

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE**

5 FEBRUARY 2015

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

Agenda Item No.5

**SITE MEETING
ENFORCEMENT OF PLANNING
CONTROL
APPLICATION NO.13/00297 – 2
ORCHARD DRIVE, ROBERTSTOWN,
ABERDARE**

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 enforcement matter and to consider the recommendation of the Director, Regeneration & Planning as outlined in Appendix 1.

2. RECOMMENDATION

In accordance with the recommendation of the Director, Regeneration & Planning to initiate enforcement action under the provisions of Section 172 of the Town and Country Planning Act 1990 to secure the removal of the decking and hardstand from the land and to re-instate the land as a grass verge; and to institute legal proceedings pursuant to Section 179 of the Town and Country Planning Act 1990 in the event of non-compliance with the notice.

3. BACKGROUND

3.1 In accordance with Minute No.135 (Development Control Committee, 18 December 2014) a site inspection was undertaken on 16 January 2015 to consider the impact of the unauthorised works that had taken place and to seek clarification of the affects of a retrospective planning application.

3.2 The meeting was attended by the Chairman of the Development Control Committee (County Borough Councillor G.Stacey) and Committee Members - County Borough Councillors (Mrs) L.De Vet, P.Jarman,

R.Lewis, S.Rees and G.Smith. Non-Committee/Local Members – County Borough Councillors A.Crimmings and J.Davies was also in attendance.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors L.M.Adams, J.Bonetto, M.Griffiths, (Mrs) S.J.Jones, S.Powderhill, G.P.Thomas, (Mrs) J.S.Ward, P.Wasley and E.Webster.
- 3.4 Members viewed the unauthorised works that had been undertaken on the grass verge situated opposite No.2 Orchard Drive which comprised of a timber deck with a balustrade and rope enclosure and raised hardstand (approximately 450mm high) which had a stone aggregate finish.
- 3.5 Members noted that the area of land in question was within the ownership of the owner of No.2 but was segregated from the front garden by a private access road which served all five properties in Orchard Drive. The grass verge runs parallel to the private access road to the front of the properties and when the houses were constructed in 2002, it served as amenity space.
- 3.6 The Enforcement Officer gave her views on the impact of the unauthorised development on the character and appearance of the area and on existing residential amenity and privacy.
- 3.7 Members noted that although the owners of the land had enquired about submitting a retrospective planning application for the retention of the decking, they had not done so.

APPENDIX 1

RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

<p>DEVELOPMENT CONTROL COMMITTEE 18 DECEMBER 2014</p> <p>REPORT OF: DIRECTOR OF REGENERATION AND PLANNING</p>	<table border="1"><thead><tr><th data-bbox="1008 480 1383 558">Agenda Item No.8</th></tr></thead><tbody><tr><td data-bbox="750 558 1383 940"><p>ENFORCEMENT OF PLANNING CONTROL – APPLICATION NO: 13/00297 - 2 ORCHARD DRIVE, ROBERTSTOWN, ABERDARE</p></td></tr></tbody></table>	Agenda Item No.8	<p>ENFORCEMENT OF PLANNING CONTROL – APPLICATION NO: 13/00297 - 2 ORCHARD DRIVE, ROBERTSTOWN, ABERDARE</p>
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<p>ENFORCEMENT OF PLANNING CONTROL – APPLICATION NO: 13/00297 - 2 ORCHARD DRIVE, ROBERTSTOWN, ABERDARE</p>			

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above mentioned enforcement matter.

2. RECOMMENDATION

That Members resolve to initiate enforcement action under the provisions of Section 172 of the Town and Country Planning Act 1990 to secure the removal of the decking and hardstand from the land and to re-instate the land as a grass verge.

and

To institute legal proceedings pursuant to s.179 of the Town and Country Planning Act 1990 in the event of non-compliance with the notice.

3. BACKGROUND

Following a complaint regarding alleged unauthorised works, a site visit established that a timber deck measuring 3.35 metres in length by 6.35 metres in width with 1.14 metre high pillars had been constructed on a grass verge opposite the dwelling. Although the piece of land is within the ownership of the house owner it is segregated from the front garden by a

road and does not form part of the domestic curtilage. The deck is therefore unauthorised and requires planning permission.

A number of meetings have taken place with the owners and although they enquired about submitting a retrospective planning application for the retention of the decking, they were advised that it is unlikely an application would be favourably supported due to its visual impact on the street scene. They were further advised that this was on a 'without prejudice' basis which did not prevent the submission of the application. Despite a number of requests the owners have yet to resolve the matter.

4. SITE APPRAISAL

The property is one of 5 detached houses located in a cul-de-sac which is accessed from Bridge Street. The area of land concerned is approximately 10m x 15m and forms part of the larger grass verge opposite the cul-de-sac. The north east boundary is characterised by dense trees and shrubs with the land falling to the river and the access road to the cul-de-sac runs along the south west boundary with the front gardens and houses continuing beyond.

5. PLANNING HISTORY

None.

6. CONSULTATIONS

None.

7. POLICY

The application site is within the settlement boundary.

Rhondda Cynon Taf Local Development Plan

Policy AW5 provides criteria for new development in relation to amenity, sustainable design and accessibility.

Policy AW6 states that development proposals will be permitted where they are of a high standard of design, which reinforces local distinctiveness and improves areas of poor design and layout.

Planning Policy Wales

When assessing the expediency of taking enforcement action 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 3 (Making and Enforcing Planning Decisions) and Chapter 4 (Planning for Sustainability), set out the Welsh Government's policy on planning issues relevant to the determination of this matter.

Other relevant policy guidance consulted:
PPW Technical Advice Note 9: Enforcement.
PPW Technical Advice Note 12: Design.

8. 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, development which is not in accordance with relevant policies in the plan should not be allowed, unless it is justified by other material considerations.

Main issues:

Impact on the character and appearance of the area

The site is a prominent open parcel of rectangular grass verge which runs parallel with the access road serving the cul-de-sac. Views into the site are unobstructed from the houses opposite and it is also clearly visible from the access into the cul-de-sac. The works undertaken comprise of a timber deck with a balustrade and rope enclosure and raised hardstand (approximately 450mm high) which has a stone aggregate finish. Domestic garden furniture consisting of tables, chairs and potted plants are also accommodated on the land. The cumulative impact of the works has introduced an unsympathetic form of development into the area which has a simple open natural character and is therefore considered to be unacceptable. The visual impact is also exacerbated by its prominent location and the clearly defined boundary created by the cul-de-sac's access road.

Impact on residential amenity and privacy

Although a small level of overlooking is expected along the access road this would typically be 'in passing'. The timber deck affords a far more intensive use of the land where its use would be throughout the day and for sustained periods of time. The views into the properties opposite are unobstructed and considered to be at an unacceptable level.

Notice requirements and compliance period

Due to the principle of the development being unacceptable and introducing an alien feature within the site, it is considered that its harm will only be overcome by its complete removal and re-instatement to grass verge. The level of works are relatively minor without the need for an expert and a 2 month compliance period is considered to be reasonable.

LOCAL GOVERNMENT ACT 1974

As amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

5 FEBURARY 2015

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING

ENFORCEMENT OF PLANNING CONTROL

**APPLICATION NO.13/00297 – 2 ORCHARD DRIVE, ROBERTSTOWN,
ABERDARE**

Minute No.135 (Development Control Committee, 18 December 2014)

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