



## **PLANNING & DEVELOPMENT COMMITTEE**

**5 NOVEMBER 2020**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0701/10 (JE)  
**APPLICANT:** Mr S Richardson  
**DEVELOPMENT:** Retrospective planning for driveway, porch, rear fencing, rear veranda and other external works. (Additional plans received 25/08/20) (Amended Plans received 28/09/20).  
**LOCATION:** 21 MANOR HILL, MISKIN, PONTYCLUN, CF72 8JP  
**DATE REGISTERED:** 20/07/2020  
**ELECTORAL DIVISION:** Pontyclun

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**RECOMMENDATION:** Approve

#### **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.**

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

- A request has been received from Councillor Griffiths for the matter to come to Committee so that Members can consider the visual impact of the development and its impact upon the amenities and privacy of the surrounding properties.

#### **APPLICATION DETAILS**

Full planning permission is sought for the retention and completion of a number of works at 21 Manor Hill, Miskin.

The works proposed as part of this application are listed below:

- Retention of a raised driveway to the front of the property along the boundary with No. 22, alongside the existing driveway and access path to the dwelling. The driveway measures a maximum depth of 5.5 metres and is raised a maximum of 0.9 metres above ground level on its rear elevation. To the rear of the driveway would be an additional raised area to be used as a patio and seating area within the property's front amenity space. Alongside the raised

driveway would be an area allocated for planting. Along the boundary of the driveway with No. 22 would be a 1 metre high feather edge fence which would increase in height to the rear, to a maximum height of 2 metres.

- The construction of a porch located to the front of the property which would adjoin the existing storm porch alongside the garage. The proposed porch would measure a width of 1.5 metres to match the existing structure and would measure a depth of 2.2 metres, resulting in a combined depth of 3.4 metres. The proposed porch would have a hipped roof design measuring a maximum height of 3.5 metres sloping to 2.7 metres at the eaves.
- Retention and completion of a raised patio to the rear of the dwelling which has been increased in width by 1.8 metres towards the boundary with No. 20. The extended raised patio measures a total width of 9.4 metres and projects 4 metres from the dwelling. The existing level of the raised patio is 0.9 metres above ground level at the rear. It is proposed to increase the height of this area by 0.2 metres to measure a maximum height of 1.1 metres. Access to the remainder of the rear amenity space would be via new set of steps to the rear of the raised patio. It is also proposed to construct a 1.5 metre high privacy screen along the western side of the raised patio close to its boundary with No. 20.
- The construction of a covered canopy above the rear raised patio. The proposed canopy would be located along the eastern side of the raised patio towards the boundary with No. 22. The structure would measure a width of 3.6 metres by a depth of 4 metres. The proposal would consist of 2 no. 150x150mm galvanised steel posts on its rear elevation supporting a flat roof which would measure 2.6 metres in height from the finished floor level of the raised patio. Alongside this area would be a concrete fireplace towards the centre of the patio measuring a width of 1.1 metres by a height of 2.3 metres.
- Retention and completion of an area of the rear garden which has been raised between 0.3 metres and 0.7 metres with a concrete block retaining wall. This area measures a maximum width of 8.4 metres by a maximum depth of 8.2 metres and would be laid to lawn once completed.
- Feather board timber fencing measuring a height of 2.1 metres along the rear boundary of the property.

Also included within the scheme of works is the construction of 2 metre high boundary fencing along the side boundaries of the property and the raising of the level of the side access pathways by 0.3 metres above the existing ground level. Whilst these works are included within the application they fall within the parameters of permitted development and could be constructed without the need for planning permission.

## **SITE APPRAISAL**

The application property is a single storey detached bungalow situated within a housing estate forming part of a residential area of Miskin, Pontyclun. The property is set back from and at lower level than the highway at Manor Hill with an area of open amenity space to the front. The dwelling is located centrally within the plot with

accesses to the rear along both side boundaries. The property has been previously extended with the ridge level and width of the dwelling increased and the construction of an attached garage to the front elevation. To the rear of the property is an enclosed amenity space bounded by Nos. 20 & 22 Manor Hill at either side and No. 8 Manor Hill to the rear. The nature of the area slopes from north to south with the ground levels decreasing towards the rear of the site with a significant difference in level between the application property and No.8 to the rear. At the time of the Officer's site visit a number of the works had commenced at the property but were not completed.

The application dwelling is located within a linear street scene which is generally uniform in its layout. However, a number of the properties, including the application dwelling, have been extended and their character and appearance significantly altered from their original form.

## **PLANNING HISTORY**

The most recent planning applications on record associated with the site are:

**17/0259/10:** 21 MANOR HILL, MISKIN, PONTYCLUN, CF72 8JP

Proposed ground floor extension, new external porch, raising of roof levels for attic extension and garage.

Decision: 16/05/2017, Grant

**18/0796/39:** 21 MANOR HILL, MISKIN, PONTYCLUN, CF72 8JP

Keep existing size 1800mm window to the front, ground floor level. Approved plans state 2400mm. Keep the existing render all over the building white / off white, approved plans showed stone work. New porch to keep dwarf wall stone and change windows to off white/pale grey colour. Existing colour white, plans approved stated brown.

Decision: 20/08/2018, Grant

**18/1044/39:** 21 MANOR HILL, MISKIN, PONTYCLUN, CF72 8JP

Non material amendment of previously approved planning application 17/0259/10 to reduce ridge height of garage and enlarge front window.

Decision: 03/10/2018, Grant

## **PUBLICITY**

The application has been advertised by direct notification to 6 neighbouring properties. Two letters of objection have been received from surrounding neighbours (summarised below):

- Raised front driveway is out of character with street scene
- Boundary fencing at front of property out of character
- Rear boundary fencing would be a prominent addition and above 2.1 metre height

- Likely that fencing once complete will be above the 2 metres proposed
- Lower area of rear garden which has been raised creates overlooking of neighbouring property
- Loss of privacy from extended and raised rear raised patio
- Rear covered canopy out of keeping with residential character of area due to the use of large steel columns
- Possibility of area being used as raised veranda being accessed from the first floor
- Discrepancies in measurements and levels
- Height of fencing along the side boundaries
- Construction of fence has begun with posts above 2 metres
- Front fencing out of character

## **CONSULTATION**

No consultation has been undertaken.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Miskin and is not allocated for a 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

### **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 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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 retention and completion of a number of works within the curtilage of an existing residential dwelling to improve living standards for the occupiers. The principle of development is therefore acceptable subject to the criteria set out below.

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

Whilst the raised front driveway inevitably forms a visible feature within the street scene as mentioned by the objectors, given its minor scale and height with the feature only measuring a maximum 0.9 metres from the rear, the driveway is not considered to form an incongruous or dominant addition which adversely impacts upon the character and appearance of the area. Furthermore, there are a number of neighbouring properties with extended driveways and hardstanding's to the front of the dwelling. As such, the appearance of more than one car to the front of a property is not uncommon within the street scene.

With regard to the proposed 1 metre high fencing which would be placed on top of the raised driveway, whilst it is acceptable this structure would form a noticeable addition to the site, the applicant could erect a 1 metre high boundary fence following the existing contour of the land through their permitted development rights. As such, it is not considered that the fence, given its minimal height and that of the raised driveway towards the front boundary, would result in an impact significantly different to the fall-back position.

The objectors also raised concern in relation to the potential impact the proposed boundary fencing along the side of the property would have upon the character of the street scene. Whilst it has been noted that the area of fencing to the front of the neighbouring property, No.20, would be internally boarded only, leaving the framework visible from the highway at Manor Hill which is not ideal, the fencing along this area is proposed to respect the 2 metre permitted development allowance for boundary treatments between neighbouring properties.

An objector also raised concerns in relation the appearance of the fixed canopy at the rear of the property due to its construction using galvanised steel columns. Whilst it is acknowledged that the use of steel columns within a domestic setting is uncommon, it is not considered that the development would adversely impact upon the character and appearance of the application property which has been previously extended to a modern appearance. In addition, with this structure located to the rear of the property, it will be largely screened from public viewpoints and would therefore not adversely impact upon the character and appearance of the street scene.

Although the rear boundary fence does form a visible feature from the immediate neighbouring properties at Manor Hill, the area of fencing replaces a large conifer hedge that was previously located along the boundary. As such, whilst the objector's comments in this respect are noted, it is not considered any visual impact would be greater than the previous situation. It should also be noted that the proposed height of 2.1 metres is only 100mm above the parameters provided by permitted development.

In relation to the proposed porch extension, this would represent a sympathetic and subservient addition to the property which respects the design and dimensions of the existing porch canopy. As such, it is not considered to have any adverse impact upon the character and appearance of the area.

Therefore, in conclusion, when considering the cumulative effect of the works proposed within this application and those undertaken as part of the previous application (17/0259/10) which saw the dwelling extended and altered in appearance, it is accepted the end result would create a dwelling which shares little resemblance to its original form. Nevertheless, when taking the above points into account, it is not considered that the proposals will detract from the character or appearance of the area or result in harmful impact to the visual amenity of the street scene. As such the scheme is considered acceptable in this regard.

### **Impact on residential amenity and privacy**

The objector's raise a number of concerns in relation to overlooking from the raised area towards the rear of the garden and the increased width and height of the rear raised patio. Whilst it is acknowledged that the proposal does create opportunities for overlooking of the adjacent properties, when considering the presence of the existing raised patio at the rear of the application property and the existing opportunities for overlooking between the application property and adjacent neighbours created by

differences in levels between the sites, it is considered that a mutual level of overlooking already exists and has been long established between both properties. As such it is not considered the raised rear garden or extended raised patio would exacerbate existing levels of overlooking to a degree that would warrant refusal of the application. In addition, the area of the garden which has been raised would be laid to lawn once completed which would push activity towards the rear raised patio which is largely existing. Additionally, whilst this area has been extended in width by 1.8 metres, the raised patio is proposed to include a 1.5 metre high privacy screen towards the boundary with No.20 to alleviate some of the potential overlooking impact. Furthermore, the increased fence height of 2 metres along the side boundary of the properties would provide additional screening from these areas. Consequently the existing privacy situation between the application property and those either side would be improved. Furthermore, given the location of the proposed 2.1 metre high fence along the rear boundary of the site, the neighbouring property to the rear, No.8, which is sited lower ground level, would be largely screened from view from the raised patio and garden level.

Any potential overbearing impact would be associated with the raised patio which includes a privacy screen along one side and the covered canopy along its other side. However, as the raised canopy would only consist of 2 no. rear pillars with open elevations, it is not considered that it would result in a significant degree of overbearing impact upon the adjacent dwelling, No. 22. Furthermore, whilst the proposed privacy screen would form a visible feature from No. 20, given its overall height of only 2.6 metres above the original garden level, this feature would be largely screened by the proposed 2 metre high boundary fencing.

Comments were received from the objectors stating that the 2 metre high boundary fencing would result in an overbearing impact the adjacent properties. Whilst some impact may occur, the fences would be within the permitted development limits.

Taking the above into account, whilst the proposal would result in some overlooking of the neighbouring property No.20 Manor Hill, and a degree overbearing impact, it is not considered any potential impact would be significant enough to warrant refusal of the application. The application is therefore considered acceptable in these respects.

### **Other points raised by the objectors not covered above**

An objector has commented that they do not believe the applicant will build in accordance with the submitted plans if the application is approved. Whilst this point is noted, Members are advised that an Officer has been out to the site and that everything that has already been constructed complies with the submitted. Furthermore, any elements of the scheme that have not yet been completed would have to comply with the details/plans submitted and any elements that do not, may be subject to enforcement action. In addition, whilst the comments received also raise concerns that the development does not represent the previous levels of the rear

garden, as large parts of the development have commenced it is not possible to attain accurate measurements of the previous levels. As such, the development has been assessed from the levels currently present at the site.

Also raised by an objector was concern that the proposed covered canopy could be utilised as a raised terrace given the presence of an existing Juliet balcony at the rear of the dwelling. Whilst these points are acknowledged, the proposed development does not propose any use for this area. Nevertheless, a condition is suggested below that would restrict this area from being utilised for any purpose other than maintenance/escape.

### **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 acknowledged that the development does propose a large number of works to a property which has already been significantly altered in appearance, 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**

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
  - Proposed Plans
  - Western Elevation with fence details
  - Proposed Garden Plans
  - West Elevation
  - (G950ID) Garden Fireplace

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.

2. Under no circumstance whatsoever shall the flat roof of the canopy hereby approved be used as a roof top terrace/patio or similar private outdoor



amenity space. The roof top shall only be accessed for maintenance/escape purposes.

Reason: In the interests of the residential amenity and privacy of neighbouring properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.