



## **PLANNING & DEVELOPMENT COMMITTEE**

**10 JANUARY 2019**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO: 18/1127/10 - NEW DETACHED GARAGE AND GARDEN ROOM AT COED CELYN, TYLA GARW, TYLE GARW, PONTYCLUN, CF72 9EZ.**

#### **1. PURPOSE OF THE REPORT**

Members are asked to consider the determination of the above planning application.

#### **2. RECOMMENDATION**

Committee members are requested to consider the information contained in the report, in respect of the application, and determine accordingly.

#### **3. BACKGROUND**

This application was originally reported to the Planning & Development Committee on 6<sup>th</sup> December 2018 and a copy of the original report is attached as **APPENDIX A**.

At that meeting, Members resolved that they were minded to approve the application contrary to the recommendation of the Service Director, Planning, for the reasons that the impact of the proposed garage would not be sufficiently detrimental to the amenity and privacy of the neighbouring properties, given that no letters of objection were received from these properties.

Therefore the matter would be deferred to the next appropriate meeting of the Planning & Development Committee for a report from the Service Director, Planning, if necessary in consultation with the Director, Legal & Democratic Services, upon the strengths and weaknesses of taking a decision contrary to recommendation, prior to determining the matter (Minute No. 158 refers).

#### **4. UPDATED RECOMMENDATION**

Whilst the view of Members is fully appreciated, it is considered that the proposed garage in particular is a detrimental addition to the site,

which will impact on the current level of amenity enjoyed by neighbouring properties, even though it is acknowledged that no letters of objection were received during the consultation period. Due to the width of the garage across the rear boundary in addition to the proposed garden room and proximity to the neighbouring properties, the dimensions of the garage are considered to be excessive and will result in an incongruous and un-neighbourly form of development.

As noted within the appendix, the dimensions of the proposed garage are 17.4 metres in width, 7 metres in depth, and 4.7 metres in height with an eaves height of 2.6 metres. The proposed garden room being sited 1 metre to the south measuring 10 metres in width by 5 metres in depth with a height of 4.2 metres sloping to 2.6 metres at the eaves. It is considered that a garage of this size and distance from neighbouring properties in addition to the garden room will be detrimental to the amenity of current and future occupiers of nearby properties and also the character and appearance of the area.

Members may wish to note that the Community Infrastructure Levy for this development has increased to £16,572.87 (updated to 2019 indexation figure). However, self-build extension exemption may be claimed for this development.

If after further consideration however, Members are still minded to approve the application, the following conditions are suggested:

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: Location Plan, Block Plan, Site Plan Showing Access, Proposed Floor Plan, Proposed Roof Plan, Proposed Front and Rear Elevations, Proposed Side Elevations, Section A, and documents received by the Local Planning Authority on 04/10/2018 and 10/10/2018, 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 use of the garage hereby approved shall at all times be restricted to purposes normally associated with a domestic use. No trade or business use shall be carried out therein.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users and amenity of local residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**PLANNING & DEVELOPMENT COMMITTEE**

**6 DECEMBER 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1127/10  
(LJH)  
**APPLICANT:** Mr Everett  
**DEVELOPMENT:** New detached garage and garden room.  
**LOCATION:** COED CELYN, TYLA GARW, TYLE GARW,  
PONTYCLUN, CF72 9EZ  
**DATE REGISTERED:** 10/10/2018  
**ELECTORAL DIVISION:** Llanharry

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**RECOMMENDATION: REFUSE**

**REASONS:**

The proposed garage, by virtue of its excessive size, and proximity to nearby properties, would represent a visually incongruous and un-neighbourly form of development which would have a detrimental impact on both the character and appearance of the surrounding area and the residential amenity of surrounding properties, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance relating to Householder Development.

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**REASON APPLICATION REPORTED TO COMMITTEE**

- A request has been received by Councillor Owen for the matter to come to Committee in order that Members can fully assess the implications of the proposed development.

**APPLICATION DETAILS**

Full planning permission is sought for the erection of a garage and garden room within the rear garden of Coed Celyn, Tyla Garw. The proposed garage would be sited along the rear boundary of the garden and would measure 17.4 metres in width by 7 metres in depth and would have a hipped roof construction with a total height of 4.7 metres sloping to 2.6 metres at the eaves from the level of the rear garden. The garden room would be sited adjacent to the proposed garage albeit with a 1 metre

gap and would measure 10 metres in width by 5 metres in depth with a hipped roof to a height of 4.2 metres sloping to 2.6 metres at the eaves.

The external walls of both outbuildings would be rendered concrete blocks and the roof would be covered with tiles to match the main dwelling. It is proposed to create a driveway along the northern side boundary to provide vehicular access to the proposed garage.

## **SITE APPRAISAL**

The application site is located just off the main road through Tyle Garw and consists of a detached dormer bungalow which has been externally finished with painted render, facebrick, concrete roof tiles and uPVC windows and doors. The property is set within an irregular plot which slopes upwards from the rear boundary to the front of the plot to the north-west. The property is bound at its south-western boundary by 'Tyla Garw Cottage' which differs in scale and design to the application property. They share a similar relationship in terms of ground levels with the rear gardens sloping up towards the main road to the north-west from the rear of the site.

The site is located adjacent to a special landscape area and a green wedge. A power line also runs over the rear garden. There are no other constraints that need to be taken into account.

## **PLANNING HISTORY**

The most recent planning history relating to the application site is:

18/5111	Coed Celyn, Tyla Garw Tyle Garw, Pontyclun	Pre-application advice -New detached garage and garden room.	Raise Objections 05/09/2018
07/1722	Coed Celyn, Tyla Garw Tyle Garw, Pontyclun	Alterations and extensions (including the insertion of dormers and raising the roof level) to provide additional accommodation.	Granted 06/11/2007

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. There have been no letters of objection or representation received as a result of this exercise.

## **CONSULTATION**

Highways and Transportation- no objection, subject to a condition restricting the use of the garage.

Public Health and Protection - no objection, subject to conditions with regards to demolition, hours of operation, noise, dust, and waste.

Flood Risk Management - no objection, subject to a condition.

National Grid - as your proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment: Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus). A plan indicating apparatus that crosses the site has also been provided.

Western Power - no objection.

Wales and West Utilities - no objection, however a list of general conditions and a plan indicating apparatus in close proximity to the site have been provided.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Tyle Garw and is unallocated.

**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 and garden room 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 and garden room would be sited within the rear curtilage of the property along the rear boundary and would therefore be visible from the front and rear elevations of properties in Llwyn Onn to the east. Whilst the garden room is considered to be more acceptable within a domestic setting, the garage would be of an excessively large scale, measuring 17.4 metres in width by 7 metres in depth, and would therefore form an obtrusive and incongruous feature which does not lend itself to a domestic property.

Whilst it is acknowledged that there are other domestic garages within the vicinity, they appear subservient in size and scale to their respective dwellings. In addition to this, the proposal to construct a garage of such a large scale would introduce an undesirable and detrimental precedent for other large scale garages in the area.

In addition, the Council's Supplementary Planning Guidance relating to Householder Development states that garages should be "smaller in scale and subservient to the house, and should not be over dominant in relation to the existing and surrounding properties."

Prior to this application being received a request for pre-application advice was submitted in which the applicant was advised that the original proposal for one outbuilding measuring 30m in width by 7m in depth was unacceptable and was advised to split the outbuilding into two more domestic sized structures with the proposed garage measuring no more than 10m in width by 7m in depth. Although the proposal now contains two outbuildings the majority of advice given has not been followed.

As such, it is not considered that the garage would be sympathetic or subservient to the dwelling and would not be in-keeping with other garage developments in the vicinity. The proposal is therefore considered to have a detrimental impact on the character and appearance of the existing dwelling, and consequently, the proposal would not comply with Policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

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

The proposed outbuildings would be sited within the rear garden of the application site and be constructed approximately 1.99 metres below the floor level of the application property due to the changes in ground levels at the site. It would measure 4.7 metres in height from the lowest ground level. However, the application site is raised quite significantly above the floor levels of the properties in Llwyn Onn and therefore, it is considered that the structure would be overbearing due to the excessive length and height along the rear boundary.

Garage doors and bi-folding doors would be positioned in the front elevations of the outbuildings which would only create views of the application property and its garden, the garage and garden room are proposed to be used for domestic purposes only and it is not considered that the proposal would have a significant impact on the privacy of the neighbouring properties. No letters of objection have been received in relation to the application, however due to the excessive size of the garage the proposal is not considered to be acceptable in terms of the impact it would have on the residential amenity of the nearest neighbouring properties. As such, the proposal would not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## **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 liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £16,363.74.

## **Conclusion**

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

## **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. The proposed garage, by virtue of its excessive size, and proximity to nearby properties, would represent a visually incongruous and un-neighbourly form of development which would have a detrimental impact on both the character and appearance of the surrounding area and the residential amenity of surrounding neighbours, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance relating to Householder Development.