RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017

DEVELOPMENT CONTROL COMMITTEE

23 June 2016

REPORT OF THE DIRECTOR LEGAL AND DEMOCRATIC SERVICES

Agenda Item No.5 (b)

APPLICATION NO. 16/0241 – DOMESTIC GARAGE AND VEHICULAR CROSS-OVER – 81 DINAM PARK, TON PENTRE

Author: Ms J. L. Nicholls, Senior Democratic Services Officer

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.203 (1) (Development Control Committee, (19th May 2016), a site inspection was undertaken on Wednesday, 8th June 2016 to consider the impact to consider the impact of the proposed development on neighbouring property.

3.2 The meeting was attended by the Chair and Vice-Chair of the Development Control Committee (County Borough Councillors G. Stacey and M. Griffiths respectively) and Committee Members - County Borough Councillors G. Smith, G. P. Thomas, P. Wasley and E. Webster. The Local Member County Borough Councillor M. Weaver was also in attendance.

3.3 Apologies for absence were received from Committee Members - County Borough Councillors L M. Adams, (Mrs) J. Bonetto, (Mrs) L. De Vet, P. Jarman, (Mrs) S. J. Jones, R. Lewis, C. J. Middle, S. Powderhill, S. Rees, (Mrs) A. Roberts and (Mrs) J. S. Ward.

3.4 Members first viewed the application site from the highway fronting the property and were advised that full planning permission is sought for the construction of a domestic garage within the rear garden of no. 81 Dinam Park, Ton Pentre. It was reported that the garage would measure 4m in width by 6.5m in depth with a pitched roof design measuring 3.7m in height from ground level to the ridge and sloping to 3.1m at its eaves. It was confirmed that the garage would project approximately 3m forward of the front building line of no. 80 Dinam Park, Ton Pentre and would be set in off the boundary of the neighbouring property by 0.2 metres.

3.5 Following a query from Committee Members the Planning Officer confirmed that a garage with a flat roof design measuring up to 2.5 metres in height from ground with an identical footprint to the proposed application could be built in the same location without the requirement for planning permission.

3.6 Non-Committee/ Local Member County Borough Councillor M. Weaver outlined the concerns of the locality in respect of the proposal. She stated that the key issue is the visual impact of the proposed construction of the garage upon the adjacent neighbouring property and whether the building would be in keeping with the surrounding area. The Local Member pointed out that there are no other garages in the vicinity of similar dimensions.

3.7 Members of the Committee viewed the application site from the interior of no. 80 Dinam Park, Ton Pentre so as to assess the impact of the proposed extension on the property. It was noted that that whilst there were other garages in the area, they were not as large or as high as the garage proposed.

Appendix 1

APPLICATION NO: **16/0241/10 (KL)**
APPLICANT: **Mr J Rees**
DEVELOPMENT: Domestic garage and vehicular cross-over
LOCATION: **81 DINAM PARK, TON PENTRE, PENTRE, CF41 7DY**
DATE REGISTERED: **24/03/2016**
ELECTORAL DIVISION: **Pentre**

RECOMMENDATION: Approve

REASONS:

Although one objection has been received, the application is considered to be acceptable in respect of the impact it has on the overall visual appearance of the surrounding area, the impact it has upon the amenity and privacy of neighbouring residential properties and the impact it has on highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Weaver for the matter to come Committee to:

- To assess the visual impact on no. 80 Dinam Park;
- To consider whether the building would be in-keeping with the surrounding area.

APPLICATION DETAILS

Full planning permission is sought for the construction of a domestic garage within the rear garden of no. 81 Dinam Park, Ton Pentre. The proposed garage would be sited at the most north-western corner of the site with access provided via a new vehicular cross-over to the southern boundary. The garage would measure 4 metres in width by 6.5 metres in depth with a pitched roof design measuring a maximum of 3.7 metres in height from ground level to the ridge and sloping to 3.1 metres at its eaves. It would incorporate a standard roller shutter garage door within the south facing front elevation with a separate pedestrian access door and window being provided in the east facing side elevation (providing access to the rear garden). External materials would consist of render, concrete roof tiles and white uPVC.

The garage would provide off-road parking for a campervan.

SITE APPRAISAL

The application site is located within a residential area of Ton Pentre and consists of a two-storey, detached property which is set within a rectangular shaped corner plot. The property faces an easterly direction with the principal elevation being set back from the footway at Dinam Park by an open plan garden and driveway which provides off-road parking for approximately 2 cars. An enclosed garden is positioned to the rear elevation with boundary treatments consisting of a 1.6 metre high wall to the western and southern boundaries and a hedgerow to the northern boundary.

The property has already been extended by means of a conservatory extension to the rear elevation with the original integral garage to the front being converted to habitable living accommodation. A garden shed is visible at the most western part of the rear garden, however, this would be removed from the site to accommodate the proposed development.

The site is bound by no. 79 Dinam Park to the north, no. 81 Dinam Park to the west and the main distributor road through Dinam Park to the south. Neighbouring properties vary in terms of their scale and design with a number of different house types being visible in the surrounding area. Garages within the wider residential area are predominantly integral to their respective property, being set approximately 1 metre forward of the front building line. Detached garages, where provided, are predominantly located to the side elevations of properties and are set back from the front elevations.

PLANNING HISTORY

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

PUBLICITY

The application has been advertised by means of direct neighbour notification. One letter of objection has been received from a solicitor acting on behalf of the occupant of no. 80 Dinam Park. The letter is summarised as follows:

- The proposed development is a detached domestic garage on the Dinam Park Development. This is a Barratt Homes site which typically enjoys generous spacing between neighbouring properties and their associated buildings.
- The estate was purposely built with an open aspect to the front of the properties.
- The present application is inconsistent and incompatible with the development on the estate and is unacceptable in its present form. It should therefore be refused.
- The layout and density of the building design, including visual appearance is unacceptable and will impact directly on residential amenity.

- The houses on the estate are generally served by at least one garage and some larger properties have double garages. Garages are either integral or detached and all have a parking space to the front which accommodates at least one car. Many of the integral garages on the estate have been converted into additional living space.
- The detached garages on the estate are set back from neighbouring properties and in some cases level with them but are always sited discreetly and unobtrusively. They do not protrude in front of the neighbouring properties and are not (or barely) visible from the front windows of neighbouring properties. They are situated well inside the boundary of the properties they serve if located towards the front end of neighbouring properties.
- The development is disproportionate in size and incompatible with the design of other building on the estate.
- The applicant seeks to introduce a larger building than would be acceptable for his own purpose because he intends to purchase a campervan. This is not an acceptable reason for introducing an inappropriate building design.
- If a proposed departure from this intentionally well planned design were permitted to allow one detached garage to be sited ahead of the neighbouring property, this will inevitably cause harm to residential amenity which is both unacceptable and completely avoidable.
- Overshadowing/loss of outlook are detrimental of residential amenity.
- The proposed development is in conflict with the Council's own planning policies and would be out of keeping with the planning history and design of the estate which will cause harm to amenity.
- The plans and drawings reveal that the proposed development will be situated very close to the pavement and the road with no parking space to the front, which is inconsistent with development elsewhere on the estate.
- The proposed development is also sited too close to the boundary of our client's property and although our client has attempted to discuss the issues with the applicant and the Planning Department, no account of her informal representations has been taken.
- The proposed development conflicts with the Council's policies in terms of its size, scale character and would be incongruous and inconsistent with other buildings on the estate.
- There will be a negative visual impact caused by the proposed scale of the garage together with its relationship to the road and boundaries with neighbouring properties which would make it an over dominant structure in relation to those properties and the street scene rather than blending in sympathetically and unobtrusively with its surrounding.
- The current party fence wall between no. 80 & no. 81 measures 1.63 metres in height and the proposed development measures 3.7 metres in height which is more than double the height of the party fence wall.

- The overall visual effect of the development would be an overbearing structure which would seriously impact on the front and side aspect of our client's property.
- There will be significant overshadowing and loss of outlook to the detriment of residential amenity.
- By reference to the plans and drawings associated with the application, these are incapable of being made acceptable by the application of conditions.
- The applicant has not been prepared to enter into any constructive dialogue to make the proposed development acceptable although our client remains willing to enter into any discussions with the Council's Officers and/or the applicant to discuss any proposals which would be in accordance with the Council's own policies and less damaging to residential amenity.

The objection letter is accompanied by a number of photos of other detached garages in the estate. It is requested that the distances of set back from the front elevations and the distances from neighbouring properties be measured and that these distances are reviewed and taken into consideration.

CONSULTATION

Dwr Cymru/Welsh Water – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the settlement boundary for Ton Pentre and 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.

Supplementary Planning Guidance:

Design and Placemaking
A Design Guide for Householder Development
Access Circulation and Parking

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 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 8 set 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;
PPW Technical Advice Note 18: Transport;
Manual for Streets

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 residential curtilage of an existing residential dwelling and the principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

The proposed garage would measure 4 metres in width by 6.5 metres in depth with a pitched roof design which would measure a maximum of 3.7 metres in height to the ridge (3.1 metres to the eaves). The garage would project forward of the front building line of no. 80 Dinam Park by approximately 3 metres and the proposal would therefore form a large and visible addition to the street scene. However, it is not considered that it would have such a significant impact on the character and appearance of the surrounding area that it would warrant the refusal of the application.

Although it was originally requested that the garage be reduced in height, the applicant has confirmed that it would provide off-road parking for a campervan and would therefore require more headroom than that provided by a typical

domestic garage. Whilst this is not a valid planning reason for the approval of the application, the garage would not appear to be too dissimilar to other detached garages in the wider area which typically display shallow pitched roofs measuring approximately 3.3 metres in height to their ridge and approximately 2.6 metres at their eaves. These garages are predominantly set to the side of their respective properties with a distance of approximately 0.8 metres from the common boundary with adjoining properties. Whilst the proposed garage would be set in off the boundary with no. 80 by 0.2 metres, it is not considered that this factor would have a significant impact on the overall visual appearance of the wider street scene.

Whilst the objector is keen to discuss the matter of the size and location of the proposed garage with the applicant, it would be unrealistic to suggest that the garage could be set any further back into the plot or be reduced in depth. The rear elevation of the garage would be sited at the most northern part of the plot and would measure to a depth of 6.5 metres. Given that Supplementary Planning Guidance states that the floor area of a standard domestic garage should ideally measure 3 metres in width by 6 metres in depth, a reduction in the depth of the proposed garage to coincide with the front building line of no. 80 (which would require a reduction of approximately 3 metres) would render the garage unsuitable for its intended purpose.

Whilst it is acknowledged that other garages in the wider development provide parking in front of their front elevations, it is not considered that the lack of a parking space to the front of the proposed garage would be detrimental to the overall visual amenity of the surrounding area. The garage would be sufficiently set back from the footway by 2.7 metres which would retain a relatively ‘open’ feel to the wider development and it is not considered that it would have an unacceptable impact on the character and appearance of the surrounding area.

It should be noted that a garage with a flat roof design measuring up to 2.5 metres in height from ground with an identical footprint to that currently proposed could potentially be built in the exact same location as the proposed garage without the need for planning permission. It is therefore not considered that the proposed development, which would be a maximum of 1.2 metres greater in height (0.6 metres at the eaves), would have a significantly greater visual impact than what could be constructed without planning permission.

In addition to the above, the garage would incorporate appropriate external materials which would complement the existing property and other developments in the surrounding area, and, on balance, the proposal is considered to be acceptable in terms of the impact it would have on the character and appearance of the existing property and the wider area.

Impact on residential amenity and privacy

Although the proposed garage would be sited in close proximity to the boundary with both adjacent properties (no's 80 & 82 Dinam Park), it is not considered that it would have such a significant overshadowing, overbearing or overlooking impact that it would warrant the refusal of the application.

The proposed garage would be of a single storey scale and would be sited to the east of no. 80 and to the south of no. 82. Any overshadowing to the front elevation of no. 80 would therefore be limited to the early morning time period only with any overshadowing to no. 82 being limited to the most south-western corner of the rear garden during the afternoon time period only. As such, the proposal would have a minimal overshadowing impact on surrounding properties.

The proposed garage would measure a maximum of 3.7 metres in height, however, this would be reduced to 3.1 metres at its eaves which would be sited adjacent to the common boundary with no. 80. Although the garage would be set 3 metres forward of the front elevation of the adjacent property, it would be set in from the boundary by 0.2 metres with a separation distance of at least 1 metre being maintained between the proposal and the side elevation of that property. It is therefore not considered that the garage would have a significant overbearing impact on no. 80.

In addition to this, the rear boundary of the application site is currently enclosed by an existing boundary wall measuring 1.6 metres in height from ground level and whilst it is appreciated that this is lower than the eaves height of the proposed garage, it is not considered that the resulting impact of the garage, in terms the general outlook from no. 80, would be significantly different to what could potentially be built at the site without planning permission (up to 2.5 metres in height).

Whilst it is acknowledged that the garage would provide a window within the side elevation, this would primarily overlook the applicant's own garden. Given the single storey nature of the proposal and the provision of adequate boundary treatments between no. 82 and the application property, it is not considered that the proposal would be detrimental to the privacy of the adjacent property.

Taking the above into consideration, the proposal is considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of adjoining neighbours.

Access and highway safety

The proposed garage would provide one additional off-road car parking space which would be used for domestic purposes in relation to the application property. It would be accessed via a new vehicular cross-over to the highway at Dinam Park which is a common arrangement throughout the wider development. In addition to this, the garage would be adequately set back into the plot which

would promote visibility along Dinam Park and it is therefore not considered that the development would be detrimental to highway safety in the area.

It is not considered that the garage would be suitable for any business or trade use and a condition is therefore suggested to restrict the use to residential only.

Other:

The objector claims that the applicant has not been prepared to enter into any constructive dialogue to make the proposed development acceptable however, this is not the case. A number of amendments were discussed with the applicant, although this was primarily to address the initial concerns raised by the objector. After careful consideration of the suggested amendments, the applicant concluded that a garage of a smaller scale would not be fit for its intended purpose and thus resolved to progress with the initial plans.

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 not CIL liable under the CIL regulations 2010 (as amended).

Conclusion

It is not considered the proposal would have a significant impact on the character and appearance of the locality, the residential amenity of the surrounding neighbouring properties or highway safety. 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 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. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 24th March 2016, 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.

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 in accordance with Policy AW5 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

23 JUNE 2016

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING:

16/0241 – DOMESTIC GARAGE AND VEHICULAR CROSS-OVER – 81 DINAM PARK, TON PENTRE

Minute No. 203(1) (Development Control Committee, 19th May 2016)