



## **PLANNING & DEVELOPMENT COMMITTEE**

**22 NOVEMBER 2018**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1043/10  
**(RP)**  
**APPLICANT:** Mr & Mrs Bailyes  
**DEVELOPMENT:** A single storey rear extension, two storey frontal extension along with the re-siting of the front garden wall.  
**LOCATION:** TY GWYN, 2 ROCK COTTAGES, GRAIGWEN, PONTYPRIDD, CF37 2EE  
**DATE REGISTERED:** 08/10/2018  
**ELECTORAL DIVISION:** Town (Pontypridd)

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**RECOMMENDATION:** Grant

#### **REASONS:**

**The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.**

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

Three letters have been received, two objecting to the proposal and one raising concerns regarding the shared access road servicing the application site and a neighbouring property. Therefore, since the development is recommended for approval, the Council's Scheme of Delegation requires that the application is determined by Members.

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a single storey rear extension, two storey front extension and re-siting of the front garden wall at Ty Gwyn, 2 Rock Cottages, Graigwen.

With regard to the extension to the rear this would be sited at its boundary with 3 Rock Cottages and would measure 4.8m in width, would project from the property by

1.4m and be 2.2m in height with a single pitched roof design incorporating 3 roof lights.

With regard to the proposals at the properties principal south facing elevation the old front boundary walls have been removed and a new dry stone wall is currently under construction. The new wall is extended approximately 1.5m further out than the old wall and has encroached onto part of the footpath. The basis for relocating this boundary wall is to create space for the proposed two storey extension to the front.

The proposed two storey front extension would measure 3.5m in width, would project from the principal elevation by 2.4m and have a height of 6.7m incorporating a dual pitched roof meeting the ridge line of the original dwelling. It is proposed for the extension to have patio style sliding doors leading to the lounge on the ground floor and a triangular window to its first floor bedroom.

To facilitate the front extension part of the existing front porch would be demolished with the remaining porch measuring 1.3m in width, 1.8m in depth and height of 3.9m incorporating a single pitched roof design sloping away from the proposed extension. It is proposed for the porch to be set back from the proposed front extension by 0.5m.

With regard to materials and finishes it is proposed to match that of the existing property with white painted render, fibre cement slates, white UPVC windows and doors, white UPVC fascias and soffits and square line UPVC rainwater goods.

## **SITE APPRAISAL**

2 Rock Cottages is an end of terrace property located on a narrow no-through road in the residential area of Graigwen. The property is a modest two-storey cottage that is situated within a large plot. To the front elevation is a small courtyard (now extended through the re-location of the boundary wall), with the main garden being located to the west facing side elevation.

As a result of the topography of the site, the side garden is located in a position which is slightly elevated above that of the main dwelling. The dwelling has previously been extended by the construction of a large dormer extension to the rear elevation and a large scale side extension (12/0251/10). Neighbouring properties in the terrace are modest cottages; however a number of larger detached properties are also positioned along the lane, which serves the site.

To the north, the site is bounded by an access drive, which serves the neighbouring property of Heulwen Deg. Opposite the development site the property Haul-Y-Mynydd has two access points, one opposite the front of No.2 and at the top of the lane.

## **PLANNING HISTORY**

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

12/0251/10 Ty Gwyn

Two storey side extension, Granted

2 Rock Cottages  
Graigwen, Pontypridd

new retaining walls and  
parking area.

04/05/12

## **PUBLICITY**

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

Three letters have been received, their objections and comments are summarised below:

- The extension to the front will spoil the look of the cottages and it will block out my light and view.
- No objection is raised to the re-siting of the front wall as long as there is a pavement to walk on.
- No objection is raised to the rear extension.
- Proposal will mean the front extension will be outside of the main front building line of these cottages.
- Will result in over development of the site of these very old cottages.
- It is alleged that the proposed re-siting of the front boundary wall encroaches onto land not owned by the applicant and not included in title deeds.
- If proposal increases number of bedrooms where is additional parking being provided?
- No issue is raised with neighbours extending their property as long as the extension does not exceed land registry property boundaries and the neighbours are not allowed co-opt public land with their plans; the access lane and it's dimensions also needs to remain intact.

## **CONSULTATION**

Highways - The proposed development consists of minor extensions to the existing dwelling. The proposed development does not result in an increased off-street parking requirement nor does it remove any existing off-street parking provision.

There is slight concern that the re-siting of the boundary wall (already completed) which narrows the footway outside the dwelling. With that said the footway is in private ownership and does not form part of a continuous pedestrian footway to the wider highway network. As such, the concern does not warrant highway objection.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Pontypridd Town.

**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.

### **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 front and rear extensions and the re-siting of a front garden wall to an existing residential dwelling. The principle of development is therefore acceptable subject to proposals also satisfying 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:

The proposed rear extension is modest in scale, will not be visible to the public realm and will only impact upon its immediate surroundings. As such, this part of the scheme is viewed as acceptable.

The main consideration when determining this application is the possible impact the front extension and the re-positioning of the boundary wall will have on the host property and the surrounding street scene.

Objections have been raised with regard to the front extension in that it will spoil the look of the cottages, be outside of the front building line of the cottages and will result in over development of the site. The front extension can only be facilitated by

the re-siting of the boundary wall so over development of the site is a valid argument in that the proposal does not respect the established building line of the cottages.

It is noted that the front extension would form a visible feature in the street scene along Rock Cottages, however, as the application property is located at the end of the street, with only detached, much larger properties beyond it is thought that the addition to the front elevation would not be as detrimental as if the proposal was located in the middle of the row.

Furthermore, the design of the front extension is deemed to be acceptable, and with the intention for materials and finishes to match the existing dwelling, it is considered that, on balance, this part of the proposal will not detract significantly from the character or appearance of the area.

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

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

The impact on the amenity and privacy of neighbouring residential properties is also considered acceptable in this respect.

Objections have been received from the immediate neighbour of 3 Rock Cottages to the east of the application site, noting that the front extension will block out their light and view.

While these comments are appreciated and the front extension would have some impact in this regard, the principal elevations of the dwellings in Rock Cottages are south facing which would lead to a loss of light to the neighbour at 3 Rock Cottages towards the end of the day. It should be noted that the loss of a view is not a material planning consideration and cannot be taken into account when determining planning applications.

Together with the front extension not projecting past the original boundary line of the host property, it being set back from its boundary line with 3 Rock Cottages by 0.4m, there being no windows in any side elevation and with the ground and first floor windows of 3 Rock Cottages being centralised within its principal elevation, minimising its potential overshadowing and overbearing impact, it is thought that on balance, the application is considered to be acceptable.

### **Highway and other issues**

Concern has been shown by neighbours towards the possible impact upon the highway by the development and that part of the application site is not under the applicant's ownership.

While these concerns are noted the part of the highway concerned is a private access road and is not owned or maintained by the council. As such, any

encroachment cannot be enforced upon with this being a private matter between the applicant and other users of the road.

This has been confirmed by the highway assessment received which confirms the highway and footway are under private ownership, while no objection is raised to the boundary wall encroaching onto the footway due to it being in private ownership and it not forming part of a continuous pedestrian footway to the wider highway network.

Discussions have also been held directly with the applicant regarding land ownership, due to the alleged encroachment, and it was confirmed that all the land included within the red line boundary plan accompanying the application is under the applicant's control. This has been ratified with the applicant completing Certificate of Ownership – Certificate A on the application form, declaring that they are the owner of the land to which the application relates.

The point raised regarding additional parking being provided is irrelevant to the determination of the application as the number of bedrooms remains the same with bedroom 4, as marked on the submitted plans, being extended.

### **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 considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

### **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 11/09/2018, 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.

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