



PLANNING & DEVELOPMENT COMMITTEE

13 MARCH 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0973/10 (GS)
APPLICANT: Mr R Henderson
DEVELOPMENT: Garage on existing hardstanding with patio on roof.
(Amended plans received 04/12/2019). (Structural Calculations received 04/12/19).
LOCATION: 65 TYNBEDW TERRACE, TREORCHY, CF42 6RL
DATE REGISTERED: 14/10/2019
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, the potential impact it would have upon the amenity and privacy of the neighbouring residential properties, and its potential impact upon parking provision and highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

- Four letters of objection have been received from occupiers of adjacent neighbouring properties.

APPLICATION DETAILS

The application seeks consent for the construction of a double garage to the rear of no. 65 Tynybedw Terrace and the use of its roof as a raised terrace / garden area.

The proposed garage would be sited atop the existing hardstanding to the rear of the dwelling, accessed from the lane between Tynybedw Terrace and Prospect Place. It would measure 6.8 metres in width, 5 metres in depth and 2.4 metres in height with a flat roofing

profile. The garage would be sited adjacent to the existing retaining walls which hold the raised garden area to the rear of the host dwelling. 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 cement / sand render in a style to match the existing garages within the locality.

The roofing profile of the garage would then act as an extension of the existing raised garden area that services no.65. The garage / raised patio area would be enclosed by a 1 metre high railing, much like the rest of the raised garden.

SITE APPRAISAL

The application site is located to the south-western side of Tynybedw Terrace and contains a two-storey, detached dwellinghouse within the village of Treorchy. The property is set within an almost linear shaped plot, with the north-east facing principal elevation being set back from the adopted highway at Tynybedw Terrace by a small, enclosed front garden as well as the access lane that leads to the rear of the dwellings. A further 'garden' / raised patio is positioned to the rear elevation. This small, level, patio area is enclosed by railings to all elevations and overlooks an area of hardstanding below, in the access lane, which has space to accommodate two vehicles. Boundary treatments at the site consist of close-boarded feather edged fencing to both the access lane and the adjacent neighbouring dwelling.

Neighbouring properties in the immediate vicinity (no. 60 - 66 Tynybedw Terrace) 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 no. 66 is 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. Several other dwellings within this row of properties have also erected / have planning permission for comparable detached double garages with roof terraces above to that proposed.

PLANNING HISTORY

There are no recent applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to 8 neighbouring properties through two sets of consultation following the submission of amended plans.

In total, nine representations were received in objection from four separate objectors; the reasons for are as follows:

- Increase in overlooking
- Loss of privacy

- Issues regarding the potential blocking of access / access lane during construction by worker vehicles etc.
- Issues regarding access and egress from garage
- Issues regarding pedestrian safety
- Precedence for future developments
- Noise pollution
- Light pollution

The points below were also tendered but do not form material considerations as part of the planning process; as such, information or advice will be provided below as necessary:

- Access / egress rights for rear lane usage
- Issues regarding a water attenuation tank (crate system) under garage
- Decrease in value of surrounding properties.
- Issues regarding rights of access

CONSULTATION

Highways – No objection subject to conditions.

Dwr Cymru Welsh Water – No objection subject to condition and informative notes.

Building Control – As long as the garage structure is built in accordance with submitted details, there should be no impact on the attenuation tank below. However it is advised the Council's Structural Engineer is consulted.

Structural Engineer – The details submitted are considered acceptable to illustrate that the proposed garage would result in no impact upon the existing attenuation tank on site.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Treorchy, but 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

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.

Planning Policy Wales Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations (Wales) Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being 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 defined by Chapter 2 People and Places: Achieving Wellbeing through Placemaking of the policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

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

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 erection of a garage within the curtilage of a residential dwelling, with the use of its roof space as a garden terrace for the house above. The principle of development is therefore acceptable subject to compliance with 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:

It is acknowledged the proposed garage and raised patio area are would form large additions to the dwelling. However due to their siting to the rear of the dwelling they would feature no views from and have no bearing upon the street scene of Tynybedw Terrace or Prospect Place. It is further acknowledged that the proposal may feature some cross-valley views; nevertheless, the garage structure would be nearly identical to several other garages / raised terraces that have now become indicative to this terraced row. In line with the above, it is considered that the proposals will not detract from the character or appearance of the host dwelling or wider area.

It is also noted that the following dwellings in the row have been granted planning permission for comparable, raised decking / roof terraces, atop double garages recently, including applications ref: 16/1127/10 at no.60 Tynybedw Terrace, 17/1194/10 at no.63 Tynybedw Terrace and 19/0386/10 at no.64 Tynybedw Terrace. Therefore this type of development is typical of the locality and considered acceptable in this regard.

Impact on residential amenity and privacy

The closest neighbouring dwellings to the north of the site, off Tynybedw Terrace, are separated from the proposal by roughly 25 metres, raised up substantially in terms of site levels, shielded from the proposal by the bulk of the host dwelling and would remain unaffected in terms of residential amenity.

The adjacent dwelling to the north / north-east of the site, no. 64 Tynybedw Terrace, is again set at a substantially higher site level than the proposal. As there is an existing area of raised patio that directly looks to the rear of this property, it is not considered that the increase in the area of said patio would result in such an over intensification of its use as to result in a loss of privacy that would justify the refusal of this application. This issue is further diminished by the separation distances involved and the raised ground level atop which no.64 is sited.

With regard to the adjacent dwelling to the west, no.66 Tynybedw Terrace, as the proposed development would be sited at the rear of a steeply sloping site, it is acknowledged that any form of raised garden would inevitably have some impact on the residential amenity and privacy of this neighbouring dwelling considering its relative siting. The proposed roof terrace would provide previously non-existent views from the rear amenity area to the rear of this adjacent dwelling. Given the relative nature of the site, the views present already from the rear lane and the oblique nature of the views created, it is not considered that the levels of overlooking would be significantly increased over that which currently occurs, nor a material erosion of occupier privacy.

Occupiers to the south of the proposal, off Prospect Place, have tendered objections regarding the potential loss of privacy to their rear amenity areas and rear facing openings.

Having viewed the current situation on site, there would only be a limited alteration to the privacy levels currently enjoyed by neighbouring occupiers of this row caused through the erection of the roof terrace. As no greater harm is achieved through the proposal, it is not considered any potential impact in this regard would warrant refusal of the application. Furthermore, as detailed above, numerous examples of similar garages with roof top terraces above have been recently approved at the neighbouring properties; therefore, this type of development/relationship is typical of the area.

In light of the above, on balance, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

Noise / Light Pollution

Given the nature of most building works, which are undertaken in close proximity to other houses, it is to an extent almost inevitable that during the course of construction that surrounding residents will observe some increase in noise/disturbance associated with the construction. However, the Council cannot control the length of time it takes a developer to finish their build and in this instance, given the relatively minor nature of the domestic construction works being undertaken, it is considered that such works will only occur for a limited period of time. Furthermore, once constructed it is not considered that the noise levels would be any different to that currently experienced at the site. In any case, if issues in respect of noise do arise, it would be a matter that can be better controlled through other legislation.

Neighbouring residents have raised concerns that the erection of the garage would result in unacceptable levels of light pollution, caused by its general usage. Again, it is not considered that the light pollution levels would be any different to that currently experienced at the site. Similarly, any unacceptable increase in light pollution is a matter that can be better controlled through other legislation.

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 remaining for domestic use only and surface water drainage. As such, issues regarding safe access / egress from the garage as well as pedestrian safety are considered acceptable. The application is therefore considered to be acceptable in this regard.

Attenuation Tank

During the course of the scheme, it has become apparent that an attenuation tank lies beneath the area that would be occupied by the proposed garage. The applicant, to alleviate concerns regarding the potential impact that the development may have upon the attenuation tank, has submitted suitable amendments and structural calculations. These have been verified by both the Council's Building Control Section and Structural Engineer.

As such, it is considered that sufficient information has been submitted to confirm that there would be no impact upon the attenuation tank.

Other issues raise by objectors

In respect of potential disruption caused during the construction of the development:

It is recognised that any blocking of the access lane by builder's lorries and/or materials, who may undertake the construction works at 65 Tynybedw Terrace is likely to cause inconvenience to the residents who are served by the access lane. However, the use of a private drive is a civil issue and is not a planning matter in which the Council can get involved.

The 'devaluation' of a property is not a material planning consideration and cannot be taken into consideration during the determination of this application.

The potential issues regarding rights of access being altered or existing covenants on land are civil matters between aggrieved parties and cannot be taken into consideration during the determination of this application.

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 plan(s) no(s)

1. ALL-IN-ONE Plan – Received: 04/12/2019
2. Structural Layout – Received: 04/12/2019
3. Garage Beam (Over Door) – Received: 04/12/2019
4. Underground Beam (Internal) – Received: 04/12/2019
5. Underground Beam (External) – Received: 04/12/2019

and documents received by the Local Planning Authority, 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 Taf Local Development Plan.

4. Surface water run-off from the proposed garage shall not discharge onto the public highway or connect 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 AW5 of the Rhondda Cynon Taf Local Development Plan.