



PLANNING & DEVELOPMENT COMMITTEE

20 SEPTEMBER 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0845/10
(GH)
APPLICANT: Mr D Dummer
DEVELOPMENT: Conversion of storage shed to a Granny Flat
LOCATION: 7 HEOL-Y-BRYN, RHYDYFELIN, PONTYPRIDD, CF37
5EH
DATE REGISTERED: 26/07/2018
ELECTORAL DIVISION: Rhydyfelin Central

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The principle of the provision of a residential annexe, ancillary to the existing dwelling, is considered to be acceptable in principle. In addition, the converted accommodation would have the same external appearance and would neither cause harm to the character of the site or street scene, nor cause detriment to the amenity of neighbouring residents. Therefore the development would be considered to comply with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

Three letters of objection have been received from neighbouring residents which, under the Council's Scheme of Delegation, requires that the application is presented to Committee for determination.

APPLICATION DETAILS

Full planning consent is sought to convert an existing single storey storage shed to a self-contained granny annexe, at 7 Heol Y Bryn, Rhydyfelin.

It is proposed that the footprint of the garage would be retained at its current extent, with a width of 5m and a depth of 9m. The existing fenestration, consisting of two casement windows, a door and a pair of French doors with sidelights would, with the exception of the removal of the side door, also be unaltered

The plans demonstrate that the annexe would have a living room, bedroom and small kitchen, with a separate shower room and toilet.

SITE APPRAISAL

The application property is a mid-20th century bungalow located towards the north-east of Rhydyfelin and on the fringe of the settlement boundary.

Located at the end of a cul-de-sac and turning head, there is a fall in level towards the south-west such that the property sits at the level of the highway, but is supported by retaining features

At the front of the site, the house is set back from the highway to the east by a garden and driveway, to a depth of 7m, whilst there is additional amenity space to the rear and the southern side of the dwelling..

Neighbouring properties include dwellings of a similar age, but with variation in design and scale. The closest of these are located around 26m to the north, 14.7m to the south-east, 23m to the south-west and 14.4m to the north-west.

PLANNING HISTORY

There most recent and relevant applications on record associated with this site are:

13/5159	Decking.	Raise Objections 07/03/13
12/0908	Rear garden elevated terraced timber decking.	Refused 11/10/12
10/0474	Change of use of outbuilding/playroom to office.	Refused 04/10/10
09/0289	Change of use from outbuilding/playroom to office.	Granted 11/05/09
09/5120	Change of use of garage to recruitment business.	Permission Required 04/03/09
01/2781	Proposed Garden Retaining Wall.	Permission Not Required 29/08/01
01/2137	Conservatory to side of dwelling. Decision:	Granted 22/03/01

PUBLICITY

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

Objections have been received from three residents of Heol Y Bryn, raising concerns primarily in respect of previous development carried out at the site, an alleged business being run from the property and access problems caused by inconsiderate parking. These matters are considered further below.

CONSULTATION

Highways - no objection subject to a condition for the annexe to remain ancillary to the dwelling.

Public Health - conditions are recommended in respect of noise, dust, waste, hours of operation and demolition. However, given that the building already exists, such condition would be considered neither necessary nor reasonable.

Dwr Cymru/Welsh Water - no objection.

Drainage - the applicant has only proposed changes to the internal structure of the property with no additional hard standing area. Therefore there is no objection or recommendation for condition in relation to flood risk management.

Wales and West Utilities - a plan of underground assets and list of general conditions have been submitted for the benefit of the applicant.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Pontypridd

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 - supports development proposals which are not detrimental to public health or the environment.

Supplementary Planning Guidance

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 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 conversion of an existing outbuilding to provide an ancillary 'granny annexe.

In this case, the provision of the ancillary accommodation is considered to be acceptable and the principle of constructing small self-contained granny annexes, with the curtilage of a dwelling, has been well tested at court and appeal.

The example of *Uttlesford DC v SSE & White [1992]* is relevant and the judgment established that it is possible, depending on the fact and degree of the case in question, for a building to be used as an annexe and to be part of the planning unit of the existing dwelling, although it would have all the facilities for independent living.

Since annexe would be of small scale, share the same access and amenity space as the existing house and clearly have a relationship of subservience and dependence, the main considerations are considered to be in respect of the visual impact of the development and the amenity and privacy of other residents.

Impact on the character and appearance of the area

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

Since no external alterations would be required to the outbuilding as part of the proposed conversion, other than for the removal of a single door within the south-western facing side elevation, the overall form and appearance of the building would not be unchanged.

Therefore, there is no concern that the development would have a detrimental impact upon the character and appearance of the property, and from the surrounding area, the building would appear as it does now.

Impact on neighbouring occupiers

A number of issues were highlighted by other residents, resulting in three objections being received as a result of the neighbour consultation.

It has been suggested that the application property is being used for the purposes of running the applicant's business and that the nature of the alleged recruitment/subcontracting business has resulted in additional traffic and inconsiderate parking, the vehicles belonging to staff being left on the highway.

Whilst a temporary consent for one year was granted for use of the outbuilding as an office in 2009, a subsequent application in 2010 was refused on the basis of detriment to neighbour amenity. Furthermore, it was noted by a resident that a garden building had been erected in 2017.

Although there was no activity or on-street parking of this nature witnessed during the spontaneous daytime site visit, the neighbour's concerns are acknowledged. To this end the residents were advised that conditions would be recommended to any consent, restricting the annexe to be ancillary to the existing dwelling and not used for business purposes.

Nevertheless, whether the outbuilding or house have been used for purposes other than of a residential nature, this matter would be for the Council's Planning Enforcement team to address. This would not be a material consideration as to whether or not the outbuilding would be suitable for conversion to use as a residential annexe.

In respect of the latter, the outbuilding is generally well screened from neighbouring properties and by virtue of its position cannot enable intrusive views toward other dwellings or cause detriment to the outlook of neighbouring residents.

Therefore, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

Highways and accessibility

The application property is located on Heol-y-Bryn, Rhydyfelin, which has a carriageway width of 5.5m and a 1.8m wide footway on each side. No.7 is currently served via a private drive leading from the turning area of Heol-Bryn. The proposed development would have no adverse impact on the existing access arrangements

With regard to off-street parking capacity, the existing drive can accommodate up to three vehicles, which is the maximum requirement for a single dwelling by the Council's SPG for Access, Circulation and Parking Requirements.

Consequently, given that the proposal is for a residential annexe, for use ancillary and incidental to the main dwelling and which could be ensured via a planning condition, it would not generate its own off-street parking requirement; accordingly no highway objections are raised.

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 principle of the provision of small scale, self-contained annexes, within residential curtilages, is well-established in planning law. In this case, the residential use is wholly compatible with surrounding uses and since the building is extant, would have no additional impact on the character of the application property or street scene. Therefore the development would comply with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf 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 plans and documents received by the Local Planning Authority on 26th July 2018 and 30th August 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 annexe shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 7 Heol Y Bryn, Rhydyfelin, Pontypridd, CF37 5EH.

Reason: The site is unacceptable for separate, independent residential use, in accordance with Policies AW5, AW6 and AW10 of the Rhondda Cynon

Taf Local Development Plan.

4. No business use shall be carried out from within the annexe.

Reason: In the interests of the amenity of neighbouring occupiers in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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