



PLANNING & DEVELOPMENT COMMITTEE

13 JUNE 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0386/10
(LJH)
APPLICANT: Mr C Ashton
DEVELOPMENT: Extension of raised garden area. Turn existing hard standing into a garage.
LOCATION: 64 TYNBYEDW TERRACE, TREORCHY, CF42 6RL
DATE REGISTERED: 10/04/2019
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

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.

REASON APPLICATION REPORTED TO COMMITTEE

The application is presented to Committee as three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the extension of the raised garden area and construction of a double garage at the rear of no. 64 Tynybedw Terrace, Treorchy.

The proposed garage would be sited at the most south-western part of the plot on the existing hardstanding. It would measure 6.9 metres in width by 6 metres in depth and would have a flat roof construction measuring 3 metres in height from the lowest ground level. The garage would be sited adjacent to the existing retaining walls which hold the raised garden area at the site. A roller shutter door would be inserted into the front elevation of the garage adjacent to the rear lane. The garage would be finished externally with render.

It is further proposed to extend the existing raised patio area by 3.1 metres in depth by 10.7 metres in width to meet the rear edge of the proposed garage. The extended raised area will not encroach onto the garage roof. Facebrick walls to a height of 0.8 metres are proposed to enclose the extended patio area and a new set of steps down to the remaining garden area are also proposed.

SITE APPRAISAL

The application site relates to a two-storey, detached property which is located within a residential street in the village of Treorchy. The property is set within an almost rectangular shaped plot with the north-east facing principal elevation being set back from the adopted highway at Tynybedw Terrace by an enclosed front garden. A further garden is positioned to the rear elevation which has three tiers, a small level patio area, a small lawned area, and a hardstanding which accommodates two vehicles. Boundary treatments at the site consist of close-boarded feather edged fencing to both sides.

Neighbouring properties in the immediate vicinity (no. 63 Tynybedw Terrace and a newly built dwelling the address of which is unknown) are all of a similar scale and design to the application property with rear gardens which are tiered in a similar manner or slope steeply down from their rear elevations. It is also noted that nos. 62 & 63 are set at a comparable ground level to the application site. Properties to the south-west (Prospect Place) are located at a notably lower ground level with a distance of at least 25 metres between rear elevations.

PLANNING HISTORY

There are no applications on record since the construction of the property.

PUBLICITY

The application has been advertised by means of direct neighbour notification. Three letters of objection have been received in relation to the application from properties in Prospect Place, the letters are summarised as follows

I would not object to the building of a garage but I will object to a terrace on top of the garage. It would directly overlook my garden. The houses behind my property overlook my garden but a terrace on top of a garage will be 10 metres closer to my garden and elevated, it would also be directly above and behind my granddaughters bedroom window

- I reside in Prospect Place and part own the lane between the application property and mine. Already there's been a significant increase in noise since these houses have been built, I believe that the proximity in which this garage will be built and the plan to add a garden area, will significantly increase these noise levels. In addition, I will be overlooked and have a complete lack of privacy in my garden.
- The invasion of privacy that may result from the height of the patio which will overlook the residents in Prospect Place. This was an issue in the original development planning whereby the council failed to enforce the removal of the

upper layer of 2 of the houses which are now visible from across the valley and out of character to the surrounding area. It is becoming a concrete jungle.

- The reasons for constructing a garage may be different than for parking a vehicle in it. As you are fully aware, or you should be, that there are parking issues on the terrace because of the residents in this development not using their off road parking. What makes you think they would use the garage on completion. If planning is to be passed, I suggest a covenant be put on it that the garage is to be constant use for the parking of a vehicle only and the terrace is not to be used. These issues were brought up in the planning meetings prior to the development being passed.
- Planning creep. We are now seeing applications from the original plans which was also highlighted to the planning department. What next? There will be applications for additional garden space to be built on top of the garage. The line of sight from across the valley will just get uglier. They will excavate under the houses into the cavities that were not filled in properly to create extra room.
- The use of the lane that the residents of Prospect Place own. At present the residents of this development don't legally have any access to their parking bays as the residents of Prospect Place own the lane that they have to drive on to get to their parking bays. Another oversight by the planning department

CONSULTATION

Highways and Transportation - no highway objection is raised subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary for Treorchy 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
Access, Circulation and Parking

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.

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development.

Chapter 3 (good design and better places, promoting healthier places, sustainable management of natural resources).

Chapter 4 (moving within and between places, transport, living in a place, housing)

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 extension of a raised garden and construction of a garage within the curtilage of an existing residential property. The principle of the development is therefore considered to be acceptable subject to an assessment of the following criteria:

Impact on the character and appearance of the area

The proposed garage and raised garden would form a large addition to the property, however, it would be sited to the rear of the property and would not impact on the principal elevation or the wider street scene. Whilst it is acknowledged that it may be visible from cross-valley views, it would not be too dissimilar to other developments in the wider area and it is therefore not considered that the proposal would have such a significant impact on the character and appearance of the existing property or the wider street scene that it would warrant the refusal of the application.

Impact on residential amenity and privacy

The proposed development would be sited at the rear of a steeply sloping site and it is acknowledged that any form of raised garden would inevitably have some impact on the residential amenity and privacy of the neighbouring properties immediately adjacent to the site (nos. 63 & the new dwelling to the west (address unknown)).

It is acknowledged that there is potential for some overlooking to occur on the rear amenity space of the neighbouring properties, however, due to the presence of existing closed board fencing at the site and that the extended raised garden would be set approximately 1 metre below floor level of the nearest adjacent property it is not considered that the level of overlooking would be significantly increased over that which currently occurs. The neighbouring properties have gardens similar in level to what exists with short gardens and parking areas set in front of retaining walls and it is not considered that the proposal would have an overbearing or overshadowing impact on the rear amenity space (off-street parking areas) of those properties.

Within the objection letters received from Prospect Place, which is sited to the rear of the application property, it states that there is concern that the extended raised garden would create views into the rear gardens of Prospect Place. The proposed extended raised garden would only measure an extra 3.1 metres in depth and will not encroach onto the roof of the proposed garage. Therefore, a distance of over 20 metres would remain between the edge of the raised garden and the rear elevations of properties in Prospect Place and taking this into account it is not considered that the impact upon the properties in Prospect Place would be any different to what currently occurs at the site.

Highways and Transportation.

The Council's Highways and Transportation Section do not raise objection to the proposal subject to two conditions regarding the use of the garage and surface water drainage and the application is therefore considered to be acceptable in this regard.

Other Issues

Two objectors raise concern that by constructing the garage access issues will arise and vehicles will not be able to access/egress the garage, they also comment that once constructed the garage may not be used for parking purposes and suggest that a condition be appended to ensure the use of the garage remains for parking in order to prevent additional on-street parking on Tynybedw Terrace. The application has been assessed by the Council's Highways section with no objection raised and the application is considered acceptable in this regard. A condition restricting the use of the garage to domestic use only has however been suggested by the Highways Section and will be appended to any consent.

Another objector also states that since the construction of the new dwellings in Tynybedw Terrace there has been a significant increase in noise levels. The objector is concerned that the proposal will increase the noise levels further. It is appreciated that during construction of the garage and raised garden noise will occur, however,

once constructed it is not considered that the noise levels would be any different to that currently experienced at the site. The Council's Public Health and Protection Section have not provided comments on this application, however, they have powers to deal with noise complaints more efficiently than the Local Planning Authority and any noise complaints should be directed to the Public Health and Protection Section of the Council.

Community Infrastructure Levy 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 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 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 plan nos. 001, 006, 007, 008, 009, 010, and documents received by the Local Planning Authority on 10/04/2019, 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 and no trade or business shall be carried therein.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users in accordance with policy AW 5 of the Rhondda Cynon Taff Local Development Plan.

4. Surface water run-off from the proposed garage shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overloading the existing the highway drainage system and potential flooding and in the interests of highway safety in accordance with policy AW 5 of the Rhondda Cynon Taff Local Development Plan.

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