



PLANNING & DEVELOPMENT COMMITTEE

17 MAY 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0225/10
(LJH)
APPLICANT: Mr Brian Godfrey
DEVELOPMENT: Erection of garage for domestic use.
LOCATION: TY SEREN, EMLYN CLOSE, THOMASTOWN,
TONYREFAIL, PORTH, CF39 8DZ
DATE REGISTERED: 27/02/2018
ELECTORAL DIVISION: Tonyrefail West

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS:

The application is considered to be acceptable in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

REASON APPLICATION REPORTED TO COMMITTEE

- Three letters of objection have been received from neighbouring properties.

APPLICATION DETAILS

Full planning permission is sought for the construction of a domestic garage within the front garden of Ty Seren, Emlyn Close, Thomastown. The garage is proposed to be sited to the right hand side of the property adjacent to the side elevation of 'Ty Delyn' and is proposed to measure 5.65m in width by 5.85m in depth with a hipped and flat roof construction with a total height of 4m sloping to 2.1m at the eaves. The external walls of the garage would be clad with weatherboard or finished in face brick and the roof would be tiled. Double timber doors are proposed on the front elevation, no further doors or windows are proposed.

SITE APPRAISAL

The application property is a detached, two-storey property of modern design and construction situated within a cul-de-sac of three modern properties within a residential area of Tonyrefail. The property is finished with face brick, concrete tiled roof, and uPVC fenestration. Neighbouring properties consist of a detached bungalow sited approximately 9.5 metres to the south-east and a similar two-storey detached property sited 30.5 metres to the south-east, both are of a similar style and construction. The property is accessed via a private driveway and benefits from a driveway and parking area within the curtilage.

PLANNING HISTORY

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

06/1640	Ty Seren, Emlyn Close, Thomastown, Tonyrefail, Porth	Four bedroom detached house (Re-submission).	Granted 24/10/2006
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PUBLICITY

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

- The land was gifted with certain conditions attached; one being no further building is to take place on the land.
- The other properties do not have garages.
- The sewer and water pipes to 'Ty Delyn' and 'Ty Cae Gwyllt' run under the site of the proposed garage.
- Works vehicles would expect to use the private driveway which is not in the ownership of Mr Godfrey and access will be denied.
- The garage will be next door to the bedroom and bathroom of 'Ty Delyn'.
- All ground on the proposed site is made up ground and is therefore not safe to build on.
- The driveway is not adequately built for heavy traffic to travel.

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 Tonyrefail 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 garage within the curtilage of an existing residential dwelling and the principle of the development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

The proposed garage would be sited to the front and right hand side of the property and be tucked behind 'Ty Delyn' and would therefore not impact on the principal elevation or the wider street scene. It is quite modest in size and most of the existing amenity area would remain.

With regards to its size, there are outbuildings of comparable size within the vicinity albeit not accessed from the private drive in question and it is not considered that the

garage would be out of keeping with the area. In addition to this, the proposed garage would be finished with appropriate external materials which would complement the main property. Therefore, it is not considered that the proposed garage would be harmful to the character and appearance of the existing property, or the surrounding area.

As such, the garage proposed is considered to be acceptable in terms of the impact it would have on the character and appearance of the main property and the wider area and it would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The garage is sited within the curtilage of the application site adjacent to 'Ty Delyn' and it is not considered that it would have any undue impact on residential amenity or privacy of neighbouring properties. One objector states that it is next to their bedroom and bathroom (Ty Delyn) however the elevation that it would be sited adjacent to contains only one small window which is obscurely glazed and serves a bathroom and it is therefore not considered that the garage would impact severely on this property.

Furthermore, no windows are proposed within the garage and the doors would only have views of the applicant's front garden and the public realm and would therefore not result in any undue overlooking onto surrounding neighbouring properties. In addition, the garage would be used for domestic purposes only and it is not therefore considered that the proposal would have a significant impact on the privacy of the neighbouring properties.

The proposal is therefore considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of the nearest neighbouring properties. As such, the proposal would comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues

The objectors raise numerous concerns including the fact that the property can only be accessed via the private driveway which is owned by the owner of 'Ty Delfryn'. Firstly, the owner has stated that they will not allow access over their land to the garage or access to delivery vehicles and vehicles associated with the construction of the garage. Land ownership is a private matter to be resolved between the two parties and can therefore be given no weight in the decision process.

Secondly, the objectors also raise concern that the land was gifted to the applicant and his ex-wife with a condition that no other buildings are to be erected on the land; this is also a private matter and not a valid planning consideration. Advice will need to be sought from a solicitor regarding this matter.

Thirdly, it is stated that the private driveway is not adequately built for heavy traffic to travel. Any damage caused to the driveway during construction of the garage is a private matter to be dealt with between the applicant and the land owner.

Fourthly, the objectors state that water and sewerage pipes run beneath the site of the proposed garage. If this is the case then the applicant will be required to obtain a building over the sewer agreement from Dwr Cymru Welsh Water, an informative note will be added to any consent.

Lastly, an objector states that the proposed site of the garage is made up ground and therefore not safe to build on. It may be the case that building regulations are not required, if so, this concern is a matter for the applicant to satisfy themselves that the ground is adequate to be built upon.

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

It is not considered that the proposal would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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 nos. TS/03, TS/04, TS/05, and documents received by the Local Planning Authority on 27/02/2018, 14/03/2018, and 21/03/2018, 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. The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Ty Seren, Emlyn Close, Thomastown, Tonyrefail, Porth, CF39 8DZ.

Reason: The site is unacceptable for general residential use in accordance with Policies AW 5 and AW6 of the Rhondda Cynon Taf Local Development Plan.