



## **PLANNING & DEVELOPMENT COMMITTEE**

**15 MARCH 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 17/0957/10 (JE)  
**APPLICANT:** Mrs B Sullivan  
**DEVELOPMENT:** Proposed external works to rear garden.(Amended Plans received 22/01/2018)  
**LOCATION:** GROOMBRIDGE, 1A OTHER STREET, YNYSYBWL, PONTYPRIDD, CF37 3LN  
**DATE REGISTERED:** 20/11/2017  
**ELECTORAL DIVISION:** Ynysybwl

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**RECOMMENDATION:** Approve

#### **REASONS:**

Whilst it is acknowledged that a raised patio of this height and scale will result in a visible feature from the neighbouring properties. It is not considered the proposal would have a significant enough impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties to warrant a refusal. The application is therefore considered to comply with the relevant policies of the Local Development Plan.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- The matter is required to come to Committee for the reason that three letters of objection have been received from the occupiers of neighbouring properties.

#### **APPLICATION DETAILS**

Full planning permission is sought for the retention of external work consisting of the construction of a raised patio and associated fencing within the rear amenity space of Groombridge, 1A Other Street, Ynysybwl.

The raised patio covers the full area of the rear amenity space covers the full area to the rear of the property and an area to the side of the property. The height of the raised patio varies along its length measuring a maximum height of 1.7 metres on its rear most elevation and a height of 1.2 metres along the area to the side of the dwelling. The area of the wall on its rearmost elevation is constructed directly behind the existing retaining wall which measures a height of 3.6 metres. While the area of patio on the side of the property is set back from the existing retaining wall by 0.6 metres.

The patio protrudes outwards a maximum depth of 4.7 metres on its rear elevation with the rearmost area of the patio measuring a width of 9.9 metres before stepping in at the side of the property matching the shape of the amenity space. To access the rear patio steps are located at the rear of the dwelling adjacent to the existing door.

The patio is currently enclosed on its rear elevation by a palisade timber fencing which measures a height of 1.8 metres. Although steps down in height towards the far height of the amenity space. The proposal would see this fence reduced in height to 1.6 metres along the full length of the rear elevation. The patio measures a full height of 6.8 metres on its rear elevation and a full height of 5.3 metres on its side elevation.

## **SITE APPRAISAL**

The application property is a traditional two storey semi detached dwelling located within a residential area of Ynysybwl. The property is attached on its left elevation and is directly fronted by the highway at Other Street. To the right of the property there's an enclosed amenity space which continues to the rear of the property where it is bounded by neighbouring properties on all elevation. The nature of the area decreases in elevation significantly at the rear with the eaves height of neighbouring dwellings at Clydach Terrace matching the ground level of the application property. The properties to the rear are also located in close proximity with the closest dwelling located 2.3 metres from the rear boundary. Because of the significant change in elevation there is an existing retaining wall measuring 3.6 metres separating the properties with the ground level of the amenity space sloping downwards sharply from the dwelling to the level of the retaining wall.

Neighbouring properties are a mix of traditional semi detached and terraced dwellings of a similar scale and design to the application property. Although only the application property and the adjacent dwelling 2a Other Street see the significant change in elevation within the rear amenity space. The neighbouring property 2a Other Street has an existing raised patio of a similar scale and design to the proposed development. However the existing raised patio at this property has a lower fence height, than the application dwelling and has its rear elevation clad in timber panelling hiding the concrete block wall.

## **PLANNING HISTORY**

There are no recent applications on record associated with this site.

## **PUBLICITY**

The application has been advertised by direct notification to 6 neighbouring properties.

3 letters of objection have been received from the occupiers of neighbouring properties. The main concerns raised have been summarised below:

- Loss of light caused by the proposed development.
- Overbearing impact
- Damage to property through construction and drainage from the development.
- The safety of the wall.
- Decrease in property value.
- Privacy concerns
- Opposed to the fence decreasing in height.
- Visual appearance of the block wall

## **CONSULTATION**

### **Structural Engineer:**

No objection although condition suggested.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Ynysybwl and isn't allocated for a 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.

**Policy AW10** - permits development proposals that result in an unacceptable risk to public health or safety only where it can be demonstrated that measures can be taken to overcome such risk.

### **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 the construction of a raised patio and associated fencing within the curtilage of an existing residential property. The principle of development is therefore acceptable subject to the criteria set out below.

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

With the garden works located to the rear of the property much of the raised patio is screened from view on the highway on Other Street. Also as the proposed fencing is of a domestic style and construction it's not considered to significantly impact the street scene.

As there is an example of an existing raised decking of a similar scale and design located to the rear of the neighbouring property 2A Other Street the proposed extension is not considered to dominate the character and appearance of the area. However it is noted that the neighbouring raised patio includes wooden cladding which screens the view of the wall on its rear elevation which improves its overall appearance. The appearance of the wall on its rear elevation is a concern which was also raised within a letter of objection received, as the wall currently is bare concrete block. It is acknowledged that the existing wall is currently a prominent feature visible from the neighbouring properties at Clydach Terrace. However it is considered that a

condition to improve the visual amenity of the wall through the use of paint or wood cladding to match the neighbouring property would address these concerns.

On balance, it is not considered that the proposals would have a significant enough impact upon the character or appearance of the area to warrant a refusal.

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

Whilst it is acknowledged that the patio and fence is a prominent feature due to its location above the existing retaining wall. Because of the existing arrangement between the application property and the neighbouring dwellings at Clydach Terrace a significant level of overbearing has already been established. With any impact of the proposed development not considered significant enough to warrant a refusal of the application. It is also noted that any consent would be appended with a condition to improve the appearance of the rear elevation of the through the use of timber cladding or paint. This would also lessen any overbearing impact as the structure would appear less dominant.

Due to the close proximity of the properties and the sloping nature of the area an existing level of overlooking has been established between neighbouring residents. With the proposed development not considered to exacerbate these levels. Concern was raised within a letter of objection due to the proposed decrease in fence height allowing for overlooking into a neighbouring property. Though it is acknowledge that overlooking may be possible due to the reduction in height the impact would be no greater than the area visible from the existing amenity space at the application property which is elevated the level of the first floor of neighbouring dwellings at Clydach Terrace.

Whilst the concerns raised by the objectors are acknowledged and is it accepted that an raised patio of this height and scale would lead to an impact upon residential amenity and privacy standards that are currently enjoyed by neighbouring residents. It is not considered these impacts would be significant enough to warrant a refusal of the application.

### **Other Issues**

The loss of light was a concern raised within the letters of objection; however the right to light is a civil matter and a non material consideration when determining this application.

A letter of objection also highlighted concerns regarding damage associated with the development through its construction and subsequent drainage onto their property. As this is also a civil matter it is a non material consideration when determining this application.

While the concern of the objector is recognised, the impact of development on their property value is not a material planning consideration.

### **Structural Engineer**

Concern was raised within a letter of objection regarding the safety of the patio. The Council's structural engineer has responded as follows the patio is considered acceptable although structural appraisal of the existing retaining wall would be required to prove its adequacy. A condition would therefore be included in any consent.

### **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**

Whilst it is acknowledged that a raised patio of this height and scale will result in a visible feature from the neighbouring properties. It is not considered the proposal would have a significant enough impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties to warrant a refusal. The application is therefore considered to comply with the relevant policies of the Local Development Plan.

### **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

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 approved plan
  - Proposed Layouts (11/1A/2017)and documents received by the Local Planning Authority on 22/01/2018, 10/10/17 and 30/08/17, 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.

3. Details of the exterior finish for the rear elevation of patio shall be submitted to the Local Planning Authority in writing within 2 months of the date of consent. The approved details shall be implemented to the satisfaction of the Local Planning Authority within 3 months of approval of the details being granted.

Reason: To improve the visual amenity of the development in accordance with Policy AW5 and AW6 of the Local Development Plan.

4. The fence height shall be reduced in line with the neighbouring property to the satisfaction of the Local Planning Authority within 3 months of the date of the consent.

Reason: To improve the visual amenity of the development in accordance with Policy AW5 and AW6 of the Local Development Plan.

5. A structural appraisal of the existing retaining wall to prove its adequacy to support the raised patio shall be submitted to be approved in writing by the Local Planning Authority, within 3 months of the date of the consent.

Reason: To ensure that the existing retaining wall is structurally adequate to support the raised patio in accordance with policy AW10 of the Rhondda Cynon Taf local development plan.