale of the resultant building and well within the acceptable limits of a domestic garage.
2. The application is partially retrospective. The applicant took down their existing garage and claim that they did not realise that consent was required for a replacement building. This is not in itself reason to refuse planning consent. The developer has ceased works and sought to regularise the development through a planning application.
3. The garage is currently unfinished and is detrimental to the street scene. However, given the application of a suitable colour on completion, the garage would have an acceptable visual appearance.
4. The proposal is considered to be a modest structure and is sufficient distance from residential properties not to cause a visual obstruction.
5. The issue regarding the address is acknowledged however there is only one proposed new garage within the area. Neighbouring properties were notified and site notices displayed and while the address has now been altered, it is not considered that this has prejudiced the ability of the public to comment on the proposal.

6. It is generally accepted planning practice that individual property owners do not have a right to a view and the loss of view is therefore not a material planning consideration.

Conclusion

Consequently, the application is considered to comply with the relevant policies of the Local Development Plan in respect of the requirements for residential outbuildings, its impact on neighbouring properties, visual amenity, drainage matters and highway safety.

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the approved plan(s) Location Plan; Block Plan; Proposed Plans and Elevations unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

2. Prior to any further works being undertaken and within 6 weeks of the date of this consent, samples of the materials, including the proposed colour, to be used shall be submitted to and approved in writing by the Local Planning Authority and all materials and finishes 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.

3. Prior to any further works being undertaken and within 6 weeks of the date of this consent, the drainage arrangements for the development hereby approved shall be 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.

4. The garage, hereby approved shall not be brought into beneficial use 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.

5. The use of the garage hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business

shall be carried out therein.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Before the garage is brought into use, the garage entrance apron and tie in details shall be constructed in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority, before any further development is undertaken on site.

Reason: To prevent damage to the public highway, in the interests of highway safety and in accordance with Policy AW5 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

1 FEBRUARY 2018

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REPORT

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DEMOLITION AND REBUILD OF
EXISTING GARAGE, LAND
OPPOSITE 28/29 THE AVENUE,
PONTYGWAITH, FERNDALE**

OFFICER TO CONTACT

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See Relevant Application File