

LOCAL MEMBER OBJECTIONS AND PETITION

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/02726/MNR** APPLICATION DATE: 14/11/2016

ED: **RADYR**

APP: TYPE: Full Planning Permission

APPLICANT: Mr THEAKER

LOCATION: 20 WINDSOR ROAD, RADYR, CARDIFF, CF15 8BQ

PROPOSAL: NEW DWELLING IN THE GROUNDS OF 20 WINDSOR ROAD, TO BE NAMED 20A WINDSOR ROAD. INCLUDE FOR NEW SITE ENTRANCE FOR DWELLING

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

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan
 - 1604/S00 – Proposed site plan
 - 1604/S01A – Proposed ground floor
 - 1604/S02A – Proposed first floor
 - 1604/S03A – Proposed second floor
 - 1604/S04A – Proposed roof plan
 - 1604/S101A – Proposed elevation south east from Windsor Road
 - 1604/S102 – Proposed elevation south east
 - 1604/S103 – Proposed elevation north west
 - 1604/S104 – Proposed elevation south west
 - 1604/S105 – Proposed elevation north east
 - 1604/S200 – Proposed section A-a
 - 1604/S201 – Proposed section B-b

Reason: For the avoidance of doubt as to the extent of the permission.

3. Prior to the commencement of development a site assessment, including ground permeability testing as appropriate, shall be undertaken to ascertain whether sustainable drainage techniques such as soakaway drainage and permeable paving can be utilised for the disposal of surface water run-off and a drainage scheme for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the local planning authority, which shall include

sustainable drainage techniques if, as a result of the site assessment, these have been found to be feasible. No part of the development shall be occupied until the drainage scheme is carried out and completed as approved.

Reason: In the interests of the proper drainage of the site, in accordance with policy EN10 of the Cardiff Local Development Plan.

4. Prior to the construction of the development above foundation level, a sample panel of the proposed external finishing materials, details of the materials to be used for the balustrades and details of the garage door and lobby feature, shall be submitted to and approved in writing 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 in accordance with policy KP5 of the Cardiff Local Development Plan.

5. Prior to the installation of a gate at the entrance to the site, details of its finished appearance, including materials of construction, shall be submitted to and approved in writing 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 in accordance with policy KP5 of the Cardiff Local Development Plan.

6. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, earthworks, hard surfacing materials, proposed and existing services above and below ground level, a scaled planting plan, plant schedule (structural elements only), tree pit section, topsoil and subsoil specification, planting methodology and aftercare methodology. The landscaping scheme shall be informed by a basic soil assessment undertaken by a Soil Scientist, Environmental Scientist, Arboriculturist, Horticulturist or Landscape Architect, based on the preparation of trial pits. Soil physical characteristics should be recorded, photographed and submitted as evidence of the suitability of the soil for its intended end use, and a strategy for soil handling, storage and placement prepared, that accords with the principles set out in BS 3882:2015, BS 8601:2013 and the DEFRA Code. The details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason : To enable the Local Planning Authority, to determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance, in accordance with policy KP5 of the Cardiff Local Development Plan.

7. Any trees, plants, or hedgerows included in the approved landscaping scheme which, within a period of five years from the completion of the development, die, are removed, become seriously damaged or diseased or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.
Reason : To maintain and improve the amenity of the area, in accordance with policy KP5 of the Cardiff Local Development Plan.
8. Prior to the commencement of development a plan showing a visibility splay which shall facilitate uninterrupted vision of the carriageway from a distance of 2.4m back from the carriageway edge at the vehicular access to a distance of at least 45 metres to the west, shall be submitted to and approved in writing by the Local Planning Authority and no obstruction to vision exceeding one metre in height, or vegetation that shall in future exceed 1m in height, shall be placed, or allowed to remain, within the approved visibility splay thereafter.
Reason: To ensure that the use of the proposed access does not interfere with the safety and free flow of traffic passing along the highway abutting the site, in accordance with policies T5 and T6 of the Cardiff Local Development Plan.
9. Prior to the commencement of development, details of the means of site enclosure, including the boundary to the front of the site on Windsor Road, shall be submitted to and approved in writing 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, in accordance with policy KP5 of the Cardiff Local Development Plan.

RECOMMENDATION 2: Since 27th July 2015, the owners/developers of new residential units are required to purchase the bins required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500.

RECOMMENDATION 3: This development falls within an area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of the Building Regulations.

RECOMMENDATION 4: The developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652 or via email at developer.services@dwrwymru.com if a connection is required to the public sewerage system. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and

Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. Some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks full planning permission for the erection of a detached, three storey, 4 bedroom house.
- 1.2 The house will be of a contemporary design with flat roofs, finished in through-coloured render at ground floor level with zinc cladding, with horizontal divisions matching the pattern of a slate roof, to the upper floors. The flat roofs will be covered with sedum, pebble and paving.
- 1.3 The building will have an L-shaped footprint. The tallest (three storey) section – rising to 8m above ground floor level - will be closest to Windsor Road and aligned with the building line of the neighbouring house to the east. The third storey will be around 9.2m wide and will be set in from the sides of the second storey element, which will be around 15m wide. The ground floor – also around 15m wide – will be set below the ground level of the house to the northwest, due to the gradient of the land, but will be around 1m above ground level of the house to the east. The ground floor will feature a 5.5m wide entrance lobby projecting 2m to the front of the house and will have an L-shaped footprint, extending around 11.5m back into the site from the main rear elevation. The first floor will overhang the ground floor front elevation by around 1 metre.
- 1.4 The ground floor will contain a single garage, shower room, storage/plant room, “snug”, living room, dining/kitchen and utility room and will have large glazed doors opening onto a garden.
- 1.5 The first floor will contain 3 bedrooms and a family bathroom, and there will be a door opening onto a balcony (part of the flat roof of the ground floor element) which will project around 4m from the rear elevation. The bedroom windows in the rear elevation will be angled towards the east.
- 1.6 The third floor will contain the master bedroom and ensuite bathroom, and there will be a 3.5m x 6m balcony to the western side (the flat roof of the second storey) accessed from the bedroom.
- 1.7 Vehicular access will be onto Windsor Road, at the south eastern corner of the site. The majority of the existing boundary fence and hedge adjacent to Windsor Road will be removed and replaced with a 1m high wall to facilitate visibility at the access.
- 1.8 The application was originally reported to the Planning Committee on 8th February 2017 and was deferred for a site visit, which took place on 8th March 2017.

2. **DESCRIPTION OF SITE**

- 2.1 The application site covers an area of approximately 465 square metres and comprises part of the garden of 20 Windsor Road - a large, detached, two storey house. The site has been cleared but retains its tall boundary hedges bordering Windsor Road.
- 2.2 There is a 90 degree bend in the road uphill of the site, to the west. The land slopes quite steeply down from west to east – the ground floor level of 20 Windsor Road is approximately at eaves height of no. 18.
- 2.3 The surrounding area is characterised by large, two storey detached and semi-detached houses, mostly dating from the early 20th century, with some more contemporary buildings on the upper part of Windsor Road.

3. **SITE HISTORY**

- 3.1 15/02857/MNR - Two storey rear extension.

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*

KP5 (Good Quality and Sustainable Design);
KP15 (Climate Change);
EN8 (Trees, Woodlands and Hedgerows);
EN10 (Water Sensitive Design);
T5 (Managing Transport Impacts);
T6 (Impact on Transport Networks and Services);
W2 (Provision for Waste Management Facilities in Development).

- 4.2 *Supplementary Planning Guidance:*

Following the adoption of the Cardiff Local Development Plan, many existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is considered consistent with LDP policies KP5, EN8, T5 and W2 and can be used to help inform the assessment of relevant matters –

Waste Collection and Storage Facilities (October 2016);
Access, Circulation and Parking Standards (January 2010);
Cardiff Residential Design Guide (March 2008);
Trees and Development (March 2007);
Infill Sites (April 2011).

- 4.3 *Planning Policy Wales (November 2016):*

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
- Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.8 Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

4.12.2: Development proposals should mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition.

4.12.3: Development proposals should also include features that provide effective adaptation to and resilience against the current and predicted future effects of climate change, for example by incorporating green space to provide shading, sustainable drainage systems to reduce run-off, and are designed to prevent over-heating and to avoid the need for artificial cooling of buildings.

8.1.5 Land use planning can help to achieve the Welsh Government's objectives for transport through (inter alia): reducing the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling.

8.4.2: Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate.

9.1.1 The Welsh Government will seek to ensure that: previously developed land is used in preference to greenfield sites; new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote (inter alia): development that is easily accessible by public transport, cycling and walking; attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive; the most efficient use of land; well-designed living environments, where appropriate at increased densities; construction of housing with low environmental impact, reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and 'barrier free' housing developments, for example built to Lifetime Homes standards.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development.

13.4.2 In determining applications for development, local planning authorities should work closely with Natural Resources Wales, drainage bodies, sewerage undertakers, prospective developers and other relevant authorities to ensure that surface water run-off is to be controlled as near to the source as possible by the use of sustainable urban drainage systems.

4.4 *Technical Advice Note 12 - Design (March 2016):*

4.9 Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. A contextual approach should not necessarily prohibit contemporary design.

5.4.10 To effectively adapt to the effects of climate change attention should be given to the ways in which the design can both minimise and manage the impacts arising from climate change.

5.11.3 The design of housing layouts and built form should reflect local context and distinctiveness, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces, consideration should be

given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area. All residential proposals should seek to minimise energy demand.

6.16 The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.

4.5 *Technical Advice Note 18 - Transport (March 2007).*

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:*

There are concerns regarding the visibility exiting the proposed driveway, which is on a sharp bend and could be dangerous. There would be no objections if the current boundary treatment were removed and a wall erected at a maximum of 1m in height within a 45m vision splay, with no vegetation/ future growth over 1m in height.

5.2 *Drainage:*

No objection subject to a condition requiring a site assessment including ground permeability testing as appropriate to be undertaken to ascertain whether sustainable drainage techniques can be utilised, and approval of a drainage scheme for the disposal of both surface water and foul sewage.

5.3 *Waste Strategy & Minimisation Officer:*

This property will require the following for recycling and waste collections: 1 x 140 litre bin for general waste; 1 x 240 litre bin for garden waste; 1 x 25 litre kerbside caddy for food waste; green bags for mixed recycling (equivalent to 140 litres), the storage of which must be sensitively integrated into the design. Storage within the garden is acceptable.

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 *Welsh Water:*

No surface water and/or land drainage shall be allowed to connect to the public sewerage system. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer.

6.2 *Radyr and Morganstown Community Council:*

Object to the application on the following grounds:

(i) Road safety: the location of the new access for the dwelling is on the apex of the bend. At school time this is one of the routes most used by parents to take their children to and from Radyr Primary School. Already cars travel far in excess of the speed limit as they come around the bend in Windsor Road and the corner is particularly dangerous. Any new exit from a private dwelling on the corner of the bend will add to the dangers

(ii) Parking: the house will generate more roadside parking adding to the traffic dangers on Windsor Road.

(iii) Aesthetic grounds: the designs for this house indicate that it will be higher than its neighbours, dominating what is one of the nicest roads in Radyr.

7. **REPRESENTATIONS**

7.1 The application has been advertised by neighbour notification. 12 individual letters and a petition of 54 signatures have been received opposing the application on the following grounds:

1. Design:

The proposed house is larger in scale than the existing house at Number 20, and Number 18 Windsor Road (which is incorrectly depicted as larger than it is in the drawings). The layout is inconsistent with the layout of neighbouring houses, with a much deeper projection into the rear garden. The form and massing are also inconsistent with the context, with a third storey that is very prominent. The proposed building sits above Number 18 as a result of being located at a higher point on the hillside. The new dwelling would visually dominate Number 18 and the surrounding skyline. It would also be inappropriate in this location, given the character of the neighbouring houses. Windsor Road is one of the original streets of Radyr and the pitched roofs of red tile or slate and white/cream pebbled dash walls, often with leaded windows, gives it a traditional character. A “modern box” of a house will diminish these qualities. Such a design also creates tension and unpleasantness in the community.

2. Loss of green space:

This garden area provided a green corner of the street scene that was well stocked with trees and other vegetation and this will be lost in the proposed development.

3. Impact on drainage:

Given the contours of the land, water courses and drainage may have an adverse effect on the property to the east once a permeable surface is changed into an impermeable surface. The adjacent garden is already prone to flood in wet weather.

4. Impact on amenity of neighbours:

The height of the proposed dwelling, the size, number and orientation of the windows on the rear elevation, and the roof terrace on the rear section, will result in overlooking and overshadowing of neighbouring gardens, especially Number 18. There will also be a further loss of amenity through the noise reflecting from the hard surfaces of the proposed design when the terrace is in use.

5. Highway safety:

The proposed site entrance for the new house would constitute a danger to traffic on Windsor Road. There is also the increased danger to pedestrians, who have to walk on this side of Windsor Road (there is no pavement on the opposite side), many of whom are schoolchildren on their way to or from school. Windsor Road is very busy and the new drive would be situated at a blind spot

close to the apex of a 90 degree bend with a significant downhill gradient. Cars often travel along this road at speeds in excess of 30mph. The layout of the proposed development would make it impossible for vehicles to be turned around within the site, therefore any vehicle leaving the site would have to be reversed in or out. This would make the resulting situation even more dangerous. There has been a recent incident on this bend – a private car collided with one of the builders' vans which are routinely parked by the owner of 20 Windsor Road directly outside his property on the downhill entrance to the bend. Policy C7 makes clear that the Council's priority in new developments is to, amongst other things, "enhance road safety". The proposed development does not comply with the Manual for Streets in that the sightline requirements for the circumstances at the proposed development are not met. Such deficiencies should be grounds enough to refuse the planning application. Due to the solid boundary provisions at both the existing premises and the proposed development it is difficult to see how the sightline can be improved. Also, there seems to be potential for the vehicles entering the property to remain on the highway whilst the gate was opened. If the gates needed to be operated manually there is potential for the vehicle to be stationary across at least part of the carriageway during the opening procedure.

6. Parking:

The plans appear to show parking for 4 vehicles in the existing driveway of Number 20. If it is intended that occupiers of the proposed development would park their vehicles there, why is a new driveway shown? Such an arrangement would also be highly inconvenient for all concerned, would be unenforceable, and could result in loss of parking for Number 20 (the present owner of Number 20 already routinely parks vehicles, including builders' vans, on the roadway on the entrance to the bend during the day and overnight). There are inadequate parking facilities along that section of Windsor Road. On street parking close to the entrance of the new development would restrict the sight lines from the proposed access point, further compromising road safety.

7.2 Councillor Rod McKerlich objects to the application as follows:

(i) Since the applicant purchased 20 Windsor Road, I have been even more aware than I was previously of the dangerous bend at the top of the slope. I have always known that there is no pavement on the south-west side of the bend where a footpath emerges from Parc Radur onto Windsor Road. This footpath is used by a large number of pedestrians and cyclists and pupils making their way on foot to and from Radyr Primary and Radyr Comp. I have asked (without success) Highways to install a pavement and I have asked for this to be done as a S106 agreement on other planning applications. Most recently I asked this to be included as a S106 contribution to the large Acolaid development but Redrow refused on the grounds that it was too remote from their site. Since the applicant moved in and started work there have been a large number of substantial vans (relating to his business) parked outside 20 Windsor Road and this continues even after completion of work on number 20. As a result I am being regularly asked for double yellow lines to be put on the north east side of that bend. The proposed access from the proposed new house will come onto that bend at its apex; this is incredibly dangerous and I

ask that Highways monitor that bend at morning and evening rush hours before giving support to this notion. I am not certain that it is possible to build a safe access from the proposed site but I am certain that the suggested access is dangerous to an unacceptable degree,

(ii) This is an infill development which is in breach of the relevant supplementary planning guidance in that the new house is not subservient to the original house on the site, It is far larger than the original house.

(iii) The proposed new house would infringe the privacy of occupants of 18 Windsor Road, several residents in The Green and many occupants of other homes to its north on Windsor Road. This touches many private gardens but also rooms in various houses I am advised that local residents will be submitting a petition giving numerical weight to this and other individual objections. The Radyr and Morganstown Community Council will also be opposing this. I ask that this should be taken to Planning Committee rather than being considered under delegated powers and, in view of the terrain and location of neighbouring homes, I suggest that a site visit would be an appropriate precursor.

7.3 Councillor McKerlich also submitted information from an architect showing the visibility splays at the access and stating that only 29.3m is achieved, which falls short of the required 45m.

8. **ANALYSIS**

8.1 The main issues to be considered in the determination of this application are design, residential amenity and highway safety. With regard to the design of the proposed development, this is considered acceptable for the site: there is evident variety in the dwellings along this part of Windsor Road and the provision of a contemporary property on the application site would be considered acceptable in principle. Whilst the street is widely characterised by predominantly pitched roofs, it is acknowledged that in terms of the Infill Sites Supplementary Planning Guidance, a flat-roofed design solution cannot be ruled out if it is well designed in other respects.

8.2 The proposed dwelling is considered to respect the scale and massing of the adjacent properties. The overall height of the building, at 8.7m, respects the height of numbers 18 and 20 Windsor Road and takes into account the level change between these two buildings, and features such as the narrow vertical windows to the first floor and stepping in of the second floor at the sides provide interest and detail, help to reduce the massing and improve the visual relationship with the neighbouring properties. The overall width of the proposed second floor respects that of the nearest neighbouring house, Number 18.

8.3 Both the existing and proposed properties will maintain a reasonable amount of private outdoor amenity space, in line with the requirements of the Infill sites Supplementary Planning Guidance, which will provide sufficient space for the dwelling to sit at an appropriate position within the plot and not disrupt the character of the area. Existing boundary treatment, including mature hedging,

to the rear and side of the plot is to be retained. The hedge and fence to the site frontage will have to be removed to provide adequate visibility at the access but these can be replaced with a low brick wall, perhaps with a strip of low level planting behind, which will be similar to other plots in the area. A detailed landscaping scheme and boundary treatment details can be required via a planning condition.

- 8.4 The external finishing materials of the building - zinc cladding and a treated weather-proof through-render - are appropriate to the design of the building and its surroundings. The top storey of the proposal would be dark grey metal cladding with horizontal banding that matches the surrounding hipped roofs. Samples of the materials, including details of the garage door and entrance lobby - will be required to be submitted for approval before the house is constructed, to ensure that they will harmonise with surrounding development.
- 8.5 Regarding the impact on the amenities of neighbouring residents, there will be no windows overlooking adjoining properties at close quarters and the roof terraces will have 1.8m high opaque glass screens to prevent loss of privacy. The section of the building that projects beyond the existing rear building line of No.18 will be set at a low level and will not cause overshadowing of that property or appear overbearing when seen from the adjoining garden. The development has been designed to have no negative impact on the existing property at No.20 Windsor Road. Houses on The Green to the rear of the site will not be adversely affected as they are more than 45m from the proposed dwelling.
- 8.6 With regard to the objections received:
- 1) The first floor level of the proposed house is wider than the adjacent houses but it is narrower at second floor level. It is around the same width as the house on the opposite side of the road. There is a wide variety of building sizes and forms in the area and the scale, form and massing of the proposed house would not be out of keeping with its surroundings. There is no requirement for the house to have the same layout as its neighbours and provided the rear projection does not result in an unacceptably small amount of outdoor amenity space or unacceptable loss of amenity to neighbouring residents its length does not constitute grounds for refusal of the application. The third storey will be set in from the edges of the lower storey and will not be dominant – its height takes into consideration the gradient of the sloping ground and is consistent with the height of the buildings on each side. It will be higher than No. 18 but only because No. 18 is lower down the hill. Windsor Road is not a Conservation Area and the houses do not all have a consistent character: there are several modern buildings amongst the more traditional types. A person's reaction to the design of a buildings is subjective: whilst some may prefer designs dating from the early 20th century there are others who consider contemporary architecture more pleasing.
 - 2) There are no trees in this location that are protected by a Tree Preservation Order and no hedgerows that qualify for preservation under the Hedgerow Regulations. The space is a private garden screened by a tall fence with a privet hedge behind. The owner could remove vegetation from the site at any time without the need to obtain permission.

3) A comprehensive drainage scheme will have to be approved before development commences, to ensure that there will be no adverse impact on surface water drainage.

4) No windows will face directly towards adjacent gardens at a distance of less than 10.5m, which is the normally accepted minimum length of a garden in a new development. There will be no habitable room windows facing towards those of adjacent houses. The roof terrace on the rear section will extend only 4m from the rear of the house and will have a 1.8m high opaque glass privacy screen along the side that faces No.18 Windsor Road. The 11m long rear extension will not result in unacceptable overshadowing of the adjoining garden (No.18) as it will be single storey (around 3m tall, with a flat roof) and set away from the boundary with No.18 by around 4m to 5m. The development will cause no more overshadowing than existing/recently removed trees and hedges. The possibility that noise from the use of the terrace could cause nuisance to neighbours is not a valid reason to refuse the application: the use of the site is not changing – it is already a domestic garden that could be used for “noisy” activities, and noise from residential properties is controlled under Environmental Health legislation.

5) The development will include the provision of visibility splays, involving a reduction in the height of the boundary fence/wall on the corner of Windsor Road. This is acceptable to Highways officers and will result in an improvement in highway safety. If cars are travelling along this section of road at speeds in excess of 30mph they are breaking the law: this is not the responsibility of the applicant. There is enough space within the site to enable vehicles to turn so that they will not have to reverse into/out of the drive. Also, it should be noted that the provision of a vehicular access at this location would be Permitted Development, not requiring planning permission.

6) It is not intended that vehicles associated with the new development would be parked at No.20. Also, there are adequate parking facilities on Windsor Road – every house has its own off-street parking and on-street parking is relatively infrequent. The new development proposes a single garage plus enough external space for at least two more cars, and the existing dwelling (No.20) will not lose any off-street parking facility as a result of the development. This accords with the provisions of the Supplementary Planning Guidance “Access, Circulation and Parking Standards”.

8.7 The objections of the Radyr and Morganstown Community Council relate to road safety, parking and design and are addressed above.

8.8 The objections raised by Councillor Rod McKerlich relate to road safety, the scale of the building and the impact on the privacy of neighbouring residents, and are addressed above. The information regarding the visibility splays contradicts information provided by Highways officers, which indicates that 45m visibility can be achieved. Highways officers have agreed that they have no objections provided the current boundary treatment is removed and nothing achieving more than 1m in height is placed within the visibility splay. The applicant’s architect considers that the appropriate visibility splay can be achieved. If it cannot, then the development cannot go ahead as proposed because condition 8 will not have been discharged.

8.9 In conclusion, there would be no reasonable grounds for refusal of this application and it is recommended that planning permission be granted subject to the conditions set out above.

9. **OTHER CONSIDERATIONS**

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

20 Windsor Road, Cardiff, CF15 8BQ

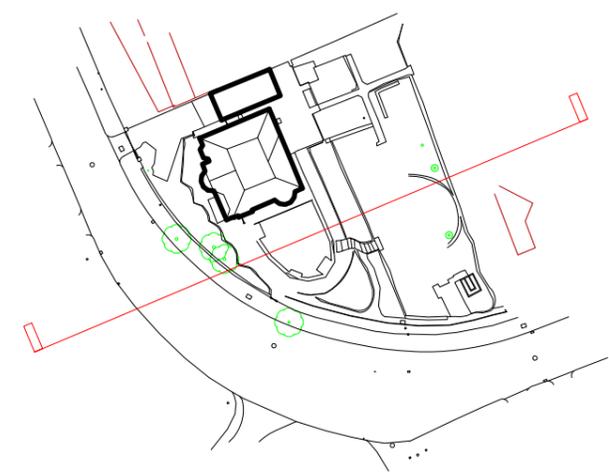
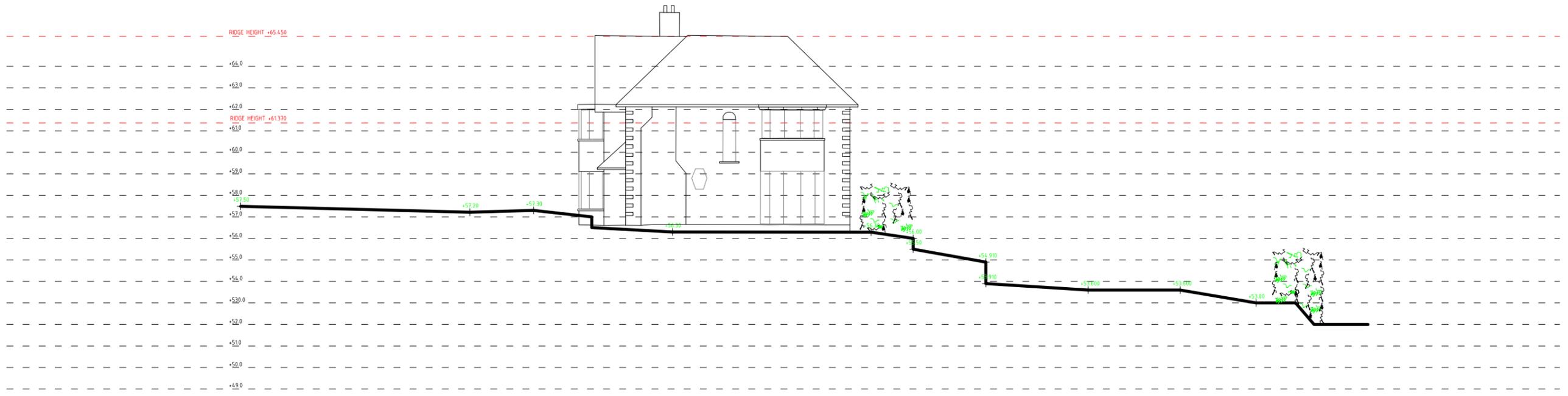


Site Plan shows area bounded by: 312963.98, 180234.72 313105.4, 180376.14 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
EXISTING:
SECTION A-a

SCALE
1:200 @ A3
DATE
MAY 16

DRAWING NO.
DRAWN
DB
1604 / E02

DRAWING STATUS
PRELIMINARY INFORMATION APPROVAL PLANNING
TENDER B. REG. CONTRACT COMPLETION

BENHAM ARCHITECTS
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REVISIONS:
 A: RESOLVE HEIGHT OF BOUNDARY CONDITION TO ENSURE REQUIRED VISION SPLAYS ARE ACHIEVED



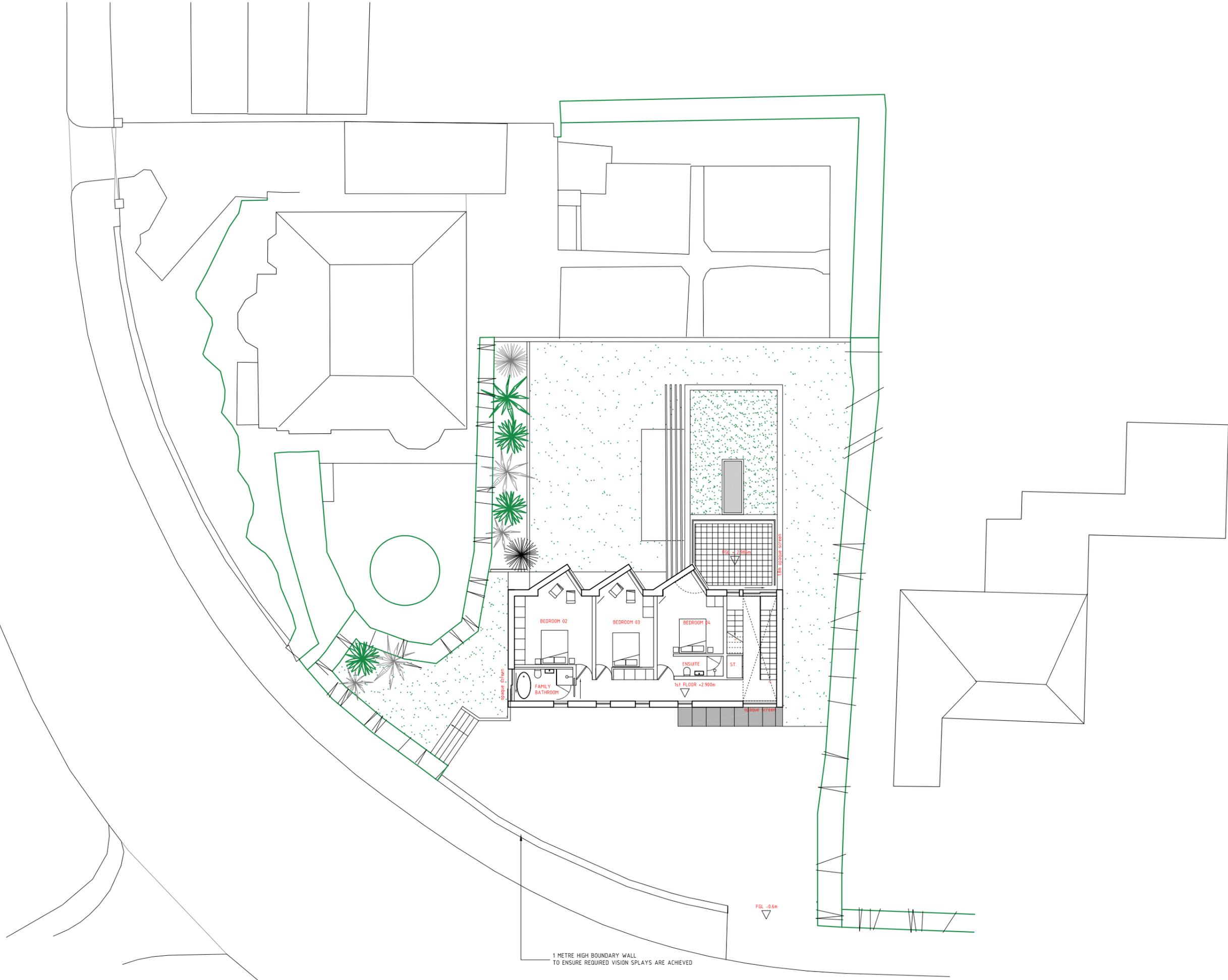
PROJECT
 20A WINDSOR ROAD, RADYR

DRAWING
 PROPOSED:
 GROUND FLOOR

SCALE 1:200 DRAWING NO. 1604 / S01A
 DATE NOV 16 2015 DRAWN BY VT/DB

DRAWING STATUS
 PRELIMINARY INFORMATION APPROVAL PLANNING
 TENDER B. REG. CONTRACT COMPLETED

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REVISIONS:
 A: RECHECK HEIGHT OF BOUNDARY CONDITION TO ENSURE REQUIRED VISION SPLAYS ARE ACHIEVED

PROJECT
 20A WINDSOR ROAD, RADYR

DRAWING
 PROPOSED:
 FIRST FLOOR

SCALE 1:200 DRAWING NO. 1604 / S02A
 DATE NOV 16 2016 DRAWN BY VT/DB

DRAWING STATUS
 PRELIMINARY INFORMATION APPROVAL PLANNING
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RODGE HEIGHT +65.450

RODGE HEIGHT +61.370

2nd FLOOR +6.00m

1st FLOOR +3.00m

GROUND LEVEL +53.00

1 METRE HIGH BOUNDARY WALL
TO ENSURE REQUIRED VISION SPLAYS ARE ACHIEVED

REVISIONS
A: REDUCE HEIGHT OF BOUNDARY CONSTRUCTION TO ENSURE REQUIRED VISION SPLAYS ARE ACHIEVED

PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED: ELEVATION
SOUTH-EAST FROM WINDSOR ROAD

SCALE
1:200 @ A3
DATE
NOV 16
DRAWN
VT/DB
DRAWING NO.
1604 / S101A

DRAWING STATUS
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RIDGE HEIGHT -65.450

RIDGE HEIGHT -61.370

+57.30

+59.30

+57.00

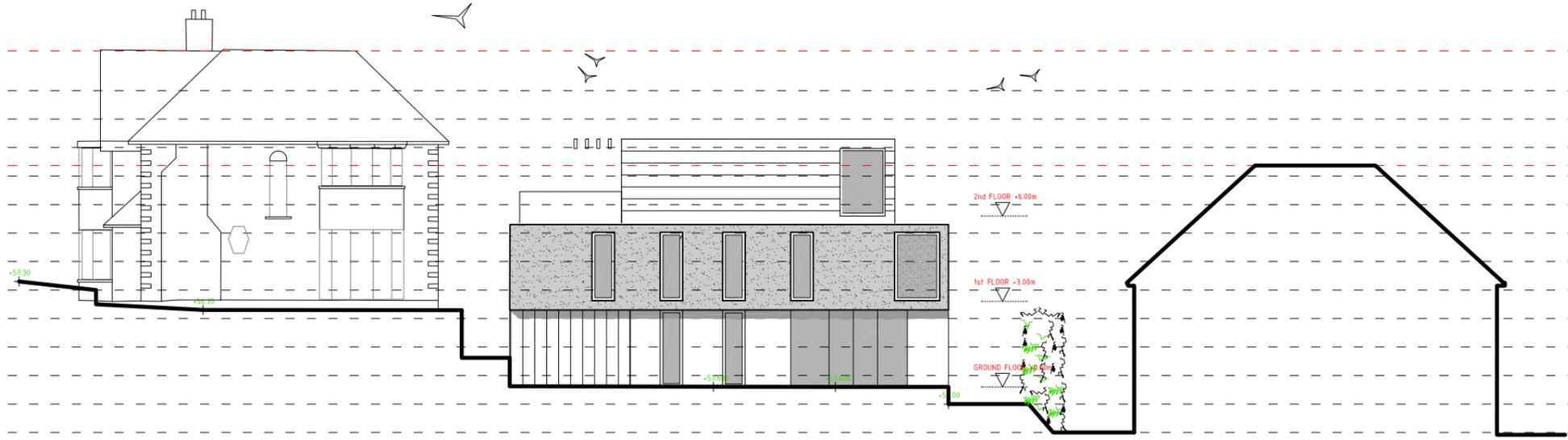
+5.00

-3.00

2nd FLOOR +6.00m

1st FLOOR +3.00m

GROUND FLOOR +0.00



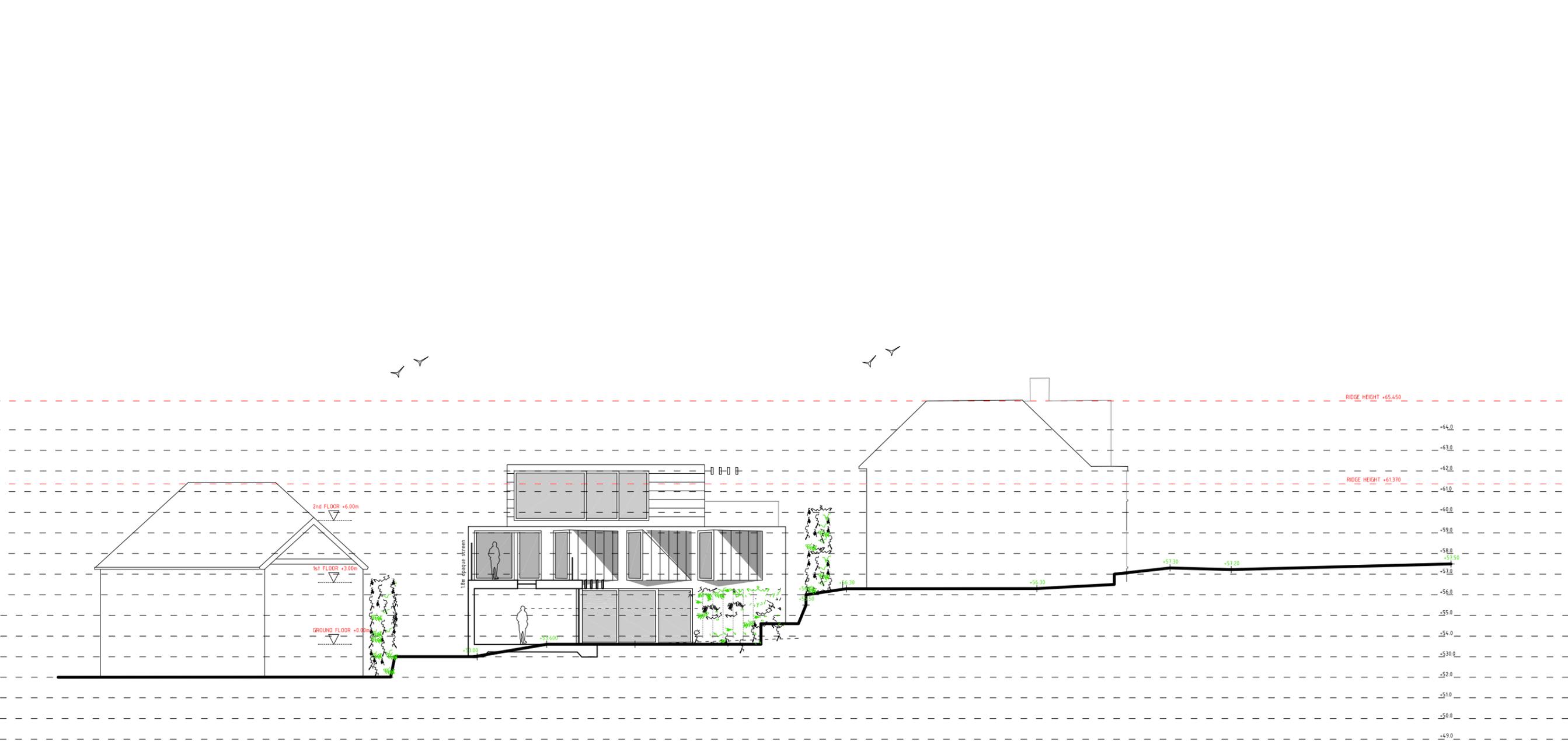
PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED: ELEVATION
SOUTH-EAST

SCALE
1:200 @ A3
DATE
NOV 16
DRAWN
VT/DB
DRAWING NO.
1604 / S102

DRAWING STATUS
PRELIMINARY INFORMATION APPROVAL PLANNING
TENDER REG. CONTRACT COMPLETION

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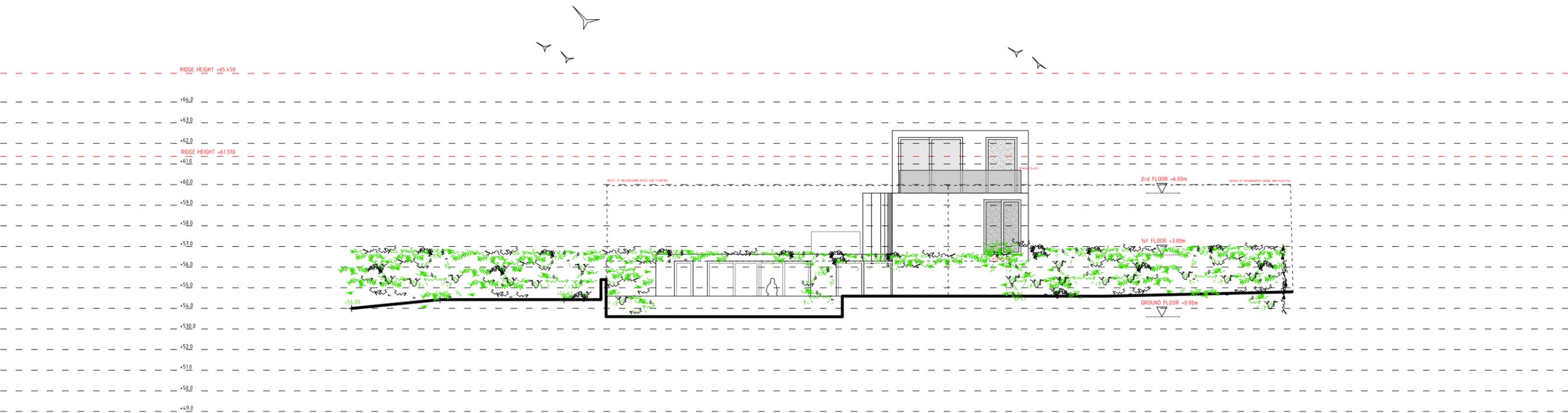
PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED: ELEVATION
NORTH-WEST

SCALE
1:200 @ A3
DATE
NOV 16
DRAWN
VT/DB
DRAWING NO.
1604 / S103

DRAWING STATUS
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PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED: ELEVATION
SOUTH-WEST

SCALE
1:200 @ A3
DATE
NOV 16
DRAWN
VT/DB
DRAWING NO.
1604 / S104

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+63.0

+62.0

--- RIDGE HEIGHT +61.370

+61.0

+60.0

+59.0

+58.0

+57.0

+56.0

+55.0

+54.0

+53.0

+52.0

+51.0

+50.0

+49.0



2nd FLOOR +6.00m

1st FLOOR +3.00m

GROUND FLOOR +0.00m

PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED: ELEVATION
NORTH-EAST

SCALE
1:200 @ A3
DATE
NOV 16 2015
DRAWN
VT/DB
DRAWING NO.
1604 / S105

DRAWING STATUS
PRELIMINARY INFORMATION APPROVAL PLANNING
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