



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: 18/0789/10
(LJH)
APPLICANT: Mr Fletcher
DEVELOPMENT: Proposed garage (amended plans received 02/05/2019).
LOCATION: BRYNTEG, LLANHARRY PONTYCLUN, CF72 9LH
DATE REGISTERED: 10/10/2018
ELECTORAL DIVISION: Llanharry

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS:

The amended application is considered to be acceptable in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

Whilst three letters of objection have been received the amended garage is considered to overcome a number of the concerns raised and a condition can prevent any commercial use.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the construction of a detached garage within the curtilage of Brynteg, Llanharry Road, Llanharan. The proposed garage would be sited in place of the existing garage at the site and would measure 7.9 metres in width by 12.2 metres in depth and would have a hipped roof measuring a maximum of 5.6 metres in height sloping to 3 metres at the eaves. It would be externally finished with render and slate roof tiles to match the main dwelling, and includes a roller shutter door to the front elevation, pedestrian access door to the south-western

facing side elevation and 6 no. velux style windows (3 within each side elevation roof slope)

The original plans proposed one large building measuring 29.5 metres in length by 9 metres in width with a mansard style roof measuring a maximum of 6.3 metres in height. Resulting from negotiations with the applicant, the building was initially split into two smaller buildings with the garage being reduced in size and a more appropriate hipped roof being proposed. The second outbuilding to the rear of the proposed garage is currently under construction however due to its amended size and location it now falls within permitted development and therefore does not require consent.

SITE APPRAISAL

The application site is located within a residential area of Llanharan and consists of a two-storey, detached property which is set within a long, irregular shaped plot. The property faces a north-westerly direction with the principal elevation being set back from the highway by a long garden and driveway to a depth of approximately 32 metres. The rear garden extends approximately 20 metres from the rear elevation to the rear boundary which is bound by the rear gardens of neighbouring properties to the south-west, south, south-east, and east (“Croeso”, “1 Croft Cottages”, “Ein Cartref”, & “Pentwyn” respectively).

PLANNING HISTORY

There are no records of any planning applications at the site within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification. Three letters of objection have been received and are summarised as follows:

- The proposal is a large unit, not a garage, which would be almost the length of my garden and cause a lot of shading. Also the removal of the trees from the boundary would make the building more visible and would be like living on an industrial estate.
- I feel this is not a private venture, if not now it would soon become a business in future.
- The scale of the development gives rise to a potential for industrial or commercial use. Such use would be incompatible with its siting.
- We ask that any approval be made subject to a condition restricting current and future use of the proposal to be domestic use only.
- The proposed building is far too big for a domestic property, its size and design is more in line with an industrial/commercial unit.
- As our property is lower in relation to the proposed building it would overlook our property and would become an eyesore.
- Concerns are raised that the building would be used to carry out vehicle repairs and issues regarding noise and vehicle emissions are raised.
- We are concerned that trees being removed will impinge on our privacy.

- We are worried that if approved it will affect our privacy and quality of life, as well as decreasing the value of our property.

After amended plans were submitted to split the proposal to two smaller buildings the following comments were received:

- We have no objection to the proposed garage in its present format as long as it is used for garaging purposes only.
- We still have concerns and object to the construction of the building at the rear for the reasons above regarding noise and emissions.
- We are still concerned with the removal of trees and shrubs from our existing boundary which will impact our privacy.
- The applicant has informed us that all works/repairs on his vehicles are carried out at his commercial business premises in Coed Cae Lane.
- We have no objection to a gym within the second building as long as it is reduced in size and moved away from our boundary.

After receipt of the latest set of amended plans (02/05/19) showing the second building further reduced and to be permitted development and the front garage having a hipped roof to match the main dwelling, neighbours were re-consulted and no further correspondence has been received.

CONSULTATION

GGAT - has commented on the application due to the site being located within 40 metres from St. Illtyd's Church but have raised no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the settlement boundary for Llanharry 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 construction of an outbuilding within the curtilage and the principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

With regard to the proposed garage, it would be sited in place of an existing garage at the site. It is acknowledged that the structure proposed would be larger than what currently stands at the site however, it is not considered that the proposed garage would be so incongruous as to warrant refusal of the application. It is considered that the proposal would not be so out of keeping with the area.

Furthermore, the garage would be finished with appropriate external materials of render and slate which would tie in with those of the existing property and it is not considered that the proposal would have such a significant impact on the character and appearance of the surrounding area that it would warrant the refusal of the application.

Impact on residential amenity and privacy

The proposed garage would measure almost the full width of the distance between the side elevation of existing property and the garage of the neighbouring property to the north-east. Whilst there is some concern with regard to the impact the proposal would have on the occupants of that property, it is not considered that it would have such a significant impact on their residential amenity and privacy that it would warrant the refusal of the application.

Any overshadowing would mostly be limited to the applicants' own garden and whilst it is acknowledged that there may be some overshadowing to the garage of "Pentwyn" this would occur during the very latter part of the day, therefore any overshadowing or overbearing impact would be minimal. In terms of overlooking, no windows apart from roof lights are proposed within the garage, therefore the proposal would not impact on privacy of neighbouring residents.

Regarding the objectors' concerns as to the removal of trees along the boundary, the trees are not covered by a Tree Protective Order and therefore consent is not required to carry out works to the trees. It is appreciated that a sense of loss of privacy may occur however, there is a fence between the application site and the objectors' property and it is not considered that the garage would impact on their current level of privacy due to its distance from the boundary, single storey height, and lack of windows.

Taking into account the above considerations, it is not considered that the proposal would have a detrimental impact on the residential amenity and privacy standards currently enjoyed by surrounding properties. As such, the proposal is considered to be acceptable in this regard.

Other Issues

With regards to the objectors' concerns that commercial activity may take place at the proposed garage it is considered necessary to append a condition restricting the use to purposes normally associated with a domestic use only.

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 plans:

- Proposed front elevation - received 02/05/2019
- Proposed rear elevation - received 02/05/2019
- Proposed floor plan - received 02/05/2019
- Proposed side elevations - received 02/05/2019
- Proposed block plan - received 14/12/2018

and documents received by the Local Planning Authority on 11/07/18, 24/07/18, 25/07/18, 10/10/18, 14/12/18, 09/01/19, and 02/05/2019 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 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 in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

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