

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017:

**DEVELOPMENT CONTROL
COMMITTEE
2 MARCH 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.7
<p>APPLICATION NO: 16/1201 – DEMOLISH EXISTING GARDEN SHED AND CONSTRUCT NEW DOMESTIC GARAGE AT 4 WESTON TERRACE, YNYSHIR, PORTH.</p>	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

Committee Members are requested to consider the information contained in the report, in respect of the application, and determine accordingly.

3. BACKGROUND

This application was originally reported to the Development Control Committee of 2nd February 2017 and a copy of the original report is attached as **APPENDIX A**.

During this meeting, Members resolved that they were minded to approve the application contrary to the recommendation of the Service Director, Planning, for the reasons that the impact of the proposed garage would not be sufficiently detrimental to the amenity and privacy of the neighbouring properties, given that no letters of objection were received from these properties, and that the garage is proposed to house two vehicles, in effect taking two vehicles off the already congested street.

Therefore the matter would be deferred to the next appropriate meeting of the Development Control Committee for a report from the Service Director, Planning, if necessary in consultation with the Director, Legal & Democratic Services, upon the strengths and weaknesses of taking a decision contrary to recommendation, prior to determining the matter (Minute No. 121 refers).

4. UPDATED RECOMMENDATION

Whilst the view of Members is fully appreciated, it is considered that the proposed garage is a detrimental addition to the site, which will impact on the

current level of amenity enjoyed by neighbouring properties, even though it is acknowledged that no letters of objection were received during the consultation period. It is also appreciated that taking two vehicles off the road is an advantage, however, due to the length of the garage and proximity to the application and neighbouring properties, the garage is considered to be incongruous and an un-neighbourly form of development.

As noted within the appendix, the dimensions of the proposed garage are 9 metres in length, 5.2 metres in width, and 4 metres in height, with a distance of only 5 metres between the garage and the rear elevations of the properties on Weston Terrace and it is considered that a garage of this size and distance from neighbouring properties will be detrimental to the amenity of current and future occupiers and also that character and appearance of the area.

It is therefore considered that the development would remain contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

If after further consideration however, Members are still minded to approve the application, the following conditions are suggested:

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: Proposed Floor Plan, Proposed Roof Plan, Proposed Front Elevation, Proposed Rear Elevation, Proposed Side Elevation (Right), Proposed Side Elevation (Left), and documents received by the Local Planning Authority on 31/10/2016 and 14/11/2016, 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.

APPENDIX A

APPLICATION NO: 16/1201/10 (LJH)
APPLICANT: Mr Adam Andrew Thomas
DEVELOPMENT: Demolish existing garden shed and construct new domestic garage.
LOCATION: 4 WESTON TERRACE, YNYSHIR, PORTH, CF39 0ER
DATE REGISTERED: 31/10/2016
ELECTORAL DIVISION: Ynyshir

RECOMMENDATION: Refuse

REASONS: The proposed garage, by virtue of its excessive length, and proximity to nearby properties, would represent a visually incongruous and un-neighbourly form of development which would have a detrimental impact on both the character and appearance of the surrounding area and the residential amenity of surrounding properties, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received by the Local Member, Councillor Langford for the matter to come to Committee for the reason that no objections have been received and the proposal will provide the opportunity of taking at least two cars off the road.

APPLICATION DETAILS

Full planning permission is sought for the erection of a domestic garage within the rear garden of 4 Weston Terrace, Ynyshir. The proposed garage would be sited towards the rear of the garden but set back from the lane by 1.4 metres. It would measure 5.2 metres in width by 9 metres in depth and would have a pitched roof construction with a total height of 3.2 metres sloping to 2.6 metres at the eaves from the level of the rear lane. Due to changes in ground levels the garage would have a height of 4 metres with an eaves height of 3.4 metres when measured from garden level. The external walls of the garage would be rendered concrete blocks and the roof would be covered with a Decra roof tile system which consists of stone coated galvanised steel tiles.

SITE APPRAISAL

No. 4 Weston Terrace is a two-storey, middle of terrace dwelling situated within the residential area of Ynyshir, Porth. The property directly fronts the highway; it has a linear rear garden, which due to changes in level is situated on a slightly higher level to the house. The neighbouring properties are located immediately to the south and north (nos. 3 & 5), and approximately 30 metres to the west. A number of the properties along the terrace have been extended and have garages.

PLANNING HISTORY

There is no recent planning history relating to the application site.

PUBLICITY

The application has been advertised by means of direct neighbour notification. There have been no letters of objection or representation received as a result of this exercise.

CONSULTATION

None undertaken with this type of application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Ynyshir and is within the Rhondda Historic Landscape.

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

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) and Chapter 4 (Planning for Sustainability) 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

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

Impact on the character and appearance of the area

The proposed garage would be sited within the rear curtilage of the property and would therefore be visible from the rear elevations of adjoining properties in Weston Terrace to the east as well as from the rear elevations of properties in Ynyshir Road to the west. It would be of an excessively large scale, measuring 5.2 metres in width by 9 metres in depth, and would therefore form an obtrusive and incongruous feature within the street scene.

Whilst it is acknowledged that there are other domestic garages within the vicinity, they appear subservient in size and scale to their respective dwellings. In addition to this, the proposal to construct a garage of such a large scale would introduce an undesirable and detrimental precedent for other large scale garages in the area.

As such, it is not considered that the garage would be sympathetic or subservient to the dwelling and would not be in-keeping with other garage developments in the vicinity. The proposal is therefore considered to have a detrimental impact on the character and appearance of the existing dwelling, and consequently, the proposal would not comply with Policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

Impact on residential amenity and privacy

The proposed garage would be sited within the rear garden of the application site and be constructed approximately 0.8 metres above the floor level of the application property and neighbouring properties due to the changes in ground levels at the site. It would measure 4 metres in height from the lowest ground level. Therefore, it is considered that the structure would be overbearing due to the excessive length and close proximity of the garage from the rear elevations of the neighbouring dwellings, approximately 5 metres. It may also result in some overshadowing on the rear elevation of no.5 to the north during the latter part of the day, although it is not considered that the level of overshadowing in itself would be great enough to warrant refusal of the application.

Although an access door and window would be positioned in the front elevation of the garage which would result in some degree of overlooking on the rear elevations of the neighbouring properties, the garage would be used for domestic purposes only and it is not considered that the proposal would have a significant impact on the privacy of the adjoining properties. No letters of objection have been received in relation to the application, however due to the excessive length of the garage and the close proximity to the neighbouring dwellings the proposal is not considered to be acceptable in terms of the impact it would have on the residential amenity of the nearest neighbouring properties. As such, the proposal would not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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 considered that the proposal would have a significant impact on the character and appearance of the locality and upon the residential amenity of the surrounding neighbouring properties. As such, the application is not considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

RECOMMENDATION: Refuse

1. The proposed garage, by virtue of its excessive length, and proximity to nearby properties, would represent a visually incongruous and un-neighbourly form of development which would have a detrimental impact on both the character and appearance of the surrounding area and the residential amenity of surrounding neighbours, contrary to Policies AW5 and AW6 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

2 MARCH 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 16/1201
DEMOLISH EXISTING GARDEN
SHED AND CONSTRUCT NEW
DOMESTIC GARAGE, 4 WESTON
TERRACE, YNYSHIR, PORTH**

OFFICER TO CONTACT

**MISS L HERON
(Tel. No. 01443 494887)**

See Relevant Application File

This page intentionally blank