



PLANNING & DEVELOPMENT COMMITTEE

15 AUGUST 2019

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0606/10
(LJH)
APPLICANT: Mr Williams
DEVELOPMENT: Demolition of existing double garage and forming of new dwelling. Dwelling to be linked to existing (No. 18)
LOCATION: 18 FOREST HILLS DRIVE, TALBOT GREEN, PONTYCLUN, CF72 8JB
DATE REGISTERED: 10/06/2019
ELECTORAL DIVISION: Talbot Green

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS:

The proposal would not have an adverse impact upon the character and appearance of the surrounding area, residential amenity and highway safety and complies with policies AW2, SW5, AW6, and AW10 of the Rhondda Cynon Taff Local Development Plan.

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 residential dwelling on land forming part of the residential garden curtilage including the double garage of an existing property known as 18 Forest Hills Drive which is located in Talbot Green, Pontyclun.

The proposed dwelling would be sited to the north-west of the existing dwelling and would be orientated to face a south-westerly direction toward Forest Hills Drive. It

would be accessed via the existing driveway off Forest Hills Drive which serves no. 18, the existing access it not proposed to be widened. Off-street car parking spaces to serve both dwellings would be provided within the front amenity space

The dwelling would measure 6.5 metres in width by 11.5 metres in depth with a pitched roof measuring a maximum height of 7 metres, sloping to 5.1 metres at the eaves. The dwelling would be attached to no. 18 via a single storey link which is a common feature along Forest Hills Drive. The design of the dwelling would reflect that of no. 18 albeit the proposed dwelling is slightly wider and is proposed to be set back approximately 2 metres from the principle elevation of no. 18 to accommodate 3 no. off-street parking spaces.

SITE APPRAISAL

The application site relates to an established residential property known as 18 Forest Hills Drive which is located within a residential area in Talbot Green. The site is situated inside the established settlement limits.

The surrounding area is predominantly characterised by two-storey residential properties which appear to be detached but are linked via single storey garages and are predominantly set back from the adopted highway by open plan gardens laid to lawn and driveway. Further enclosed gardens are positioned to their rear elevations. The application property itself is set within a larger than average, irregular shaped plot with additional land to the north-west facing side elevation which has a double garage built upon it. Ground levels within the site are fairly level.

PLANNING HISTORY

No planning applications have been submitted at the site within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Twenty-two (22) letters of objection have been received from twenty (20) objectors and are summarised as follows:

Character and Appearance

- The proposal will result in an over-developed plot, the proposed dwelling is larger than the existing dwelling and the plot will be over-crowded. This will have an impact on the neighbourhood and will not be in-keeping with other properties.
- The shoe-horning of another property onto the existing plot will result in inadequate open space provision and result in substandard provision of amenity space to both properties at the front and rear.
- The resulting development will be completely out of character with the estate which has always been characterised by generous levels of front and rear garden space.
- The building of a four bedroom house on a small garden plot is likely to look incongruous in a row of three bedroomed properties. It is also likely to obscure

the view and light of the houses immediately behind as they already have small gardens. This will also devalue their properties.

Residential Amenity and Privacy

- The property will have an impact on our privacy and enjoyment of our home, the two windows on the rear elevation at first floor level will directly overlook our house and garden. These windows could be relocated to the side of the property.
- The back wall of the proposed property will only be 6 metres from my boundary and therefore occupants using the rear garden will cause increased noise, nuisance, and disturbance.
- Our property will be overlooked and our privacy will be diminished. Also, the view of the trees to the rear of the garages will be lost.
- There will be noise and other disturbances during the construction period with only the developer profiting.

Highways

- This is a busy and dangerous junction on the main road through the estate, there is no room for on or off-road parking already without another 4 bedroom house.
- Driving in and out of the properties will be very dangerous as they are on a blind bend, we have witnessed many accidents on this bend especially in bad weather. It will be hazardous and with the additional parking on an over-developed site there will be an increased risk of an accident happening.
- The flat roof garages that are now being demolished allowed us to see around the bend and a dwelling in their place will obscure the view. There is concern that the position of the proposed dwelling may inhibit the view of traffic at the junction.
- There are five proposed parking spaces which represents a huge increase to the number of vehicles formally using the site, this would cause great nuisance to the neighbours opposite the site.
- Another driveway and resulting vehicles will be a hazard to the rest of the estate, this corner is already difficult to negotiate with parked cars.
- The driveways on the plans do not have sufficient space for the number of cars for an additional four bedroom property on the site and cars would highly likely park on the street which would make this an even more dangerous junction.
- We have many young families on this estate with children who walk to school and so we feel that this would pose a serious risk to them and would encourage parents to drive them to school adding to the already difficult and congested traffic in Talbot Green.

Other Issues

- There is concern that other plots with side gardens will follow suit which will destroy the balance of the estate and result in congestion and failure of utilities that will be unable to cope.

- The path that is proposed along the back of our garden will have an impact on our security. I have been assured that this is no longer taking place but I cannot see any amendments in the application.
- Since the developers have removed the conifer trees along my boundary I have been assured that a six foot fence will be erected on our boundary but there is no mention of the fence within the application.
- There are many housing developments in the area satisfying demand, this and the many other developments are not yielding sufficient improvements to the local roads and amenities. Our quality of life will diminish and our property value will deteriorate.
- Reduction of bio-diversity and environmental issues. We are in an environmental crisis, the Welsh Government has declared a climate emergency. Removal of gardens further compounds the problem, even the most basic of gardens offers support to wildlife etc. Adding an additional property is a weight on the environment and has taken away a large garden.
- The proposed property will not provide appropriate additional housing for the local area. The downsides of this development outweigh the benefits of 1 additional house, which will not be affordable housing.
- The pre-works which have already been undertaken suggest the developer has been told this is a done deal which is disrespectful to local residents.

CONSULTATION

Highways and Transportation – no objection subject to conditions.

Public Health and Protection – no objection subject to conditions.

Dwr Cymru/Welsh Water – no objection subject to a condition and advisory notes.

Flood Risk Management – no objection subject to a condition.

Wales & West Utilities – no objection.

Western Power – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the defined settlement boundary for Talbot Green and is not allocated for any specific purpose.

Policy CS2 – sets out criteria for achieving sustainable growth including promoting development within defined settlement boundaries and promoting the reuse of under used/previously developed land.

Policy AW1 – identifies the sources of land for new housing, which do not include land outside the defined settlement boundaries.

Policy AW2 – supports development in sustainable locations and includes sites that are within the defined settlement boundary which would not unacceptably conflict with surrounding uses.

Policy AW4 - Community Infrastructure & Planning Obligations

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 – states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including air, noise or water pollution.

Policy SSA13 - gives criteria for housing development within settlement boundaries. Development will not be permitted outside the defined settlement boundaries.

Supplementary Planning Guidance:

Access, Circulation and Parking
Design and Placemaking

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 (Wales) 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)

Chapter 5 (Reducing energy demand)

Chapter 6 (green infrastructure, landscape, biodiversity and ecological network, water and flood risk, air quality and soundscape, lighting)

Other relevant policy guidance consulted:

PPW Technical Advice Note 11: Noise.

PPW Technical Advice Note 12: Design.

PPW Technical Advice Note 18: Transport.

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 main considerations in the determination of the planning application are whether the site is capable of accommodating a dwelling without resulting in an unacceptable impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the area. The implications of the development upon highway safety in the vicinity of the site is a further consideration.

The application proposes the construction of one residential dwelling within an existing residential curtilage in place of the existing double garage. The principle of the proposed development is therefore considered to be acceptable, subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

As noted above, the site is surrounded by established residential development. The plot of the new dwelling would be formed by the sub-division of the existing residential curtilage of no.18 Forest Hills Drive and, having assessed the layout plan provided, it is considered that the dwelling would sit comfortably within the plot with adequate space for off-street car parking and amenity areas. In addition to this, the dwelling would be set back into the plot and, when viewed in context with the existing dwellings in the area, would not appear to be overly prominent within the wider street scene. The overall design and finish of the dwelling is also considered to be acceptable.

As pointed out by the objectors, it is acknowledged that the proposed dwelling is larger in size than the existing dwelling on the plot and the nearest neighbouring dwellings, however it is not considered that the dwelling is of such a size that it would be incongruous or would result in over-development of the plot. The design and finish of the proposed dwelling would ensure that it would be in-keeping with the nearest neighbouring dwellings and it is considered that the remaining amenity space at the front and rear of both properties would be acceptable with the front garden area being retained by the new dwelling being set back within the plot.

Therefore, the proposal is considered to be acceptable in terms of the impact it would have on the character and appearance of the surrounding area and it would therefore comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The proposed dwelling would be located to the north-west of the existing dwelling and would be positioned in such a way that it would not adversely impact on the residential amenity or privacy of that property. In addition to this, it would be of an acceptable scale which would ensure that any overbearing and overshadowing impact would be kept to a minimum.

One of the objectors mentions that the proposed dwelling would obscure the view and light of the properties to the rear of the plot with another objector stating that the dwelling would impact on their privacy as the first floor windows would overlook their property and garden. There is no right to a view and it is not considered that the proposed dwelling would cause any significant blocking of light to the properties at the rear due to its positioning in relation to these properties particularly as the properties at the rear are set at a higher ground level than the proposed dwelling.

With regards to the objector's concern of loss of privacy from the first floor windows within the rear elevation, the proposed windows would each serve a bedroom and it is not considered that the introduction of these windows would impact upon the privacy of the property to the rear to a degree that would warrant refusal of the application. As stated above, the properties to the rear are set at a higher ground level than the site and the distance between the rear elevations of both properties would be approximately 11.5 metres which is considered to be acceptable, given the orientation of the existing and proposed dwellings.

Two of the objectors also raise concern with regards to increased noise and disturbance during the construction and from any future occupiers of the property. With regard to construction noise this would only be temporary and can be effectively controlled by the Council's Public Health and Protection Service. Furthermore, Public Health have not raised an objection to the scheme and informative notes with regards to construction noise and hours of operation during construction will be appended to any consent. Regarding increase in noise and disturbance from any future occupiers of the dwelling, 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 Service 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

Other properties surrounding the site are located a sufficient distance away from the site and it is not considered that the residential amenity of these properties would be harmed.

As such, the proposal is considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of surrounding properties and it would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Impact on Highway Safety

The application has been subject to consultation with the Council's Transportation Section with a view to assessing the impact of the proposal on highway safety. It is noted that the response received raises no objection in relation to the proposal, subject to conditions.

The proposed dwelling would be served via the existing driveway that serves the double garage that is to be demolished, albeit narrowed by circa 300mm to accommodate a boundary between the existing and proposed dwellings. Nevertheless, the access is still sufficient in width to serve a single dwelling. As such, there is no undue cause for concern.

There is no internal circulation provided nor is there scope to do so. Reversing movements in the vicinity of the priority junction gives cause for concern. However, this is an existing situation and traffic flows on Forest Hills drive are ultimately not significant enough to warrant highway objection.

Both the existing and proposed dwellings are 3+ bedroom properties located within Parking Zone 3. As such, both dwellings have a maximum SPG requirement of 3 spaces. Post development, the existing dwelling would have provision of 2 off-street spaces, a shortfall of 1 space from its maximum SPG requirement. The shortfall of 1 space gives cause for concern. However, given the proposals' sustainable location within a defined settlement boundary, the concern is not significant enough to warrant highway objection.

Submitted drawing no. "189-107" indicates that the proposed dwelling will have provision of 3 off-street parking spaces, which accords with the maximum SPG requirement. There is concern with the layout of the spaces indicated on the submitted plan. However when considering that a comparable layout was granted under planning ref. 16/0936 (located on Lanelay Road, which has significantly higher traffic flows), the concern is not significant enough to warrant highway objection.

It is acknowledged that most of the objection received towards the scheme relates to highways issues and concerns are raised with regards to the junction and additional vehicular movements in close proximity to the junction, additional on-street parking, inhibited view of traffic at the junction, and other issues such as parking up on pavements and the situation being dangerous for pedestrians. However, as per the above highways comments, the scheme has been assessed by the Councils' Transportation Section and no objection has been raised, subject to two conditions requiring details and implementation of a vehicular crossover and for the parking area to be constructed in permanent materials and retained for the purposes of parking only.

As such, the proposal is considered to be acceptable in terms of the impact it would have on highway safety and it would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other issues:

Public Health

The Council's Public Health & Protection Service have raised no objections to the proposal, however, a number of conditions have been suggested in relation hours of operation, noise during construction, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise during

construction, dust and waste can be more efficiently controlled by other legislation and the suggested are not considered necessary. An appropriate informative note would be sufficient in this instance.

Drainage

Consultation has been undertaken with the Council's Flood Risk Management Section with a view to assessing any potential impacts upon land drainage. No objection has been received in relation to the application, subject to standard conditions and advice.

Issues raised by objectors

One objector raises concern that a precedent may be set for all dwellings with larger than average plots within the estate to follow suit, however each application is assessed individually and on its own merit and therefore this concern cannot be given any weight. Objectors also raise concern that property values will be negatively affected by the development, this is not a material planning concern and also cannot be given any weight.

Another objector states that they have been assured that the proposed gate and path at the rear of the site will not be going ahead and that the felled conifer trees along the common boundary will be replaced by a six foot fence. These issues are private matters and should be discussed between the developer and the objector, however, a condition requiring details of boundary treatments will be appended to any consent.

One of the objectors raises concern with regards to bio-diversity and environmental issues, they are concerned that the reduction in garden land will impact upon local wildlife and add pressure on the environment. Whilst this is a valid concern it is not considered that the addition of a single dwelling on garden land would have such an impact on the environment that would warrant refusal and it is noted that the site does not have any environmental designations in place.

Lastly, one of the objectors raises concern that the works already carried out at the site prior to consent suggest that the developer has been told that the application is a "done deal" which they believe is disrespectful to the local residents. In response to this any works carried out at the site prior to gaining formal consent is at the developer's own risk, the developer has not been told that the application is a "done deal" and the decision as to the outcome of the application lies with Members of Committee. In addition to this, it is acknowledged that works have started at the site and that the existing garage has been demolished and due to this the developer has now lost their rights to pay the CIL contribution in instalments and will be liable to pay the full amount on receipt of the CIL demand notice which will be issued in association with the decision notice if Members resolve to approve the application.

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 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 (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £14,318.05.

Conclusion

The proposed dwelling is considered to be acceptable in terms of the impact it would have upon the character and appearance of the surrounding area, the residential amenity and privacy of surrounding residents, and upon highway safety (Policies AW2, AW5, AW6, and AW10).

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:

- 189-108 Site Plan.
- 189-107 Proposed Site Plan.
- 189-106 Proposed Elevations.
- 189-105 Proposed Floor Plan.
- 189-104 Proposed Floor Plan.

and documents received by the Local Planning Authority on 10/06/2019 and 31/07/2019 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

3. Notwithstanding the submitted plans, development shall not commence until details providing for a vehicular crossover in accordance with Highway Design Guide Standard Detail drawing no "111" have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site prior to beneficial use.

Reason: In the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taff Local Development Plan.

4. The off-street parking spaces indicated on submitted drawing no. "189-107" shall be constructed in permanent materials and retained for the purpose of the parking only.

Reason: To ensure that vehicles are parked off the public highway, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taff Local Development Plan.

5. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage in accordance with Policy AW 5 of the Rhondda Cynon Taff Local Development Plan.

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