

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

	Agenda Item No. 10
--	---------------------------

**DEVELOPMENT CONTROL
COMMITTEE
19 FEBRUARY 2015**

**REPORT OF: SERVICE DIRECTOR
PLANNING**

APPLICATION NO: 14/1145 – RETROSPECTIVE CONSENT FOR DOMESTIC GARAGE ON LAND OPPOSITE NO'S. 16 & 17 ARFRYN TERRACE, TYLORSTOWN
--

1. PURPOSE OF THE REPORT

Members are asked to consider what decision they would have made in respect of the above planning application, which is the subject of an appeal on the grounds of non-determination.

2. RECOMMENDATION

That Members consider the proposed development together with this report and consider the decision they would have made having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Development Control Committee of 6th November 2014 and a copy of the original report is attached as **APPENDIX A**. Following a consideration of the report, Members resolved to defer the application in order to carry out a site visit for the substantial reason to consider the size of the garage, its impact on the surrounding area and highway issues (Minute 105).

A site meeting took place on 19th November 2014 and the application was reported back to Members at the meeting of Development Control Committee on 4th December 2014 (**APPENDIX B**).

Following consideration of the proposal, it was resolved to defer the application to enable the Service Director, Planning to consult with the Applicant on a reduction of the height and width of the garage to bring it more in line with the original plans previously approved (planning application reference: 14/0092) (Minute 126).

Since the Development Control Committee on the 4th December 2014, the Council has received an appeal from the applicant against the non-determination of the application. The Council therefore cannot determine

this application but Members are required to indicate how they would have determined the application if it was reported back to the Development Control Committee with no further revision. This decision will be conveyed to the Planning Inspectorate and used as the basis for the Council's case at appeal.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31st December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

5. UPDATED RECOMMENDATION

The merits of the planning application are considered in full in the original committee report (reproduced as **APPENDIX A**). Members are requested to note that it was proposed to reduce the height of the garage from 3.6 metres to 3.4 metres and on that basis, it was not considered that its impact would be so significant to warrant its refusal. It is therefore recommended that Members agree that it would have resolved to approve the application.

APPENDIX A

APPLICATION NO: 14/1145/10 (KL)
APPLICANT: Mr Paul Robbins
DEVELOPMENT: Retrospective consent for domestic garage
LOCATION: LAND OPPOSITE 16-17 ARFRYN TERRACE,
TYLORSTOWN, CF43 3DR.
DATE REGISTERED: 11/09/2014
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: Approve

REASONS:

Although a number of objections have been received, the visual impact of the proposed garage and its impact on the amenity and privacy of neighbouring properties are not considered sufficiently harmful to warrant its refusal.

APPLICATION DETAILS

Full planning permission is sought for the construction of a domestic double garage on land opposite 16 and 17 Arfryn Terrace, Tylorstown.

The proposed garage would measure 7.9 metres in width by 9.67 metres in depth and would incorporate a monopitch roof measuring a maximum of 3.4 metres in height. It would have two vehicular access doors within the front elevation which would provide access for a car and a motor home off Arfryn Terrace. The garage would be finished externally with render with a box profile sheeting roof and steel doors to the front elevation.

The application is a resubmission of a previously approved application for a garage measuring 7.6 metres in width by 8.5 metres in depth with a maximum height of 3.4 metres. The garage was built slightly larger than the dimensions approved and has therefore resulted in the submission of the current scheme. The current proposal seeks to regulate the width and depth of the garage as it has been built. Whilst the height of the garage as currently constructed extends to 3.6 metres, it is proposed that the height would be reduced to measure that which was previously approved (3.4 metres).

The application is accompanied by the following:

- Design and Access Statement

SITE APPRAISAL

The application site is located within a residential street in Tylorstown. It is set within a row of existing garages along the north-eastern side of the road and is at road level

with Arfryn Terrace. The garages vary in both scale and design with no set building line visible within the row. There are a number of residential properties on the other side of the road to the south-west of the site which are set back and up from the road by a small garden area. The rear of the site is at a higher ground level to properties in Hendrefadog Street to the north-east, however, an unmade lane lies between the rear of the site and the rear gardens of those properties. The site is located within the boundary of the Rhondda Historic Landscape and is currently occupied by two domestic garages which are to be demolished.

PLANNING HISTORY

14/0092	Land opposite 16 & 17 Arfryn Terrace, Tylorstown	Domestic garage for a private car and motor home (Amended plans received 10 th March 2014)	Granted 09/04/14
13/1064	Land opposite 16 & 17 Arfryn Terrace, Tylorstown	Domestic garage for a private car and motor home	Refused 20/12/13

PUBLICITY

The application has been advertised by means of direct neighbour notification and a number of site notices. Two letters of objection and a petition of 12 signatures have been received from the occupiers of surrounding properties which are summarised as follows:

- The applicant has not complied with the plans submitted.
- The garage is totally out of proportion to any of the existing garages and forms a blot on the landscape of the street.
- The garage has been built substantially larger than that approved.
- A garage has previously been refused at the site due to its proposed mass, bulk and height forming an unsympathetic addition within the street scene.
- The current garage is incongruous, un-neighbourly and has a detrimental impact on the character of the street.
- The garage will impact on the property values of the street.
- The garage will set a precedent for others.
- The garage is proposed to house a motor home and there is concern that access may be restricted for such a large vehicle due to cars being parked outside the properties opposite.
- The garage has been built with a 6 inch gap between the adjacent garages and this is considered to be un-neighbourly.
- The intention to add a noisy roller shutter door will have a detrimental impact on those living closest.
- The height and width of the garage raises concerns with regard to the uses to which it could be put by both present and future owners.

CONSULTATION

Highways – raise no objection subject to two conditions being added to the consent.

Countryside and ecology – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Tylorstown 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 the construction of a domestic garage within the settlement boundary and the principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

As mentioned previously, the current application seeks to regulate a garage which was built larger than approved under a previous application (14/0092). The garage has been built to measure 7.9 metres in width by 9.67 metres in depth which is 0.3 metres wider and 1.17 metres deeper than what has already been approved. The proposed garage is sited within a row of garages along Arfryn Terrace and whilst it is acknowledged that the structure is larger than others within the row, there is no typical building line visible and it is therefore not considered to have such a significant impact as to warrant the refusal of the application. It is acknowledged that an application has previously been refused at the site, however, the garage proposed under that application was of a much larger scale (7.7 metres in width by 11.2 metres in depth with a maximum height of 5.3 metres) than the currently proposed scheme. The height of the garage, as it currently exists, would be reduced in height from 3.6 metres to 3.4 metres which would be in conjunction with the previously approved scheme and this is therefore considered to be acceptable. The garage would have a rendered finish with a box profile sheeting roof and, on balance, the proposal is considered to be acceptable in terms of the impacts it has on the wider historic landscape.

Impact on residential amenity and privacy

The proposed garage would be sited within a row of existing domestic garages and would be sited far enough away from neighbouring properties in Arfryn Terrace and Hendrefadog Street to ensure that it would have no overbearing or overshadowing impact on those properties. Whilst there appears to be two windows within the rear elevation of the garage, it would be used for domestic purposes and it is not considered that the level of overlooking on the rear gardens of properties in Hendrefadog Street would be so harmful as to have a detrimental impact on the occupants of those properties.

Access and Highway Safety

Concern has been raised with regard to large vehicles, such as a motor home, accessing the garage due to vehicles being parked opposite the site. The garage has been set back approximately 2 metres from the edge of the carriageway at Arfryn Terrace which has a width of 7.3 metres and no objections have been received from the Council's Highways Department with regards to the access of the garage. The application is therefore considered to be acceptable in this regard.

Other

Concern has been raised with regard to the impact the garage would have on the value of surrounding properties, however, this is not a planning consideration and cannot be taken into account in the decision making process. There is also concern that the garage would be used for purposes other than for the storage of vehicles, however, a condition will be added to any grant of consent to ensure that it could only be used for domestic purposes. Whilst it is acknowledged that the garage has been built in close proximity to neighbouring garages at the site and could prevent the maintenance of these garages, this is a civil matter between the two parties and

is not a material planning consideration. Concern has also been raised with regards to the possibility of the garage setting a precedent for future development, however, it should be noted that each application is considered on its own merits.

Conclusion

It is not considered the proposal would have 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 plans received by the Local Planning Authority on 22nd August 2014.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

2. The garage, hereby approved, shall be finished in accordance with the details submitted in the application.

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.

3. The use of the garage hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business 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.

4. The garage, sited as shown on the submitted plan, shall be fitted with doors which will not open over the highway and no doors shall be added or replaced which would open over the highway.

Reason: To prevent obstruction to the public highway, in the interests of highway safety.

=====

This page intentionally blank

APPENDIX B

Development Control Committee Agenda - 4 December 2014

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2014-2015**

**DEVELOPMENT CONTROL
COMMITTEE**

4 DECEMBER 2014

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

Agenda Item No.5
SITE MEETING APPLICATION NO. 14/1145 – RETROSPECTIVE CONSENT FOR DOMESTIC GARAGE – LAND OPPOSITE 16-17 ARFRYN TERRACE, TYLORSTOWN

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.105 (Development Control Committee, 6 November 2014) a site inspection was undertaken on 19 November 2014 to consider the size of the garage, its impact on the surrounding area and highways issues.
- 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 L.M.Adams, M.Griffiths, (Mrs) J.S.Ward and P.Wasley. Non-Committee/Local Member – County Borough Councillor D.R.Bevan was also in attendance.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors J.Bonetto, (Mrs) L.De Vet, P.Jarman, G.Smith, (Mrs) M.Tegg and G.P.Thomas.
- 3.4 Members viewed the application site and the partly constructed garage in situ.
- 3.5 The application sought full planning permission for a domestic double garage measuring 7.9 metres in width by 9.67 metres in depth and incorporating a mono-pitch roof measuring a maximum of 3.4 metres in height.
- 3.6 Members noted that that application before them was a re-submission of a previously approved application for a garage measuring 7.6 metres in width by 8.5 metres in depth with a maximum height of 3.4 metres - the garage currently constructed at the site had been built slightly larger than the approved dimensions. The current proposal, therefore, sought to regulate the width and depth of the garage as it had been built. Whilst the height of the garage as currently constructed extended to 3.6 metres, it was now proposed that the height would be reduced to measure that which was previously approved, i.e. 3.4 metres.
- 3.7 Members noted that the proposed garage was set within a row of existing garages at road level along Arfryn Terrace and the structure was larger and higher than others within the row. The rear of the site was at a higher ground level to properties below in Hendrefadog Street and there was a un-made lane between the rear of the site and the rear garden of those properties.
- 3.8 In view of the size and height of the garage, Members questioned its proposed use and the Development Control Manager stated that the applicant had indicated in a "late" letter that he required the garage to house a motor-home. A condition would be imposed on any consent granted to ensure that it would only be used for domestic purposes and if this condition was breached, enforcement action would be taken.
- 3.9 It was acknowledged that the garage had been built in close proximity to neighbouring garages and that this could prevent maintenance works from being undertaken on those garages, however, this was a civil matter between concerned parties and was not a material planning consideration.
- 3.10 The Transportation Officer confirmed there was no objection to the application subject to conditions.

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

19 FEBRUARY 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 14/1145 –
RETROSPECTIVE CONSENT FOR
DOMESTIC GARAGE ON LAND
OPPOSITE NO'S. 16 & 17 ARFRYN
TERRACE, TYLORSTOWN**

OFFICER TO CONTACT

**MRS K NORTHAM
(Tel. No. 01443 494779)**

See Relevant Application File

This page intentionally blank