

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE**

6 MARCH 2014

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

Agenda Item No.4(i)

**SITE MEETING
APPLICATION NO. 13/0912 – DETACHED
DWELLING WITH REAR PARKING –
LAND ADJACENT TO 15 JESTYN
STREET, PORTH**

Author: Mrs.Z.Maisey, Principal Officer, 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 approve the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No.178(1) (Development Control Committee, 6 February 2014) a site inspection was undertaken on Friday, 14 February 2014 to consider the impact of the proposed development on the character of the area and highways concerns.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillor R.B. McDonald and D.Weeks respectively) and County Borough Councillor E.Webster in consultation with the Local Members for Porth, County Borough Councillors (Mrs) M.E.Davies and G.Smith.
- 3.3 Members inspected the site and were informed by the Development Control Officer that full planning permission was being sought for a large four bedroom with a basement granny flat. The Development Control Officer pointed out that the site benefits from consent for a similar, albeit

smaller, single dwelling that did not include the granny flat in the basement level.

- 3.4 Members noted that the proposed dwelling would be located at the front of the site, set back from the footway of Jestyn Street and would consist of a large two storey dwelling with a sub-basement level to the rear and a hard standing area accessed from the rear lane for parking purposes. The remainder of the rear area would form a small garden amenity area. The Development Control Officer considered that the proposed dwelling could be accommodated at the site without leading to over development and would make a productive use of the land that would be in keeping with surrounding land uses.
- 3.5 Members also noted that the application represented a modest increase in the size of the previously approved dwelling at the site. It was acknowledged that there was additional accommodation with the basement granny flat but this was considered to take advantage of the sloping nature of the site and would not have an adverse impact on the area.
- 3.6 The Transportation Officer confirmed there was no objection to the application subject to conditions requiring additional details for submission and approval in relation to the access and parking arrangements and the footway to service the development; the restriction of surface water run-off onto the highway and a scheme for traffic management and wheel washing facilities.

APPENDIX 1

APPLICATION NO: 13/0912/10 (BJW)
APPLICANT: Mr D James
DEVELOPMENT: Detached dwelling with rear parking.
LOCATION: LAND ADJACENT TO 15 JESTYN STREET, PORTH.
DATE REGISTERED: 05/09/2013
ELECTORAL DIVISION: Porth

RECOMMENDATION: Approve.

REASONS:

The proposal would make productive use of a disused site that would be in keeping with surrounding land uses and of a scale and design that would be sympathetic to the character of the area and not cause harm to the amenities of neighbouring properties.

APPLICATION DETAILS

Full planning permission is sought for a large four bedroom dwelling with a basement granny flat on land adjacent to 15 Jestyn Street, Porth, Rhondda.

The dwelling would be located at the front of the site, set back from the footway of Jestyn Street. The property would consist of a large two storey dwelling with a sub-basement level to the rear and a hard standing area accessed from the rear lane for parking purposes. The remainder of the rear area would form a small garden amenity area.

The property would measure 10.1m in width by 13m in depth by 5.1m in height to the eaves, 8.1m in height to the ridge of the roof as viewed from Jestyn Street and would be finished in fine down render with brick detailing and a reconstituted slate roof.

Accommodation would consist of a hall, lounge, sitting room, W.C., utility room and kitchen at ground floor; 3 bedrooms, 1 with en suite bathroom and a bathroom at first floor and a living room, kitchen, bathroom and bedroom with a dressing room at sub-basement level. The sub-basement level would serve as a granny flat to the main dwelling.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the proposal would respect the character and appearance of the area and would complete the street scene of

Jestyn Street with a large property of a design that is in keeping with and sympathetic to the character and appearance of the area.

Permission was previously granted for a smaller, detached property at the site, by virtue of application 11/0582/10. The approved dwelling did not include the sub-basement granny flat.

SITE APPRAISAL

The site is a vacant plot of land measuring 0.03 hectares situated to the west of and adjoining no. 15 Jestyn Street. The site is at the end of the street, however to the north-west of the site is a modern, single detached dwelling.

The application site slopes down to a rear lane along its southern boundary and appears to be un-maintained, covered with overgrown grass and ground flora.

The site is bound by the side of no. 15 Jestyn Street (a typical two-storey Valleys terrace) to the east, a rear lane to the south, an informal footpath and the new dwelling to the west and Jestyn Street to the north.

The wider area is dominated by typical, Victorian valleys terraces and the relatively steep hillside this part of Porth occupies. In addition to the terraces there is fairly modern dwelling situated to the west of the site known as Ty Ceiriosen.

PLANNING HISTORY

07/1859: Refused 11/02/08	Land at top of Jestyn Street, Mount Pleasant, Porth	3 No Detached Houses, site access road and provision of turning facility.	
11/5050 Objections 16/02/11	Land adj. to 15 Jestyn Street, Mount Pleasant, Porth	Dwelling	Raise
11/0582 28/07/11	Land adj. to 15 Jestyn Street, Porth.	Proposed detached Dwelling with rear parking.	Grant

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. Four responses have been received which includes 3 letters from individuals and a petition signed by 48 signatories.

The petition states that complaints are raised by the signatories for the following reasons:

- The proposed property is now higher than the house next door;
- It is considerably larger than the house next door;
- The depth of the building now exceeds the building line of the row of houses;
- There are major concerns over the access to the property which is through a small lane, this lane was never intended to be used as a main access route;
- There are concerns over the surface water drainage and
- There is insufficient information on the documents provided on the planning forms.

The three individual letters raise the following additional issues:

- Concerns over the structural integrity of their property due to the building works as the land has been undisturbed in 50 years.
- Loss of sunlight from the back of my house (15 Jestyn Street). This will also affect my plans to install solar panels.
- Safety during the construction period, particularly from construction traffic.
- The house is out of character with the rest of the street.
- The rear parking is unlikely to be used.
- Our house was designed to maximise solar gain and reduce our carbon footprint. The size and location of this property will interfere with this arrangement.
- The proposal is too large for the site and leaves no room for a garden or landscaping.

CONSULTATION

Transportation Section – no objection, subject to conditions.

Land Reclamation and Engineering – no objection, subject to conditions.

Public Health and Protection – no objection, subject to conditions.

Dwr Cymru Welsh Water – no objection, subject to conditions.

POLICY CONTEXT

The site is within the settlement boundary and unallocated.

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth.

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.

Policy AW8 - only permits development where it would not cause harm to features of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (development plans)

Chapter 3 (making and enforcing planning decisions)

Chapter 4 (planning for sustainability)

Chapter 9 (housing)

Planning Policy Wales Technical Advice Note 12 Design

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

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 development site is within the defined settlement boundary where development is considered to be acceptable subject to compliance with other policies within the Local Development Plan. The site also benefits from consent for a similar, albeit smaller, single dwelling that did not include the granny flat in the basement level. Consequently, it is considered that the principle of using the site for residential purposes has been established by the previous consent and is acceptable.

It is considered that the dwelling could be accommodated at the site without leading to over development and that the proposal would make a productive use of the land that would be in keeping with surrounding land uses.

Character and Appearance of the area

The area is characterised by traditional terraced housing and the occasional modern, new-build house. It is considered that the site would represent a “rounding-off” opportunity and effectively finish off this end of the street.

It is considered that the design of the property takes its influence from the existing terrace properties within the area in terms of its design. Although the property is large, it is only marginally higher (0.5m) and 2.4m longer than the previously approved dwelling at the site. The ridge height from Jestyn Street is 8.1m and is also shown as only 0.6m higher than the adjacent property No.15 Jestyn Street. It is acknowledged that the proposal also has additional accommodation, by way of a “granny flat” in the basement level, however, it is considered that this has regard to the levels of the site, which are lower at the rear.

It is considered that the property is of an acceptable design and scale in terms of its street frontage and is sympathetic to the character and appearance of the area in this regard.

In terms of the rear, 3-storey aspect, it is considered that this takes account of site conditions and is of a visually acceptable design that is similar to the rear of properties within the area that have all been extended.

Therefore, it is considered that the proposal is respectful, sympathetic and acceptable in terms of the character and appearance of the area.

Impact on amenities of neighbouring properties

The site represents an infill plot that would have a close relationship with existing neighbouring properties due to the densely built-up urban form of this area.

Having regard to the layout, scale and design of the property and its relationship with surrounding dwellings it is considered that the marginal increase in the height of the property would have little additional impact on neighbouring properties.

In terms of the length of the property, particularly the rear projection, it is considered that the increase of 2.4m in length from the previously approved dwelling would affect only two rear facing windows of the neighbouring property and would not affect the majority of sunlight due to the orientation of the site (south facing). Consequently, it is considered that this increase in the context of the overall site would not have an unduly adverse impact on the neighbouring property that would warrant refusal of the application.

With regard to the surface water drainage, and indeed all drainage matters, these requirements could be adequately addressed through the imposition of conditions as suggested by the Council's Drainage Section.

It is acknowledged that concerns have been raised regarding the vehicular access to the proposed parking area however, these arrangements are the same as the previously approved scheme and have been assessed by the Council's Transportation Section and are considered to be acceptable, subject to conditions.

It is also considered that there are sufficient details submitted in relation to the application to allow a determination to be made.

Concerns with regard to the structural integrity of the land and the effect on neighbouring properties are noted. It is normal in applications of this nature for a geotechnical report to be required which would investigate the ground conditions and recommend any measures needed to ensure the proposal is safely developed. It is considered that such a condition would address these concerns.

Similarly, in terms of the access for construction traffic it is inevitable that there would be potential difficulties for large vehicles accessing this site due to the surrounding highway network and this requires careful management. This has been recognised by the Council's Transportation Section which has recommended that a traffic management plan with wheel washing facilities be agreed for the development.

With regard to the concerned of loss of solar gain from the new property to the north of the site, Ty Ni, it is considered that this house is located at an elevated position above the proposed dwelling and the small increase in height of 500mm would not have a significant impact in this respect.

Consequently, having regard to the issues above it is considered that the proposal is acceptable.

Highway safety

The Transportation Section has raised no objection to the application. This view is subject to conditions requiring additional details for submission and approval in relation to the access and parking arrangements and footway to serve the development; the restriction of surface water run off onto the highway and a scheme for traffic management and wheel washing facilities.

It is considered that these conditions would be reasonable and necessary and that the scheme is acceptable in highway safety terms.

Other issues

Representations were received that the applicant did not own or control all of the land on which the application was submitted. As Members will be aware, it is possible to apply for permission on land within the ownership of a third party, providing that the necessary declaration is made and the interested parties are notified.

However, the applicant has submitted evidence that they are the sole owner of the land outlined in red in the application details and therefore the application is valid in this respect.

Conclusion

The application represents a modest increase in the size of the previously approved dwelling at the site. It is acknowledged that there is additional accommodation with the basement granny flat but this is considered to take advantage of the sloping nature of the site and would not have an adverse impact on the area.

Consequently, the application is considered to comply with the relevant policies of the Local Development Plan in respect of the issues outlined above (and in accordance with policies AW5, AW6, AW8 and AW10).

RECOMMENDATION: Grant

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. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning

Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no windows or roof lights (other than any hereby permitted) shall be installed above ground floor ceiling height without the prior express permission of the Local Planning Authority.

Reason: To safeguard the privacy of residents in the locality in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The ground floor granny flat hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby approved.

Reason: The site would be unacceptable for an additional independent residential unit due to the lack of sufficient amenity space in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. Construction works on the development shall not take place other than during the following times:
 - a) Monday to Friday 0800 to 1800 hours;
 - b) Saturday 0800 to 1300 hours;
 - c) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate disposal of found and surface water drainage in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. The dwelling hereby approved shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit

under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

12. Unless otherwise agreed in writing by the Local Planning Authority, construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

13. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

14. The dwelling shall be occupied until space has been laid out within the site for three cars to be parked in accordance with the submitted plan number hdw/ph/dj.002 and approved by the Local Planning Authority and that area shall not thereafter be used for any other purpose other than the parking of vehicles.

Reason: To ensure that vehicles are parked off the highway, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

16. Development shall not commence until details of the vehicular access including tie in with adopted rear lane have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

Reason: In the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. The existing footway fronting Jestyn Street shall be improved and surfaced in full flexible footway construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

Reason: In the interests of pedestrian safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

18. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

6 MARCH 2014

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING

**APPLICATION NO. 13/0912 – DETACHED DWELLING WITH REAR PARKING
– LAND ADJACENT TO 15 JESTYN STREET, PORTH**

Minute No.178(1) (Development Control Committee, 6 February 2014)