

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
16 JANUARY 2014**

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No.4 (i)

**SITE MEETING - APPLICATION NO.
13/1031 - RAISED PATIO
(RETROSPECTIVE), 16 BASSETT
STREET, ABERCYNON, MOUNTAIN ASH.**

Author: J Nicholls – Committee Services

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To refuse the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No.143 (Development Control Committee, 5 December 2013) a site inspection was undertaken on Monday, 16 December 2013 to consider the impact of the proposal upon the amenity of residents in the surrounding locality.
- 3.2 The meeting was attended by the Chairman of the Development Control Committee County Borough Councillor R. B. McDonald and County Borough Councillor P. Jarman together with the Local Members for Abercynon, County Borough Councillor A. L. Davies and R. Lewis. An apology of absence was received from the Vice-Chairman of the Development Control Committee County Borough Councillor W. D. Weeks.
- 3.3 Members viewed the application site and were informed by the Development Control Officer that the key considerations in respect of the proposal are the visual impact and the impact the development has upon

- the amenity and privacy of neighbouring residential properties. The Planning Officer confirmed that one letter of objection has been received in respect of the application, from the owners of the adjoining property at number 15 Bassett Street, stating that the proposal overlooks their property.
- 3.4 Members were advised by the Planning Officer that there was significant concern regarding the visual impact the raised patio would have on the surrounding area, in particular upon the neighbouring property at number 15 Bassett Street, owing to its scale and height which was considered to be inappropriate and excessive.
- 3.5 The Planning Officer acknowledged that the amenity space to the rear of all the properties within the terrace is sited below the ground level and subsequently a number of raised terraces have been created to overcome this issue without planning permission. However, it was noted that few extend as far as the rear annexe at number 16 Bassett Street and for this reason the application is recommended for refusal.
- 3.6 Members viewed the application site to appreciate the size and scale of the development.

Appendix 1

APPLICATION NO: 13/1031/10 (MF)
APPLICANT: Mrs J Walsh
DEVELOPMENT: Raised Patio (Retrospective)
LOCATION: 16 BASSETT STREET, ABERCYNON, MOUNTAIN
ASH, CF45 4SP
DATE REGISTERED: 14/10/2013
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: Refuse

REASONS:

The scale, design and height of the raised patio area is considered to have an unacceptable detrimental impact upon the residential amenity and privacy of the adjoining neighbouring properties. As such, the scheme is contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

APPLICATION DETAILS

Retrospective planning permission is sought for the construction of a raised patio area to the rear of 16 Bassett Street, Abercynon.

The concrete block structure projects 3.7 metres from the rear of the single storey annex, is 2.6 metres in width, and 1.5 metres in height. It is proposed a 1 metre high timber balustrade be sited above to enclose the structure.

This application has been reported to Committee on the request of Councillor Lewis to discuss the impact of the scheme upon the amenity of residents in the surrounding locality.

SITE APPRAISAL

The application property is a typical mid-terraced dwelling located within a residential area of Abercynon. The surrounding area is characterised by a series of linear arrangements of terraced dwellings all of a similar design and scale, fronting the footway. A linear terraced garden is sited to the rear that falls away from the property. A single storey annex and a raised patio area (the subject of this application) are sited here.

PLANNING HISTORY

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

PUBLICITY

The application has been advertised by means of direct neighbour notification. One letter of objection has been received from the occupiers of the adjoining property 15 Bassett Street making the following comments (summarised):

- Given its scale and height, the raised patio area directly overlooks the rear of no. 15 and its rear amenity space.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Abercynon, 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.

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 Chapter 4 (Planning for Sustainability), sets out the Welsh Government's policy on planning issues relevant to the determination of the 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 a raised patio area within the rear amenity space of an existing residential property and the principle of the development is therefore acceptable, subject to the criteria identified below.

Visual Impact

The raised patio area is in excess of the height of the original amenity space and boundary walls. Measuring 2.6 metres in width by 3.7 metres in depth and with an overall height of 1.5 metres, the structure represents an unsympathetic form of development that is highly visible from the rear of the neighbouring properties. Such development of this excessive and elevated scale, together with the extent of the proposed balustrade necessary to secure it, results in an overly dominant and visually intrusive feature that is readily apparent in views from neighbouring properties. Furthermore, the use of inappropriate construction materials that do not match the existing dwelling further adds to the inharmonious nature of the structure in the locality.

It is however acknowledged the amenity space to the rear of all properties within the terraced row is sited below the ground level of the dwellings and that a number of raised terraced areas have been created in the locality to compensate for this. Therefore, despite the above concern regarding the design and scale of the development, on balance, it is not considered the structure has a significant enough impact upon the character and appearance of the locality to warrant refusal of the application on this reason alone. However, it should also be noted that very few of the surrounding examples project beyond the rear annexes and that none of the surrounding structures benefit from planning permission.

Residential Amenity

Further concerns are raised with regard to the impact the development has upon the amenity and privacy of neighbouring residential properties. An elevated patio of this height, scale and siting is considered inappropriate and presents an

adverse impact on the privacy and general amenity enjoyed by neighbouring properties. The patio is sited in close proximity of the boundaries of the application site and the neighbouring residential properties directly overlooking their rear amenity space resulting in a complete loss of privacy. It is accepted that some overlooking would have occurred from the existing arrangement on site whereby the garden is terraced in nature, however, it is noted that this area is at a much lower level than the elevated patio which is elevated above the boundary walls of the site.

Consequently, it is considered the siting and elevated position of the patio forms a source of nuisance and disturbance, resulting in a detrimental loss of privacy and amenity to the adjacent neighbouring properties. As such, it is considered the patio is an un-neighbourly form of development that has a significant adverse impact upon the residential amenity and privacy levels previously enjoyed by the surrounding neighbours and is therefore considered contrary to both local and national planning policy in this regard.

Conclusion

It is considered the development by virtue of its scale, design and height results in an excessive form of development that has a significant detrimental impact upon the residential amenity of the neighbouring properties. As such, the application is considered to be contrary to the relevant policies of the Local Development Plan (Policies AW5 and AW6).

RECOMMENDATION: Refuse

1. The development, as a result of its scale, design and height has an unacceptable detrimental impact upon the residential amenity of the immediate neighbouring properties arising from overlooking and loss of privacy. As such, the proposal is contrary to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

As amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

16 JANUARY 2014

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING

**APPLICATION NO. 13/0131 – RAISED PATIO (RETROSPECTIVE), 16
BASSETT STREET, ABERCYNON, MOUNTAIN ASH**

Minute No.143 (Development Control Committee, 5 December 2013)

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