



## **PLANNING & DEVELOPMENT COMMITTEE**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0425/10 (LJH)  
**APPLICANT:** Mrs S Morgans  
**DEVELOPMENT:** Roof garden on top of existing extension.  
**LOCATION:** 50 ALBANY STREET, FERNDALE, CF43 4SL  
**DATE REGISTERED:** 13/05/2020  
**ELECTORAL DIVISION:** Ferndale

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#### **RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

**REASONS:** The 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. Therefore, the proposal is considered to comply with the relevant policies of the Local Development Plan, Policies AW5 and AW6.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- The applicant is a serving Councillor.

#### **APPLICATION DETAILS**

Full planning permission is sought for the erection of a roof terrace above the existing single storey extension at the rear of 50 Albany Street, Ferndale. The new terrace would measure 4.3 metres in width by 4.62 metres in depth, having an overall floor area of 19.86sqm. It would be sited a maximum of 3.4 metres in height above ground level and would be enclosed by glass balustrading to a height of 1.15 metres, a total of 4.55 metres above ground level.

A set of steel steps are proposed along the rear elevation of the single storey extension to a width of 0.85 metres which would provide access from the garden. A set of patio doors are also proposed to be placed within the rear elevation of the existing two-storey extension, in place of an existing window, to provide access to the terrace via a bedroom.

#### **SITE APPRAISAL**

The application site is situated within a residential area of Ferndale and consists of a two-storey, mid-terrace dwelling located within a rectangular shaped plot. The property faces a south-westerly direction with the principal elevation fronting the highway at Albany Street.

The property has been extended substantially; to the property's rear there is a full-width two storey extension with a linear part-width single storey extension beyond (the subject of this application). Neighbouring properties are located immediately to the north-west and south-east, nos. 49 and 51 respectively. Further neighbouring properties are located approximately 5 and 10 metres to the east, nos. 42 and 43 respectively, being measured from the corner boundary of the application site to the corner boundaries of these properties which are separated from the application site by a rear lane and the garages of the respective properties. The property is bound to its south-western elevation by the highway of Albany Street, and to the north-east by a service lane beyond which are allotments.

## **PLANNING HISTORY**

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

## **PUBLICITY**

The application was originally advertised by direct neighbour notification to 5 no. surrounding properties. No letters of objection or representation were received. Members are advised however that a further 2 no. neighbouring properties, nos. 42 and 43 Albany Street, have subsequently been consulted and that the consultation period has not yet expired at the time of writing this report. As such, should Members be minded to approve the application, it is requested that Members allow the final decision level be delegated to officers in order to allow timely processing of the application once the consultation period has expired, should no objections be received.

## **CONSULTATION**

None undertaken.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Ferndale 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.

SPG – 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 Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Well-being of Future Generations (Wales) Act into planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals and that the site is being brought forward in a manner consistent with the five ways of working.

Furthermore, 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.

Other policy guidance considered:

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 roof terrace 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 residential amenity and privacy**

The proposed development would be sited above a single storey extension at the rear of a traditional terraced property, in close proximity of the rear gardens of the adjacent dwellings. Any form of raised garden area here would inevitably result in a degree of overlooking to the neighbouring properties immediately adjacent to the site and therefore some concern is expressed in this regard. However, almost all surrounding properties, including both adjoining properties, have large extensions at both single

and two-storey level to the rear as well as outbuildings within the rear gardens that occupy the majority of the respective garden spaces, and which directly overlook the rear amenity spaces of the surrounding neighbours. As such this type of relationship is typical of the area. Furthermore, there are no properties to the rear of the site and those to the south-east (nos. 42 and 43) are separated from it by the service lane and outbuildings. It is also noted that the applicant has proposed privacy screens to either side of the terrace which would reduce any potential impact, although it is accepted that glass may not be appropriate. Finally, it is also noted that no letters of objection have been received from occupiers of surrounding properties following the consultation process, albeit the consultation period has not yet expired for two further neighbours as set out above.

Subsequently, having taking the above in to account, on balance, it is not considered that any potential impact would be so significant as to warrant refusal of the application. It is considered however that a condition should be added to any consent requiring the design and materials of the privacy screens be submitted to and approved by the LPA prior to any works starting on site to ensure that appropriate materials are used and that the screens would not result in an undue overbearing impact.

### **Impact on the character and appearance of the area**

Policy AW5 stipulates that the scale, form and design of a development should not have a detrimental effect on the site or surrounding area. Similarly, Policy AW6 is supportive of proposals that are of a high standard of design, reinforce attractive qualities, and that are appropriate to the local context. Additionally, in respect of raised terraces, SPG: A Design Guide for Householder Development states that raised terraces will not normally be permitted where they can be seen from a variety of public viewpoints, or are detrimental to neighbouring properties.

In this instance, being situated on top of the existing single storey extension with an overall height of 4.55m above ground level the proposed structure would inevitably form a visually prominent feature from the adjacent neighbouring properties. However, the rear of the terrace row is characterised by large extensions and outbuildings of varying design. Therefore it is not considered the new structure would be out of character with the rear street scene and, on balance, would be acceptable in this regard.

### **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**

Whilst it is accepted that a structure of the scale and elevated height of that proposed would inevitably result in a visible feature from the adjacent properties and would also

result in a degree of impact to the amenity and privacy standards currently enjoyed by the immediate neighbours, on balance, it is not considered that any potential impact would be so significant as to warrant refusal of the application. As such, the application is considered to generally 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:
  - Site Location Plan
  - Proposed Side Elevations
  - Proposed Rear Elevation
  - Part Proposed First Floor Plan

and documents received by the Local Planning Authority on 11/05/2020, 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. Notwithstanding the approved plans, no development shall commence on site until full details of the privacy screens to be erected on both sides and the rear of the garden terrace hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial use of the garden terrace and the privacy screens shall remain in place in perpetuity.

Reason: To protect the amenity and privacy of the adjacent neighbouring properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.