



PLANNING & DEVELOPMENT COMMITTEE

8 NOVEMBER 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0755/10
(JE)
APPLICANT: Mrs V John
DEVELOPMENT: Proposed raised decked area to rear of property
(retrospective) (Amended Plans received 04/10/18).
LOCATION: 3 DARE ROAD, CWMDARE, ABERDARE, CF44 8UB
DATE REGISTERED: 07/08/2018
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

REASONS:

Whilst it is acknowledged that the raised decking is a visible feature from the neighbouring properties, it is not considered the proposal has 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.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Crimmings for the matter to come to Committee in order to consider the impact the development has upon the privacy of the adjacent properties.

APPLICATION DETAILS

Full planning permission is sought for the retention of a raised decking area at 3 Dare Road, Cwmdare, Aberdare, CF44 8UB. The decking is located to the rear of the property within the amenity space.

The decking is located 4.4 metres beyond the rear elevation of the dwelling and is separated by an area of existing decking. The decking measures a width of 6.2

metres and protrudes outwards to a depth of 3.3 metres which gives a combined depth of 7.7 metres from the rear of the dwelling. The decking increases in height towards the rear measuring a maximum height of 1.1 metres above ground level on its rear elevation. The decking is enclosed by a 1 metre high balustrade on its right and rear elevations which has not yet been fully completed. Also located on the rear elevation close to the boundary with 2 Dare Road is a bar area which measures a width of 1.2 metres by a depth of 1 metre. The bar area has a flat roof design measuring a maximum height of 2.4 metres. On the rear and side elevations, the area beneath the main deck has been enclosed using wooden panels and is currently used for storage purposes.

SITE APPRAISAL

The application property is a two storey mid terrace located within a residential area of Cwmdare, Aberdare. The property is directly fronted by the highway at Dare Road, to the rear of the dwelling there is an enclosed amenity space which is bounded on all sides by neighbouring properties. The nature of the area slopes from North to South with the amenity space decreasing in elevation towards the rear boundary. The amenity space of the neighbouring property 4a Dare Road to the rear is located significant lower and is separated by an existing retaining boundary wall. Along the boundary with the neighbouring property 2 Dare Road there is a shared swimming pool which adjoins the decking on its left elevation.

Neighbouring properties are all terraced dwellings of a similar scale and design. The adjacent property 4 Dare Road is also constructing a raised decking within the rear amenity space however its height would not extend above the 0.3 metres allowed under Permitted Development. Number 4A Dare Road also has a raised decking located to the rear however as the property has been extended, the raised decking is located further outwards into its amenity space.

PLANNING HISTORY

The most recent applications on record associated with this site are:

| | | | |
|---------|------------------------------------|--|-------------------|
| 14/0221 | 3 Dare Road Cwmdare Aberdare | First floor bedroom and bathroom extension over the existing kitchen and alterations | Grant 28/03/14 |
|---------|------------------------------------|--|-------------------|

PUBLICITY

The application has been advertised by direct notification to 3 neighbouring properties.

1 letter of objection and 1 letter of support have been received from the occupiers of neighbouring properties. The points raised have been summarised below:

Objection:

- Loss of privacy
- Safety concerns associated with balustrade

Support:

- Existing overlooking not exacerbated by structure.

CONSULTATION

Countryside:

No relevant SewBrec Records of Statutory Protected Species from immediate vicinity. However, an appropriate bat informative note will be needed on any planning permission.

No other consultation responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Aberdare 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 retention of raised decking within the curtilage of an existing residential dwelling. The principle of development is therefore acceptable subject to the criteria set out below.

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:

- With the proposed decking located to the rear of the property it has no impact upon the principal elevation or wider street scene at Dare Road.
- The decking is of a design and construction which is consistent with its domestic setting and does not significantly impact upon the overall appearance of the property. The bar area which is located to the rear of the decking given its scale, is largely screened from view at the rear by existing vegetation.

As such, it is considered that the proposals will not detract from the character or appearance of the area.

Impact on residential amenity and privacy

The proposed development is not considered to have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties for the following reasons:

Whilst it is acknowledged that the decking 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 property 4a Dare Road an existing overbearing impact has already been established. Therefore the visual impact of the decking not considered significant enough to warrant a refusal of the application.

The letter of objection received raises significant concerns regarding the loss of privacy and the overlooking impact of the decking. Whilst it is noted that the decking does allow for overlooking of the amenity space of 4a Dare Road to the rear, given the terraced nature of the properties a mutual level of overlooking has been established with the drop in levels towards the rear exacerbating this further. As such, the decking is not considered to significantly increase existing levels experienced by neighbouring properties. This comment has also been raised within a letter of support received by a neighbouring occupier.

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

Other issues raised by the objector

Whilst the comments from the objector are acknowledged regarding the design of the balustrade leading to safety concerns, the balustrade has yet to be fully completed with the areas currently open to be further enclosed.

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 the raised decking is a visible feature from the neighbouring properties, it is not considered the proposal has 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 approved shall be carried out in accordance with the approved plans
 - Decking Plan
 - Rear and Side Elevationsand documents received by the Local Planning Authority on 8/08/18 and 4/10/18, 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. The balustrade shall be completed 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.

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