



PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1416/10 (LJH)
APPLICANT: Mr R Everett
DEVELOPMENT: Retention of garage as constructed (Retrospective)
(Description amended and amended plans received both 26/02/2021).
LOCATION: COED CELYN, TYLA GARW, PONTYCLUN, CF72 9EZ
DATE REGISTERED: 26/02/2021
ELECTORAL DIVISION: Llanharry

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS: The development 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.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Retrospective planning permission is sought for the retention of a detached garage/garden room within the curtilage of Coed Celyn, Tyla Garw, Pontyclun.

Planning permission was previously granted (18/1127/10) for a detached garage and separate detached garden room at the site. This was subsequently amended via a non-material amendment application (19/0159/39) to join the two structures together and change the roof from a hipped to gable design. However, the structure has not been built in accordance with the approved plans and therefore this new full application has been submitted to retain the entire building as constructed.

The garage/garden room has been sited along the rear boundary of the garden measuring a total of 30 metres in width by 7 metres in depth. It has a pitched roof design measuring a maximum of 5.8 metres in height sloping to 2.6 metres at the eaves. The roof incorporates 3 no. dormer windows and 4 no. rooflights within the front

roof slope serving the first floor attic space. The dormers each measure 1.8 metres in width by 1.96 metres in height, projecting a maximum of 2.44 metres.

The building has been finished with render and roof tiles to match the main dwelling and includes 3 no. garage doors and 2 no. sets of bi-fold doors to the front elevation. There are no windows or doors located within the rear or side elevations.

Members are advised that amended plans were submitted on 26/02/21 which removed an internal staircase between the garage section of the building and the first floor attic space. The applicant noted that the first floor would be used as loft storage space only.

The previously approved plans, following the non-material amendment, proposed a garage/garden room also measuring 30 metres in width by 7 metres in depth, however the pitched roof did not include any dormers or rooflights only measured a maximum of 4.9 metres in height. Therefore, the outbuilding that has been constructed has seen an increase in height of 0.9 metres from that originally approved, as well as the addition of the dormer windows and rooflights.

SITE APPRAISAL

The application site is located off the main road through Tyla Garw and consists of a detached dormer bungalow and its amenity space. The property has been externally finished with painted render, facebrick, concrete roof tiles and uPVC windows and doors. The plot is irregular in shape and falls from front to back. The site is bound by Tyla Garw Cottage to the south-west, which differs in scale and design to the application property but shares a similar relationship in terms of ground levels; and by a service lane to the rear beyond which are several dwellings located along the residential street, Llwyn Onn. An overhead power line crosses the rear garden.

PLANNING HISTORY

The most recent planning history relating to the application site is:

19/0159	Coed Celyn, Tyla Garw Tyle Garw, Pontyclun	Non-material amendment sought for garage and sunroom joined and removal of hip roof.	Granted 11/03/2019
18/1127	Coed Celyn, Tyla Garw Tyle Garw, Pontyclun	New detached garage and garden room.	Granted 17/01/2019
07/1722	Coed Celyn, Tyla Garw Tyle Garw, Pontyclun	Alterations and extensions (including the insertion of dormers and raising the roof level) to provide additional accommodation.	Granted 06/11/2007

PUBLICITY

The application has been advertised by means of direct neighbour notification. Three letters of objection have been received as a result of this exercise; they are summarised as follows:

- The structure has not been built in accordance with the approved plans.
- It is monstrous and overpowering, it has affected the light and views of the properties to the rear at Llwyn Onn.
- Construction has taken place at all times of the day with the suggested working hours not being followed.
- There is concern that the building will be used for commercial or residential use.
- The Applicant has taken advantage of the COVID-19 pandemic to construct a different structure to what was approved knowing that inspections would be delayed.
- If the original application had included the raised roof space, dormers, and windows, would it have been granted planning permission in the first place?
- Concern is raised with regards to the impact upon the retaining wall along the rear boundary of the site.
- Concern is raised with regards to possible drainage issues from the large roof.
- Concern is raised regarding the proximity of the roof to the overhead power cables.
- There is also concern that the applicant may land grab the adjacent footpath.
- There is concern that the development may negatively impact upon house values of properties to the rear in Llwyn Onn.

Following receipt of the amended plans the consultation process was repeated. No further comments have been received.

CONSULTATION

National Grid – No response received.

Flood Risk Management – No objection, SuDs approval required.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Tyle Garw 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.

Supplementary Planning Guidance:

Design and Placemaking
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 11) (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. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

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 retention of an outbuilding to be used as a garage and garden room within the curtilage of an existing residential dwelling that has not been constructed in accordance with the approved plans. Given the residential nature of the

site and the proposed domestic use of the building, the principle of development is considered acceptable, subject to compliance with the criteria set out below.

Impact on the character and appearance of the area

The garage/garden room is sited within the rear garden of the property along the rear boundary of the site and is therefore not visible from the highway at Tyla Garw. The structure is however visible from several of the nearest neighbouring properties in the adjacent streets of Llwyn Onn and Tylegarw Court to the east. Llwyn Onn is separated from the rear boundary of the site by a rear access lane. The garage/garden room follows the rear boundary of the site and due to the difference in ground levels and existing boundary treatments, is only partially visible above the line of the rear fence. Therefore, whilst visible, it is not considered that the structure is overly prominent from the adjacent dwellings or has a significant enough impact upon the character and appearance of the area to warrant refusal of the application. The application is therefore considered acceptable in this regard.

Impact on residential amenity and privacy

The outbuilding has been sited within the rear garden of the application site and has been constructed approximately 1.99 metres below the floor level of the application property due to the changes in ground level at the site, measuring 5.8 metres in height from the lowest ground level. In addition, the application site is well screened from the properties in Llwyn Onn by the existing rear boundary wall and fence, and the appropriately designed roof slopes away from the boundary. Therefore, on-balance, whilst a degree of overbearing impact to the nearest adjacent properties does occur, it is not considered the impact is significant enough to warrant refusal of the application.

With respect to privacy, garage and bi-folding doors have been positioned in the front elevation of the outbuilding only, as previously approved. However, 3 no. dormer windows and 4 no. rooflights have also been constructed on the front roof slope which would result in a degree of overlooking. However, given the scale of the plot and the orientation of the new building, the first floor windows only create views of the application property and its garden space. In addition, the first floor space would be used for general domestic storage only, along with the ground floor garage and garden room. Therefore, it is not considered the building has any undue impact upon the privacy of the neighbouring properties.

It is noted that the objectors raised concerns in respect of the potential use of the garage for commercial purposes or as a separate residential dwelling. Whilst the comments are acknowledged, the applicant has detailed that it would be used for domestic storage in association with the existing dwelling only. As such the application has to be considered on that basis alone. However, if Members are minded to approve the application, it is suggested a condition be added to the permission to ensure that the structure is retained as such in future to ensure this is the case.

With the above in mind, whilst it is accepted the structure is large in terms of scale and height, it is generally considered to be acceptable in terms of the impact it has upon the residential amenity of the nearest neighbouring properties, and as such, is

considered to accord with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Other issues raised by objectors

One of the objectors raises the issue of the overhead power lines. National Grid were consulted as part of the application process however no response has been received. It is noted however that the building is well below the height of the power lines and that many other larger structures have also been constructed beneath them in the immediate locality and that there is space around the building for access should it be required. As such it is not considered the siting of the building below the power lines would be a reason for refusing the application.

Concern was also raised with regard to drainage at the site, however, the Council's Flood Risk Management Section were consulted and raised no objection. It was noted that the structure would require separate SuDs approval but that this cannot be gained retrospectively, however a suitable scheme could be implemented on site. It is therefore considered a condition would be appropriate requiring the site drainage arrangements to be submitted to and approved by the LPA before beneficial use of the structure.

One of the objectors raised concern with regards to impact upon the retaining wall along the rear boundary of the application site. Whilst this concern is acknowledged, it is not a material planning consideration and would be subject of separate Building Regulations approval.

Another concern raised was that the applicant has taken advantage of the COVID-19 pandemic to 'get away' without constructing the building in accordance with the approved plans. Whilst this concern is acknowledged, it is not a material consideration and following investigation this retrospective application has been submitted in an attempt to retain the structure.

Concern was also raised that the applicant may try to acquire land that is not within his ownership. Members are advised that the garage is wholly within land under the ownership of the applicant and that any future land acquisition/s that may or may not occur are not material to the determination of this application.

With regard to a neighbours' concern that the development could impact upon house values in Llwyn Onn and Tylegarw Court, this is not a material planning consideration and therefore cannot be taken into account during the consideration of the 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 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.

The CIL (including indexation) for this development is expected to be £21,631.26.

Conclusion

It is not considered the building has 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

1. The development hereby approved shall be carried out in accordance with the approved plan nos. 20202110-01, 20202110-02, 20202110-03, and documents received by the Local Planning Authority on 15/12/2020 and 26/02/2021, 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. Within 3 months of the date of this consent details of a scheme for the disposal of foul and surface water shall be submitted to and agreed in writing by the local planning authority. The drainage scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, neighbouring properties, environment, and existing infrastructure arising from inadequate drainage in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

3. The use of the garage hereby approved shall at all times be restricted to purposes normally associated with a domestic use. No trade or business use 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 and amenity of local residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.