



PLANNING & DEVELOPMENT COMMITTEE

18 JULY 2019

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO: 19/0281/10 - RETROSPECTIVE PERMISSION FOR
A RAISED PATIO.- 24 ARFRYN TERRACE,
TYLORSTOWN, FERNDALE,**

1. Purpose of the Report

Members are asked to determine the above planning application.

2. Recommendation

That members consider this report and determine the application having regard to the advice given.

3. Background

This application was originally reported to the 13th June 2019 meeting of the Planning and Development Committee with a recommendation of approval. A copy of the original report is attached as **APPENDIX A**. At that meeting Members were minded to refuse the application contrary to the recommendation. Members considered that the retrospective application to retain a series of raised patios, steps and fencing to the rear of 24 Arfryn Terrace had a significant impact on the residential amenity and privacy of adjoining dwellings.

As a consequence, it was resolved to defer determination of the application for a further report from the Service Director, Prosperity & Development to highlight the potential strengths and weaknesses of taking a decision contrary to the recommendation. (Minute No. 59-64 refers)

4. Planning Assessment

The considerations in respect of the impact the development works have upon the adjacent properties are set out in the original Committee report. Within that report it was acknowledged that the creation of raised patio areas at the application site has resulted in direct overlooking and some loss of privacy to the adjacent properties and their rear amenity space, over and above that which previously occurred. Furthermore, the necessary screening that has been erected in an attempt to reduce the overlooking impact itself results in a

degree of overshadowing and overbearing impact to the adjacent neighbours. However, with a number of similar examples in the locality, on balance, it was not considered the development works result in a degree of impact significant enough to warrant refusal of the application.

Members are advised that the impact of any development upon the amenity and privacy standards of neighbouring residents is subjective, and the original considerations were an 'on balance' recommendation, clearly highlighting that the works undertaken at the application site undoubtedly resulted in some detrimental impact to the amenity and privacy standards previously enjoyed by the occupiers of the adjacent properties.

While these impacts are acknowledged, developments of this type are not uncommon within the curtilage of terraced properties, especially those where the only available garden area is on a steeply sloping site. It is considered, given the topography of the site, that the development is acceptable but with some acknowledged impact. Committee is clearly of a different view.

If, having considered the above advice and after further consideration, Members remain of a mind to refuse planning permission, it is suggested that the following reasons would reflect those views:

REASON – The proposed raised patio areas, by virtue of their height, prominent location and relationship with immediate neighbouring properties, have a significant overbearing impact upon these properties and also directly overlook their rear elevations and rear amenity space. As such, the works have a significant adverse effect upon the privacy and amenity standards previously enjoyed by neighbouring properties contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's SPG, 'A Design Guide for Householder Development' (March 2011).



PLANNING & DEVELOPMENT COMMITTEE

13 JUNE 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0281/10
(GS)
APPLICANT: Trivallis
DEVELOPMENT: Retrospective permission for a raised patio.
LOCATION: 24 ARFRYN TERRACE, TYLORSTOWN, FERNDALE,
CF43 3DR
DATE REGISTERED: 18/03/2019
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

REASON APPLICATION REPORTED TO COMMITTEE:

The application is reported to Committee at the request of Councillor R Bevan in order that Members can fully consider the implications of the development on the amenity of neighbouring residents.

APPLICATION DETAILS

This part retrospective application relates to a series of raised patios, steps and fencing to the rear of 24 Arfryn Terrace. However, a section of existing fencing, at the top of the site, would be lowered from 2 metres above raised ground level to 1.1 metres as a result of this application.

SITE APPRAISAL

The site is located towards the western side of Arfryn Terrace and contains a traditional, two-storey, mid-terrace dwellinghouse. The property has a small private amenity area to the front and benefits from a large, linear garden to the rear. Site levels rise sharply from west to east so that the rear most curtilage is on a far higher level than the host dwelling. Dwellings to the surround are similarly sized and styled terraces. The site is bounded to the north and south by the residential curtilages of the adjoining terraced dwellings, to the east by the highway and to the west by an area of scrubland.

PLANNING HISTORY

There are no recent applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to 5 neighbouring properties.

One letter of objection has been received. The main reasons for objecting are as follows:

- Loss of light
- Loss of privacy

CONSULTATION

N/A – none consulted

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Tylorstown

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.

SPG – A Design Guide for Householder Development (2011)

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.

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development

Chapter 3 (good design and better places, promoting healthier places, sustainable management of natural resources)

Other policy guidance considered:

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 certification of a raised terrace and associated works within the curtilage of an existing residential dwelling. 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 development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

The works to raise areas of the rear garden to create raised patios are considered acceptable in terms of visual amenity as they would be of a domestic scale and appearance. Due to their location to the rear of the dwelling there would be no impact upon the wider street scene and none of the works are considered excessive in height or scale.

As such, it is considered that the proposals will not detract from the character or appearance of the area.

Impact on residential amenity and privacy

The proposed development is not considered to have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties for the following reasons:

The raising of certain areas to the rear of the site in order to create a series of patios has the potential to create new viewpoints into the rears of the adjoining dwellings, thereby leading to an increased sense of actual and perceived overlooking as well as a significant loss of privacy. However, site levels already rise sharply to the rear. As there is already an established level of overlooking from the rear gardens it is considered that levelling off areas would not result in a further loss to residential amenity, over that which is already occurring.

The fencing, both existing and proposed would not result in a material loss of amenity through overshadowing or a significant loss of outlook that would warrant the refusal of this application. It is considered, on balance, the fences serve as more of a privacy screen that would retain the residential amenity of adjoining occupiers rather than result in any undue loss.

Further to the comments regarding loss of light/overshadowing. The position of the raised decking and fencing, relative to the neighbour to the north, would not cause any substantial issues due to this neighbour (No.25) having an existing two-storey rear extension. The position of the application property relative to the neighbouring dwelling to the south (no.23) would mean any effect would be minimal due to the location of the decking in relation to the adjoining property, which is south/southeast of the application site. It is also considered that the proposal would cause no more harm to this dwelling than a single storey extension, which could conceivably be carried out through the property's permitted development allowance and without notifying the council.

Consequently, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

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

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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 plan(s) no(s) and documents received by the Local Planning Authority on 15/03/2019, 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.

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