

## LOCAL MEMBER OBJECTION

COMMITTEE DATE: 14/09/2016

APPLICATION No. **16/01284/MNR** APPLICATION DATE: 26/05/2016

ED: **RHIWBINA**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Powell

LOCATION: REAR OF 14 CAE MAWR ROAD, RHIWBINA, CARDIFF, CF14 6NX

PROPOSAL: PROPOSED THREE BEDROOM DETACHED DWELLING WITH OFF ROAD PARKING

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**RECOMMENDATION 1** : That planning permission be **GRANTED** subject to the following conditions :

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following approved plans:
  - 01 – SITE LOCATION PLAN/EXISTING AND PROPOSED SITE PLANS/PROPOSED FLOOR PLANS AND ELEVATIONS
  - 02A – EXISTING AND PROPOSED SITE LAYOUTS

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in the first floor side elevation facing 14 Cae Mawr Road and 23 Lon Y Mynydd other than those hereby approved.  
Reason : To ensure that the privacy of adjoining occupiers is protected.
4. The first floor side elevations facing 14 Cae Mawr Road and 23 Lon Y Mynydd shall be non opening below a height of 1.8 metres above internal floor level and glazed with obscure glass and thereafter be so maintained.  
Reason : To ensure that the privacy of adjoining occupiers is protected.
5. The rear first floor bathroom window as shown on Plan 02A shall be non

opening below a height of 1.8 metres above internal floor level and glazed with obscure glass and thereafter be so maintained.

Reason : To ensure that the privacy of adjoining occupiers is protected.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no structure or extension shall be placed within the curtilage of the dwelling or alteration be undertaken to any roof.

Reason: To ensure the orderly development of the area with adequate space about buildings and in the interests of the visual amenity of the area.

7. No development shall take place until details of the means of site enclosure have been submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.

Reason: To ensure that the amenities of the area are protected.

8. The car parking spaces shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway.

9. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area.

10. Prior to the commencement of development ground permeability tests should be undertaken to determine if ground conditions are suitable for the use of soakaways, and a drainage scheme submitted for the disposal of surface water to the approval of the Planning Authority

Reason: To ensure an orderly form of development

**RECOMMENDATION 2** : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any

proposed piling operations.

**RECOMMENDATION 3** : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**RECOMMENDATION 4** : That the applicant is advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicant's ownership.

**RECOMMENDATION 5** : You should contact Welsh Water before commencing the development since it may lie within the easement of a public sewer that crosses the site. The approximate position of the sewer is marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Developer Services on 0800 9172652 or via email at [developer.services@dwrwymru.com](mailto:developer.services@dwrwymru.com) . Please note that the grant of planning permission does not give any rights to build within a sewer easement without

first obtaining the consent of Welsh Water

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the erection of a two-storey detached dwelling
- 1.2 The proposed dwelling house is to be 6.2-11.2m deep, 7.5m wide and 7.9m high with a pitched roof and a single storey annexe 3m high to the rear elevation. The submitted plans show the provision of two off-street parking spaces within the front garden of the proposed site.

## 2. **DESCRIPTION OF SITE**

- 2.1 The application site forms part of the rear garden area of 14 Cae Mawr Road and an area of unused land adjoining 23 Lon-Y-Mynydd which also extends along the rear garden boundaries of properties in Cae Mawr Road.
- 2.2 Surrounding the site are existing two-storey dwellings (detached and semi-detached)..

## 3. **SITE HISTORY**

- 3.1 34517 – Proposed dwelling. Refused 05/04/1971
- 3.2 87/152 – Development of one dwelling. Refused 31/03/1987

## 4. **POLICY FRAMEWORK**

- 4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan
- 4.2 The following policies of the approved Cardiff Local Development Plan (2006-2026) are considered to be relevant to the proposal:

Policy KP5 (Good Quality and Sustainable Design)

Policy W2 (Provision for Waste Management Facilities in Development)

- 4.3 Supplementary Planning Guidance: Infill Sites (April 2011)
- 4.4 Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010)
- 4.5 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007)
- 4.6 Technical Advice Note 12: Design
- 4.7 Planning Policy Wales (Edition 8) 2016

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation – No objections
- 5.2 The Operational Manager, Environment and Public Protection - No objections
- 5.3 The Operational Manager, Waste Management – No objections
- 5.4 Drainage Engineer – No objections, advises the need for condition 10.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water/Dwr Cymru – No objections, advise that the site crosses a public sewer (see recommendation 5)

7. **REPRESENTATIONS**

- 7.1 Neighbouring occupiers have been consulted. Letters and emails have been received from the occupiers of 1, 5, 6, 10, 11, 13 14, 16, 18, 21, 23 Lon-Y-Mynydd and 16 Cae Mawr Road, their objections are summarised below;

- i) Loss of parking and also parking and access problems for residents and emergency vehicles
- ii) Highway Safety (children playing nearby)
- iii) Design out of keeping with character of area
- iv) Flooding Issues
- v) Previous refusals for development on this site
- vi) Loss of garden land
- vii) Loss of privacy
- viii) Overdevelopment of site
- ix) Concerns regarding construction vehicles and storage of materials
- x) Concerns over proposed boundary enclosure

- 7.2 Councillors Adrian Robson, and Jayne Cowan object to the proposal for the following reasons;

- i) Parking problems with creation of driveway
- ii) Flood concerns (old watercourse in the area)
- iii) Properties in Lon-Y-Mynydd are semi-detached whereas the proposal is for a detached property
- iv) Insufficient amenity space for proposed and existing dwelling houses

8. **ANALYSIS**

- 8.1 The main planning issues relate to:
  - (i) The impact of the development on the amenities of neighbouring occupiers.
  - (ii) Highway safety/parking issues.

- 8.2 Amended plans have been received due to concerns regarding the positioning of the proposed small rear bedroom windows and potential overlooking issues. The submitted amended plans show that the bedroom has been moved to the front elevation and the bathroom moved to the rear elevation resolving the concern.
- 8.3 It is considered that the proposed dwelling as amended would impact not upon the amenities of the adjoining neighbours. The submitted plans show that the dwelling would be 0.9m from the side garden boundary with 23 Lon-Y-Mynydd. The submitted plans also show that the proposed dwelling would be approximately 1.2 metres from the revised position of the rear boundary with 14 Cae Mawr Road. The remaining garden to this property will be approximately 13 metres long and it is considered that this situation is acceptable. The submitted plans show the insertion of first floor windows (bathroom and landing windows) on the side and rear elevations facing nos. 23 Lon Y Mynydd and 14 Cae Mawr Road, and it is considered necessary to ensure that these windows are obscurely glazed and non-opening (Conditions 4 & 5 refer).
- 8.4 While the proposal is for a detached dwelling in an area predominantly characterised by semi-detached properties, the dwelling would conform to the building line along the street (Lon Y Mynydd), have a consistent ridge and eaves height and generally harmonious roof form with the neighbouring dwellings along Lon-Y-Mynydd. The dwelling as amended is considered to be of an appropriate scale, form and finish within the context of its surroundings
- 8.5 The amenity space proposed about the proposed dwelling would meet the minimum level set out in the Infill Sites SPG and is therefore considered acceptable in design terms.
- 8.6 Members are advised that an application submitted in 1971 (Application 34517) for the erection of a single dwelling house was refused for the following reason:

‘The development proposed would be harmful to and out of character with the neighbourhood due to the restrictive width of the site ‘

Also a later application ref : 87/152 for the development a single dwelling was refused for the following reason;

‘The proposal by virtue of the size and configuration of the application site, would result in an unsatisfactory, congested form of development, detrimental to the amenities of adjoining and nearby properties and out of keeping with the existing character of the surrounding residential area.’

An appeal submitted against the refusal of planning permission was subsequently dismissed by the Planning Inspectorate with the appointed Inspector finding as follows:-

- (i) *The insertion of an additional dwelling onto this site would alter significantly the pattern of development in its immediate vicinity which is at present characterised by fairly large houses with good sized gardens*

*along Cae Mawr Road and higher density housing fronting Lon-Y-Mynydd. The privacy of the rear gardens of the 2 houses immediately south of Cae Mawr House, at Nos 10 and 12 Cae Mawr Road is at present protected by the appeal site being free of development. I am sure that if a dwelling were to be erected on that land, at least 2 houses and their back gardens would in particular, be markedly less pleasant to use. The people whose homes they are would rightly be conscious of being overlooked to an unwelcome and an unneighbourly degree, and it is no surprise to discover that they are amongst those many local residents who have objected to this proposal.*

- (ii) *The degree of overlooking and invasion of privacy that would take place were this site to be developed would of course vary depending upon the size and height of the building in question, but I do not believe that it would be possible for even a small bungalow to be built without an unacceptable degree of dominance being created. The existing layout of houses in this attractive part of Rhiwbina is well ordered and provides a pleasant environment for all those living here. A desirable quality of harmony and spaciousness has been achieved by the design and spacing of the houses hereabouts. The generous distribution of open land around your own house plays a crucial role in maintaining that quality, and it would be seriously harmed if this proposal were to be approved.*

The historical applications are 29 years old and 45 years old respectively and Planning Policy has evolved over this period with the introduction of a Planning Policy Wales Edition 8 (2016), the Cardiff Local Development Plan (2006-2026) and specific Supplementary Planning Guidance for Infill Sites adopted in 2011.

In respect of the previous decisions it should be noted that Application 34517 submitted in 1971 was for a larger two-storey flat roof dwelling and did not reflect the character and appearance of the other properties within the immediate locality. Also, Application 87/152 submitted in 1987 was an outline application whereby the plot area was smaller than the current proposal and was positioned closer to the rear elevation of no. 14 Cae Mawr Road.

8.7 In regard to the objections received from neighbouring occupiers:

- i+ii) The Operational Manager, Transportation raises no objections to the proposal.
- iii) See para 8.4
- iv) The Councils Drainage Engineer and Welsh Water raise no objections to the proposal.
- v) Noted
- vi) It is considered that there is sufficient amenity space available for the proposed dwelling house and the adjoining properties
- vii) See para 8.3
- viii) The proposal is not considered to be an overdevelopment of the site
- ix) Dealt with under separate legislation

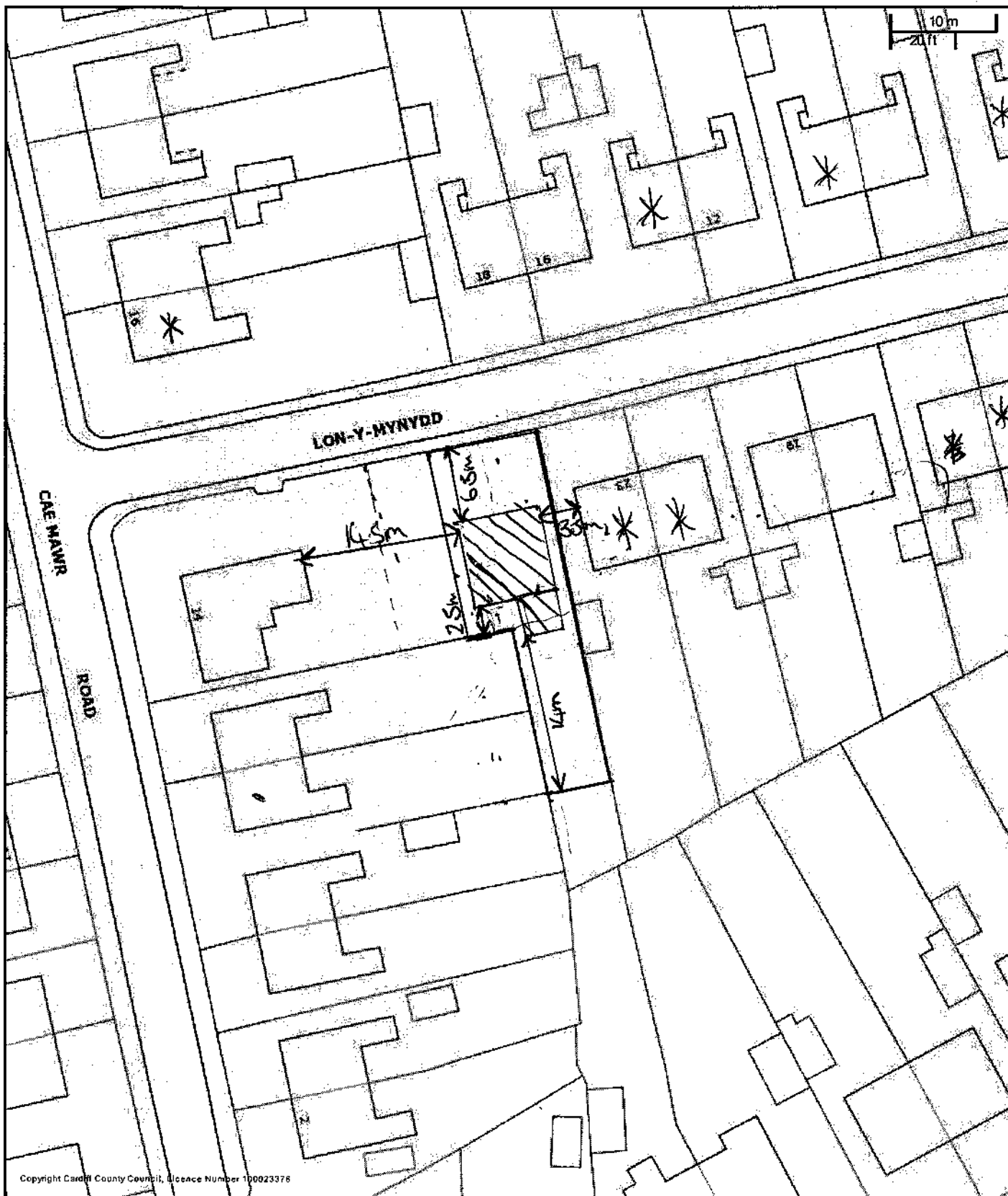
- x) See condition 6, details shown on submitted plans show the provision of a 1.8m high close boarded timber fence to the side and rear elevations

8.8 In regard to the objections received from Councillors Adrian Robson and Jayne Cowan, I would comment as follows;

- i) Note that a driveway and existing drop kerb exists and the submitted plans show that this is reused for the parking area for the proposed dwelling house
- ii) The Councils Drainage Engineer & Welsh Water raises no objection to the proposal.
- iii) There are other detached properties within the surrounding area including the property adjacent (14 Cae Mawr Road)
- iv) It is considered that there is sufficient amenity space available for the proposed dwelling house and the properties adjoining the site.

8.9 Notwithstanding the previous refusals of planning permission for the development of the land, it is considered that the present proposal will result in an acceptable development compliant with planning policy. As a result Planning permission is recommended.





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CHIEF EXECUTIVE  
Paul Orders  
County Hall  
Atlantic Wharf  
Cardiff CF10 4UW  
Tel: 029 20672000

**City of Cardiff Council**  
**Cyngor Dinas Caerdydd**



Title \* - objectors

Scale: 1:500

Date: 15/7/2016

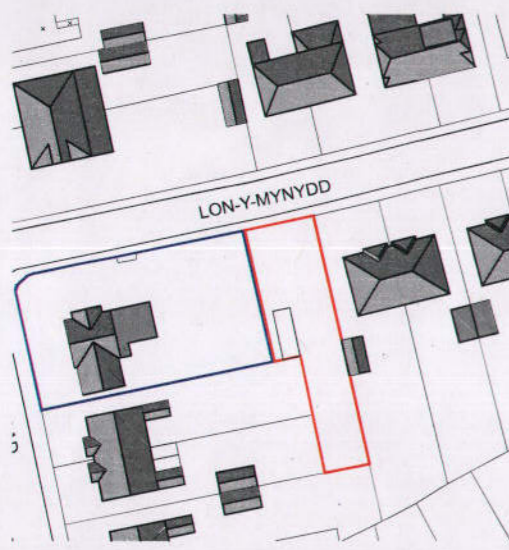
Coordinates:

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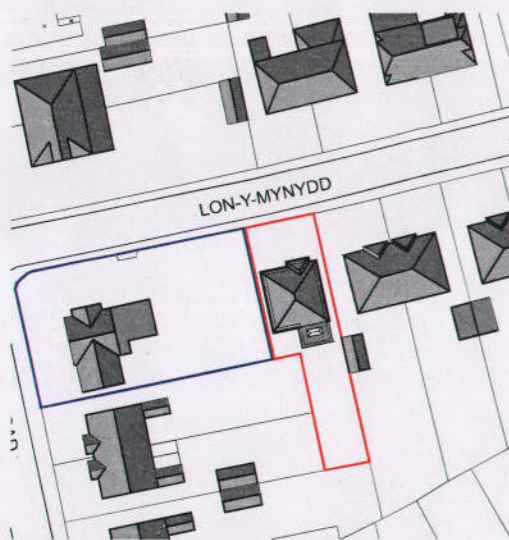
Ordnance Survey 100023376 (2014).



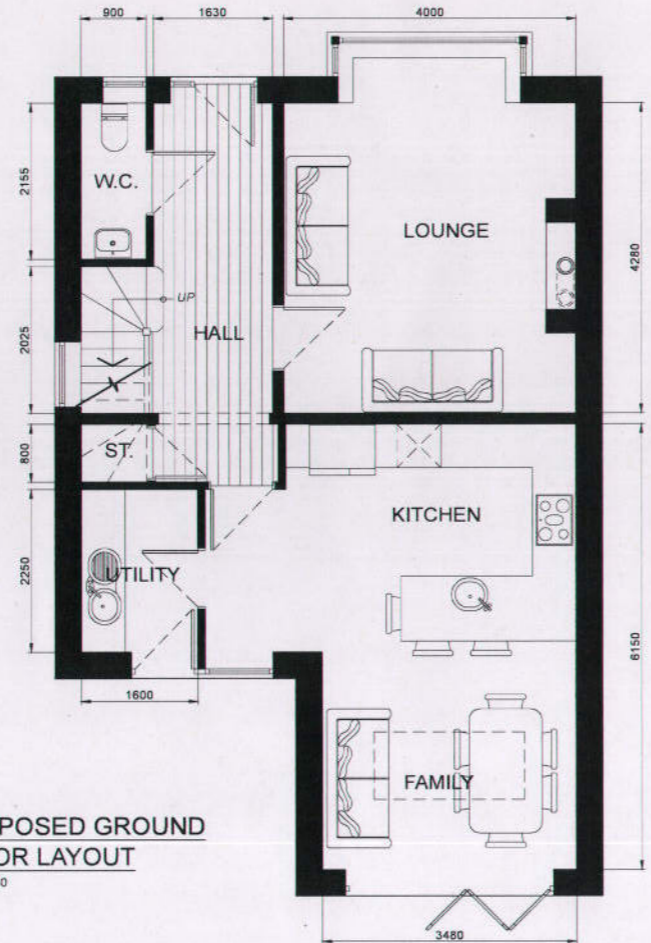
**SITE LOCATION PLAN**  
Scale 1:1250



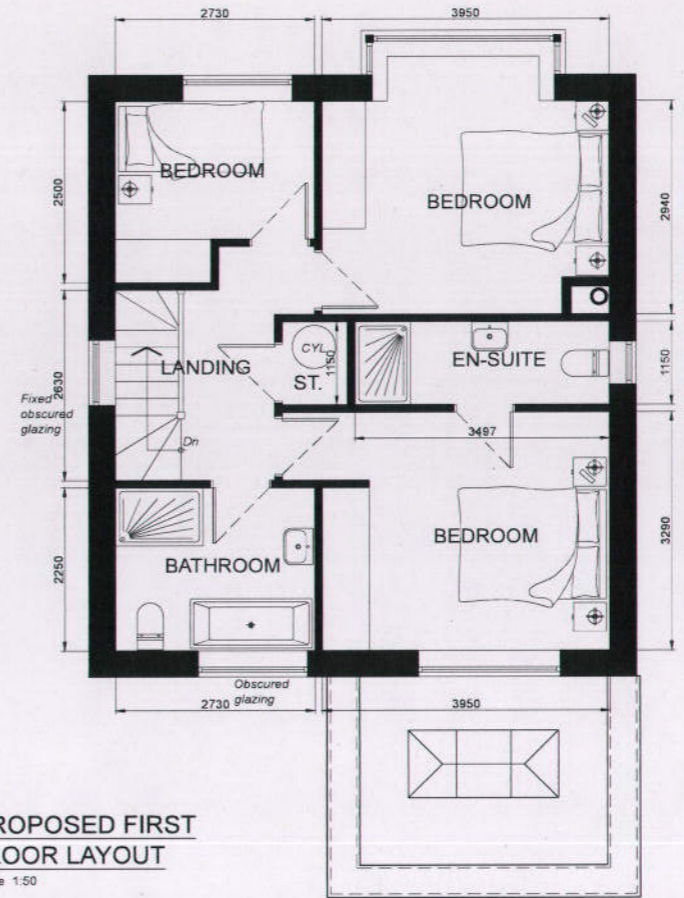
**EXISTING SITE PLAN**  
Scale 1:500



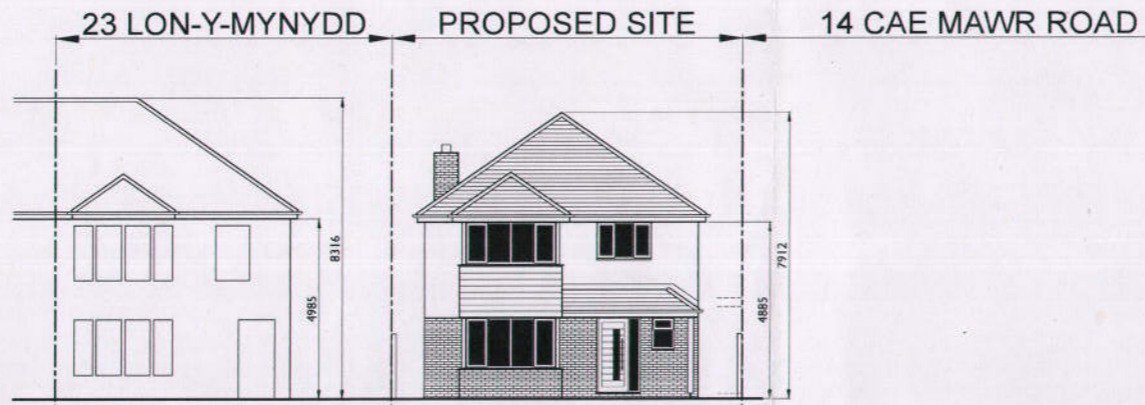
**PROPOSED SITE PLAN**  
Scale 1:500



**PROPOSED GROUND FLOOR LAYOUT**  
Scale 1:50



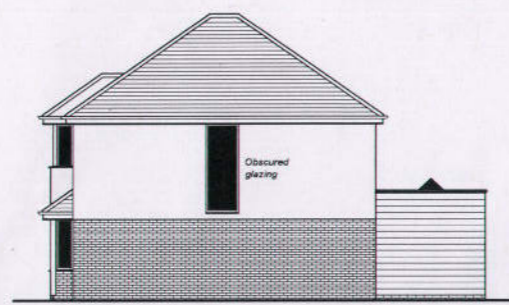
**PROPOSED FIRST FLOOR LAYOUT**  
Scale 1:50



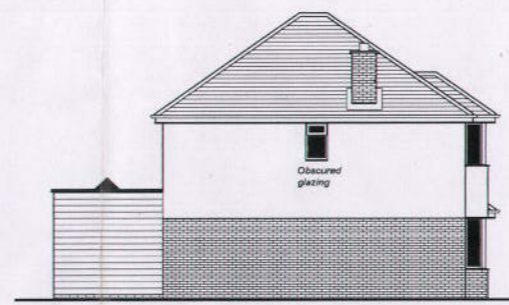
**PROPOSED FRONT ELEVATION** Scale 1:100



**PROPOSED REAR ELEVATION** Scale 1:100



**PROPOSED SIDE ELEVATION** Scale 1:100



**PROPOSED SIDE ELEVATION** Scale 1:100

**NOTES**

- 1) All dimensions in millimeters Unless otherwise noted.
- 2) Drawings intended for purposes as described.
- 3) Any discrepancies to be brought to the attention of RPD Building Consultants immediately.
- 4) Do not scale off this drawing for construction purposes
- 5) This drawing is to read in conjunction with RPD Building Consultants construction notes.

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|   |               |  |
|---|---------------|--|
| REVISION  | DATE          | DESCRIPTION  |
| A   | JUL 16        | Bedroom moved to rear of house to eliminate overlooking as agreed with LPA officer |
| <b>PROJECT / SITE ADDRESS / CLIENT</b>  |               |  |
| PROPOSED NEW DWELLING<br>LAND AT 14 CAE MAWR ROAD<br>OFF LON Y MYNYDD, RHWBINA<br>CARDIFF CF<br>FOR MR J POWELL                     |               |  |
| <b>DRAWING TITLE</b>  |               |  |
| SITE LOCATION PLAN<br>EXISTING AND PROPOSED SITE PLANS<br>PROPOSED FLOOR PLANS AND ELEVATIONS                                       |               |  |
| <b>DETAILS</b>  |               |  |
| Scales  | As shown @ A1 | Date MAY16   |
| Drawn   | RHP           | Checked  |
| Job No.   | LYM           | Drawing No. 01   |
| Status  | PLANNING      | Revision A   |
| <b>RPD</b><br>BUILDING CONSULTANTS  |               |  |
| RPD BUILDING CONSULTANTS LIMITED<br>61 WESTERN AVENUE, NEWPORT, NP20 3QZ<br>T - 01633 67514 W - www.rpd.co.uk E - richard@rpd.co.uk |               |  |



Lon-Y-Mynydd

Cardiff, Wales

Street View - Jun 2012

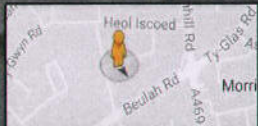


Back to Map

Google

Image capture: Jun 2012 © 2016 Google Terms Report a problem

Lon-Y-Mynydd  
Cardiff, Wales  
Street View - Jun 2012



Back to Map

Google

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Map

Google



Tide U Over

Cancer Research  
Wales Shop

Quality Solicitors  
JA Hughes

ATM (Martins)

Subway

Papa John's Pizza

Air Sanctuary

Party Central

Hewson Motors

Google

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CARDIFF CITY COUNCIL

Town and Country Planning Act, 1971

Town and Country Planning General Development Order, 1977-81

REFUSAL OF PERMISSION

To: D. L. J. Powell & Mrs. C. T. L. Powell,
14 Cae Mawr Road,
Rhiwbina, Cardiff, CF4 6NX.

WHEREAS on the 3rd day of February 1987

you submitted an Application for permission to

carry out development of one house at 25 Lon-Y-Mynnydd,
Rhiwbina, Cardiff (Outline application),

(hereinafter called "the development")

THE CARDIFF CITY COUNCIL, as the Local Planning Authority for the City of Cardiff, in pursuance of its powers under the above-mentioned Act and Orders, hereby REFUSES TO PERMIT the development for the following reasons, namely:-

the proposal by virtue of the size and configuration of the application site, would result in an unsatisfactory, congested form of development, detrimental to the amenities of adjoining and nearby properties and out of keeping with the existing character of the surrounding residential area.

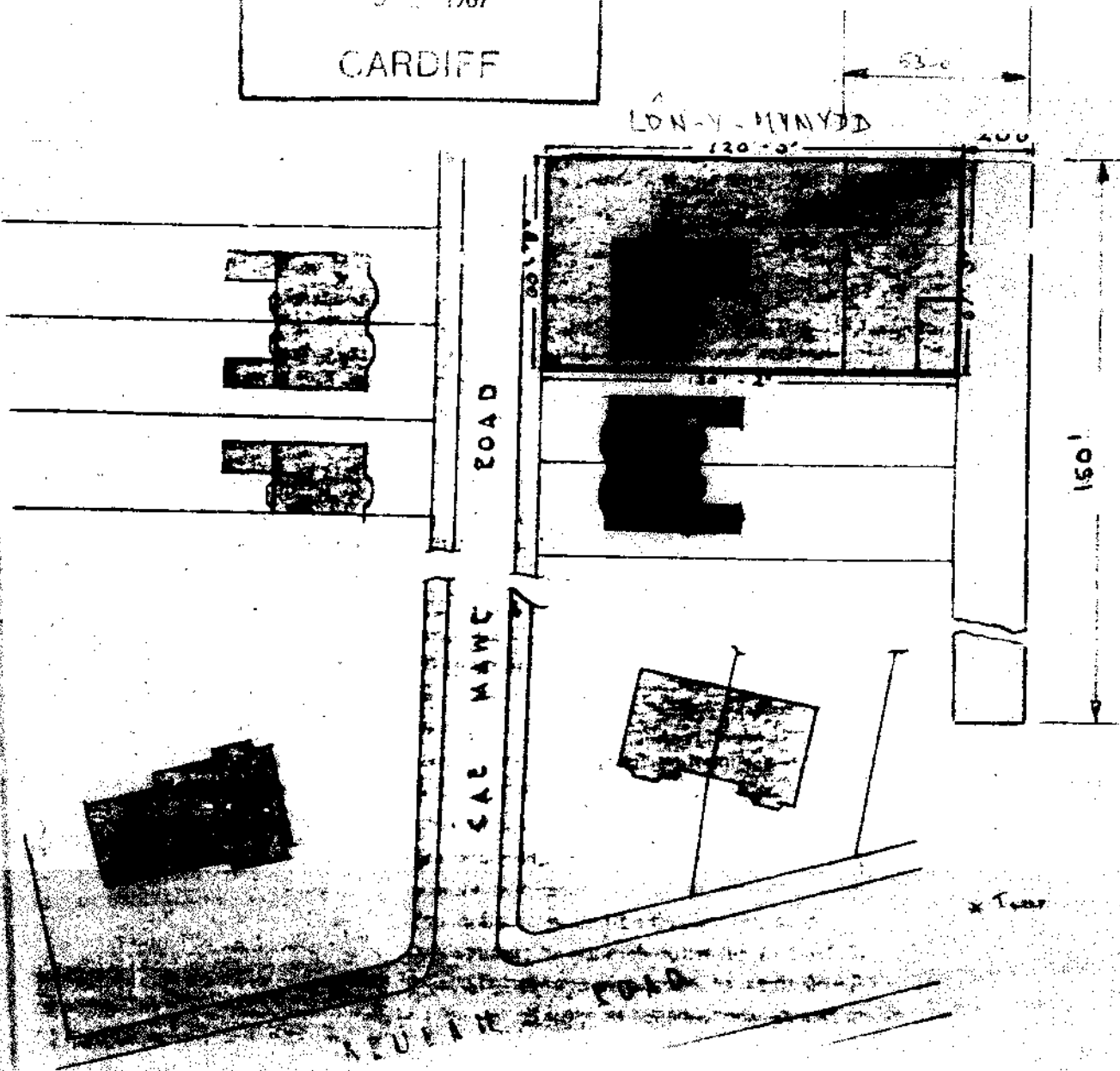
DATED this 31st day of March 1987

[Handwritten signature]

87 / 152

CITY PLANNING  
& DEVELOPMENT OFFICER  
- 3<sup>RD</sup> 1987  
CARDIFF

*Area of site 5013 sq ft*





**REFUSAL OF PERMISSION**

To: **Roscoe Co-ordinated Design & Development Co. Ltd.,**  
**3 Park Place,**  
**Cardiff.**

WHEREAS on the **22nd** day of **December** 19**71**

you submitted an Application on behalf of **R.S.J. Powell & Co.**

for permission to **develop a**  
**house at Llan-y-tyddwr, Cardiff.**

..... (hereinafter called "the development")

**THE CARDIFF COUNTY BOROUGH COUNCIL**, as the Local Planning Authority for the City of Cardiff  
in pursuance of its powers under the above-mentioned Acts and Order, hereby **REFUSES TO PERMIT** the  
development for the following reasons, namely:—

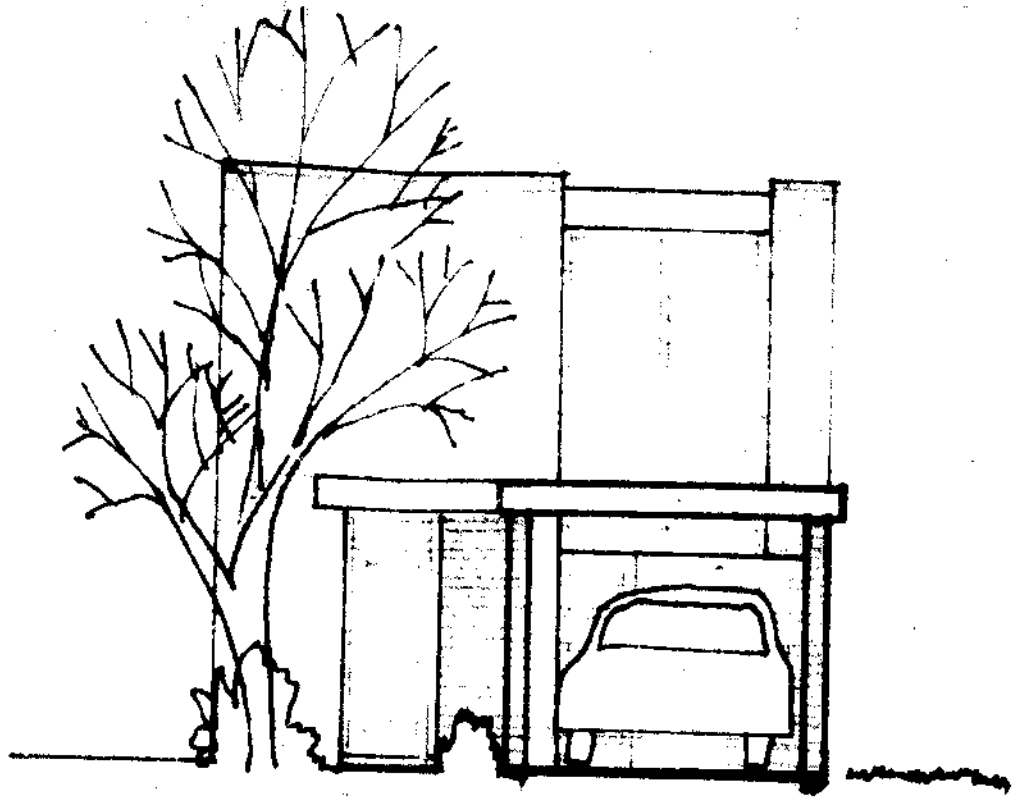
**The development proposed would be harmful to the use and appearance  
of the neighbourhood due to the restrictive nature of the site.**

DATED this **24th** day of **April** 19**71**

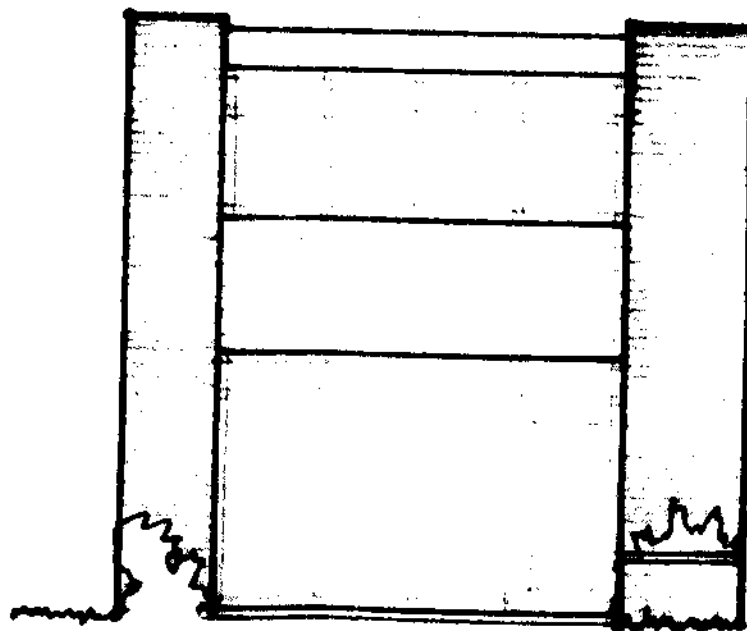
*J. Lloyd Jones*

**Chief Executive** **DECLINE**  
Town Clerk

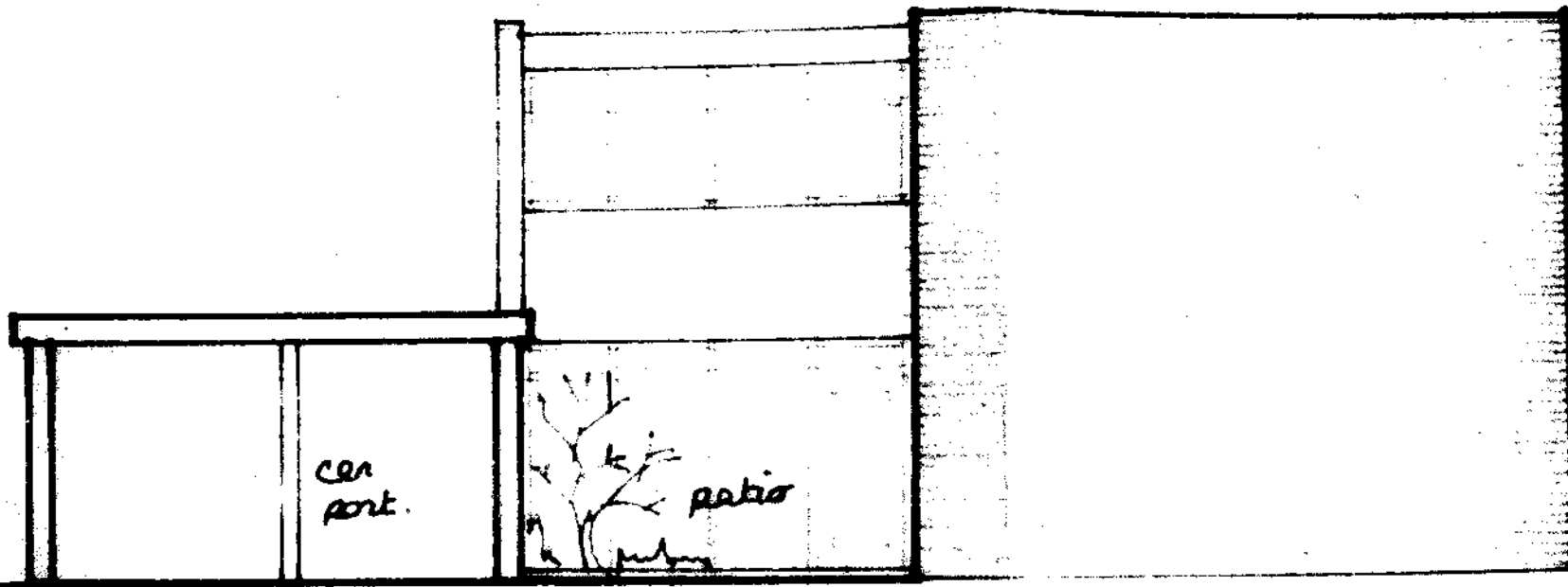
City Hall,  
Cardiff,  
CPI 8ND



ELEVATION TO ROAD



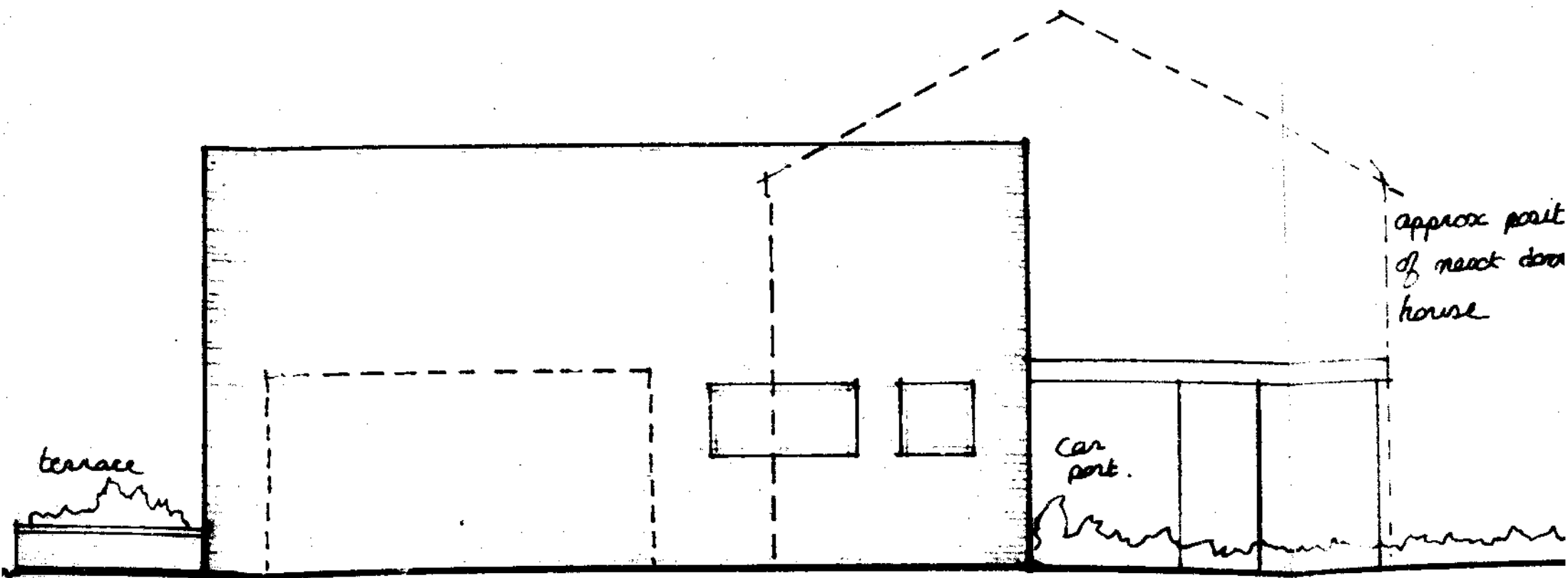
ELEVATION TO GARDEN.



CITY  
PLANNING (C  
22 DEC  
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34  
terrace

SIDE ELEVATION (TOWARDS CAE MAWR RD.)



SIDE ELEVATION