

PETITION, LOCAL MEMBER, MP & AM OBJECTIONS

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/01765/MNR** DATE RECEIVED: 18/07/2017

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Hannan

LOCATION: 225 Albany Road, Roath, Cardiff

PROPOSAL: REAR EXTENSION, LOFT CONVERSION WITH DORMERS & CONVERSION OF DWELLING TO FORM 4NO. FLATS.

1. **BACKGROUND INFORMATION**

- 1.1 At the previous planning committee meeting, members requested that the application be deferred so that officers could report back with potential reasons for refusal (included in paragraph 9.8).
 - 1.2 However, since the previous meeting amended plans have been submitted. The amended plans are shown in the report along with the previous plans. Neighbouring addresses were not notified of the amended plans having regard to paragraph 8.2.10 of the Welsh Government's Development Management Manual (Revision 2, May 2017) which states: *It is at the LPAs discretion as to whether they should undertake an additional publicity exercise if an application is amended, or additional information is submitted once the publicity and consultation periods have passed but the application has not been determined.* In cases where amended schemes have the potential to have a greater impact, neighbouring occupiers are usually re-notified. However, in this case the amended scheme would have a lesser impact.
 - 1.3 The officer report has been updated to reflect the amended plans to be considered by planning committee. Furthermore, the report includes amendments reflecting the late representations received from neighbouring addresses and consultees prior to the previous meeting, along with any consequential changes following the amended plans.
 - 1.4 In order to provide full transparency, the original report is also included following the potential reason for refusal (paragraph 9.9).
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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 approved drawings numbered: P584 L_200B; P584 L_201; P584 L_210B; P584 L_211B; P584 L_212B.
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 Pedestrian access to the ground floor rear flat hereby approved shall be via the front of 225 Albany Road and thereafter be retained.
Reason: Sole pedestrian access via the rear lane would be detrimental to occupants and give rise to concerns over pedestrian safety and security, in accordance with Policy KP5 of the Local Development Plan.
- 4 Prior to occupation of the flats hereby approved, refuse storage shall be provided externally to accommodate general waste, recycling and food waste. Refuse storage shall thereafter be retained.
Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Local Development Plan.
- 5 Prior to occupation of the flats hereby approved, a covered cycle store shall be provided within the rear garden to accommodate at least 8 cycles and shall thereafter be retained.
Reason: To ensure that secure and under cover cycle parking facilities are provided to encourage other modes of transport over the private car, in accordance with Policy T5 of the Local Development Plan.
- 6 The south east facing windows of the rear annexe dormer shall be non-opening below a height of 1.7m above internal floor level and glazed with obscure glass, and thereafter be retained.
Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Local Development Plan.
- 7 The finished floor level of the front portion of the building must be set at 9.06m AOD and the rear portion of the building must be set at 8.75 AOD.
Reason: To ensure flood risk to the proposed development is minimised in accordance with Policy EN14 of the Local Development Plan.

RECOMMENDATION 2: Developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting Waste Management's commercial team (029 20717500).

RECOMMENDATION 3: The site is crossed by a public sewer, consent is required from Welsh Water for buildings directly over or within 3 metres of public sewers. The developer is advised to contact Welsh Water Developer Services prior to commencement of development (tel: 0800 917 2652).

RECOMMENDATION 4: As the site is located within a flood risk area future occupants/owners are advised to sign up to the Environment Agency's Flood Warning service. Additional guidance can be found on the following website: <https://naturalresources.wales/flooding/flood-warning-service/?lang=en>

2. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The application seeks planning permission to convert a two storey end of terrace dwelling to four flats and to erect single storey and rear dormer extensions.
- 2.2 An existing 3.8m long original single storey annexe structure would be demolished and a 12m long 4.7m wide single storey extension is proposed beyond the existing two storey annexe incorporating an existing detached outbuilding, it would have a flat roof 3m high and be finished in render.
- 2.3 A pitched roofed dormer would project from the main roof by up to 3.8m at a width of 5.1m, finished in hanging tiles. A flat roofed dormer would project from the rear annexe roof by up to 3.6m at a width of 9.7m, finished in hanging tiles. A window would also be inserted in the existing front gable roof, roof lights would also be inserted in the front and rear roof slopes of the main roof.
- 2.4 Internally the accommodation would comprise of a flat (65m²) within the ground floor front, a flat (66m²) within the first floor rear, a maisonette flat (57m²) within the first floor front and main roof space and a maisonette flat (56m²) within the first floor rear and rear roof space. The ground floor front and upper level flats would be accessed via an existing entrance from Albany Road and the ground floor rear flat would be accessed via an external passage to the side.
- 2.5 The application previously also proposed an external balcony on part of the flat roof of the rear extension, bin storage within the front forecourt and a different access to the first floor flat via a door in the rear elevation. However, the architect has reviewed the discussion of the previous committee meeting and revised the scheme to address concerns raised. The rear balcony has been deleted, the bin cycle store relocated to the side and primary access to the ground floor flat provided via the existing front entrance.

3. **DESCRIPTION OF SITE**

- 3.1 The site comprises a two storey end of terrace dwelling with a detached garage/outbuilding at the rear.

4. **SITE HISTORY**

- 4.1 15/01837/DCH – planning permission granted for single storey rear extension and separate single storey games room, not implemented to date.

4.2 Related History:

06/00690/C – planning permission granted for conversion of no. 223 Albany Road to 2 flats, not implemented.

05/00285/E – planning permission granted and implemented for single storey rear extension rear dormer extension and conversion to 4 no. flats at 219 Albany Road.

10/01203/DCO – planning permission granted and implemented for conversion from 2 to 4 flats with rear extension rear dormer and detached garage at 215 Albany Road.

08/00140/E – planning permission granted for conversion to 3 flats at no. 211 Albany Road.

09/2178/E – planning permission granted for conversion into 2 no. 2 bedroom self-contained flats at no. 199 Albany Road, not implemented.

01/02654/R – planning permission granted and implemented for conversion into 7 self- contained flats at no. 191-193 Albany Road.

07/00232/E – planning permission granted and implemented for conversion to 5 flats with ground floor rear extensions and dormer extension and alterations at no. 189 Albany Road.

14/01216/DCO – planning permission granted and implemented conversion from 2 to 5 flats with single storey rear extension and loft conversion with rear dormer at 237 Albany Road.

15/00084/MNR - planning permission granted for two storey rear extensions and conversion of house in multiple occupation to 5 flats at no. 269 Albany Road.

04/01990/E – planning permission granted for conversion to 2 flats at no. 206 Albany Road, not implemented.

5. **POLICY FRAMEWORK**

5.1 Relevant National Planning Guidance:

Planning Policy Wales (Edition 9, 2016)
Technical Advice Note 12: Design
Technical Advice Note 15: Development & Flood Risk

5.2 Relevant Cardiff Local Development Plan (2006-2026) policies:

Policy KP5 (Good Quality and Sustainable Design)
Policy EN14 (Flood Risk)
Policy H5 (Subdivision or Conversion of Residential Property)

Policy T5 (Managing Transport Impacts)
Policy W2 (Provision for Waste Management Facilities in Development)

5.3 Relevant Supplementary Planning Guidance

Access, Circulation & Parking Standards (2010).
Waste Collection and Storage Facilities (2016).
Residential Extensions & Alterations (2015).

6. **INTERNAL CONSULTEE RESPONSES**

- 6.1 Transportation – the site is on the boundary of a large district centre and on a well served bus route, adjacent to both inbound and outbound bus stops. The site is therefore considered to be in an extremely sustainable location where the need to own/use a private car is reduced and consequently lower parking standards are appropriate.

In terms of the parking numbers, the existing 4 bed house if applied for today would attract between 1 and 3 parking spaces; whereas the proposed 4 no. 2 bed flats would attract between 2 and 8 parking spaces (0.5 to 2 spaces per unit). In contrast to houses however, evidence of car use associated with flats suggests that they (flats) generate less parking demand than traditional family dwellings and as such we would look to the lower end of the parking scale.

In respect of the above considerations, it should be noted that the Access, Circulation and Parking Standards SPG provides guidance on parking numbers that must be considered in relation to all other aspects of a particular application and should not therefore be taken as absolute requirements. Garages are not counted as parking spaces in connection with the SPG standards and in practice are generally not used for parking purposes; even where access is not restricted and/or they are of a suitable size

It is therefore considered that the current and proposed uses of the building would generate broadly similar levels of parking demand and as such zero parking provision is not considered to provide a sustainable ground for objection. Secure covered cycle parking is being proposed within the development. Eight cycle parking spaces are proposed which is in line with the current parking standards.

- 6.2 Waste Management – Each flat will require the following for recycling and waste collections: 1 x 140 litre bin for general 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. Since 27th July 2015, the developers of all new residential units are required to purchase the bin provision 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.

7. **EXTERNAL CONSULTEE RESPONSES**

- 7.1 Natural Resources Wales – initially requested a Flood Consequences Assessment (FCA) to demonstrate the risks and consequences of flooding can be managed to an acceptable level in accordance with Technical Advice Note 15. The application proposes highly vulnerable development (residential) within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Their Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability tidal/fluvial flood outlines of the Rhymney River and Roath Brook. An FCA was subsequently produced, however Natural Resources Wales advised that it did not utilise their latest flood data. As a result they were unable to provide advice on the risks and consequences of flooding in accordance with TAN15.

A revised FCA was produced and Natural Resources Wales recommend that planning permission should only be granted if a condition is attached to ensure that the finished floor levels of the rear portion of the building are set at 8.75m AOD and the front portion of building are set at 9.06m AOD. Without this condition, they would be likely to object to the application as submitted. They also recommend that the site owner signs up to their flood warning service.

- 7.2 Welsh Water - no objection, however the applicant's attention is drawn to the fact that there is a public sewer in the rear garden.

8. **REPRESENTATIONS**

- 8.1 The application was publicised by letter. A petition of objection was received, signed by 57 residents with addresses in Cardiff, all of which are within the vicinity who could reasonably be affected by the matter. Full details are viewable online.

- 8.2 Objections have been received from the following addresses:

- nos. 166, 180, 182, 186, 190, 192, 201, 202, 204, 206, 210, 221, 223, 227, 231, 235, 241, 263 Albany Road
- 86, 104 Marlborough Road
- 32 Roath Court Road
- 5, 16 Roath Court Place
- 2, 5, 11 Arran Place
- 84 Heol y Cadno
- 62 Brithdir Street.

Full details are viewable online, their comments are summarised as follows:

- a) *Density/overdevelopment;*
- b) *Size and scale detrimental to the character of the area;*
- c) *Large number of bins/bags in the front garden and placed on pavement on collection days. Detrimental effect of smell/vermin from the bins.*

The revised bin storage area at the side would block the walkway to the rear flat and shared amenity area which would also act as a fire escape for some residents;

- d) Adverse impact upon parking which is already an issue;*
- e) Loss of family accommodation, a large proportion of houses in Roath and Plasnewydd have already been converted to flats;*
- f) Saturation of HMOs;*
- g) Fast turnover of tenants;*
- h) Further stress on local amenities;*
- i) Increased pressure on local infrastructure and capability of sewerage system;*
- j) Loss of amenity/loss of privacy from extensions and balcony;*
- k) Loss of light/loss of privacy from proposed dormer extensions, the 25 degree rule referred to within the draft 'Cardiff Residential Extensions & Alterations SPG' will be broken by the proposal;*
- l) Noise disturbance from flats and balcony;*
- m) Insufficient outdoor space for the proposed development;*
- n) Small size of flats and lack of disabled access to the flats;*
- o) When permission 15/01837/DCH was granted for a single storey extension/games room a condition was imposed to prevent use as a separate dwelling;*
- p) The proposed development sits on the boundary between nos. 223 and 225. The owners of no. 223 do not give permission for building on the boundary;*
- q) Lack of disabled access for proposed flats;*
- r) Devaluation of other existing family properties.*
- s) Increased crime from flat roof and windows/door to rear lane.*
- t) It is assumed that the proposed walk way to the side will have to be well lit for the residents to access at all times, this could have a detrimental effect on the residents and the neighbours.*

8.3 Cllr Joe Boyle objects to the application, summarised as follows:

- a) Over-intense conversion of family homes into HMOs along Albany Road. I argue that this is having a detrimental impact on community amenity and cohesion. Policy H5 of the Local Development Plan states 'Proposals for any conversion to flats or Houses in Multiple Occupation will be permitted where: 'i) The property is of a size, whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers. ii) There would be no material harm to the amenity of existing, nearby residents by virtue of general disturbance, noise, or overlooking. iii) The cumulative impact of such conversions will not adversely affect the amenity and/or character of the area. iv) Does not have an adverse effect on local parking provision.' I am especially mindful of the third point and believe that the amenity and / or character of the area has already been adversely affected by an intense level of conversion along Albany Road. This proposal, I fear, would add to those problems.*
- b) The SPG on Houses of Multiple Occupancy also makes the following*

valid observation in paragraph 4.3: ... concentrations of HMOs, clustered in small geographical areas can detract from the character of the area and actively contribute towards a number of perceived problems. It is considered that this may conflict with policy KP13 of the LDP which aims to improve the quality of life for all. Eight out of the thirty-six homes within a 50m radius of 225 Albany Road are already converted. This equates to 22%, above even the threshold for Cathays and Plasnewydd and well beyond that 10% that would be considered acceptable within Penylan. It is also worth pointing out that in the adjacent stretch, 177 – 207 Albany Road, all bar three of the properties have been converted to HMOs.

8.4 Cllrs Peter Wong, Daniel De'Ath, Mary McGarry, Sue Lent object to the application, as follows:

- a) *Overdevelopment and change of character to the area. Albany Road is predominantly a street of residential houses, and we consider this planning application to be a clear overdevelopment of the site and therefore too large a development for the area. It has the potential for up to 16 people to be living there, with the added potential of 16 additional cars to the area. Allowing the over development of the residential areas of Albany road and reducing family housing stock will have a significant detrimental effect on the local community.*
- b) *Previous Planning Rationale. The previous planning application on this property (15/01837/DCH) was subject to complying with the following condition: "The single storey games room building hereby approved shall at all times remain in use for purposes ancillary to the residential use of no. 225 Albany Road and shall not be sold or let independently. Reason: The creation of a separate dwelling unit would be unacceptable in this location." If the creation of a single separate dwelling unit is unacceptable in this location then the latest application to create 4 separate dwelling units is much more untenable. For consistency, this application should be declined on this basis.*
- c) *Local Parking. The proposal will result in a significant additional burden on local parking in Albany Road and the surrounding streets. There is already pressure on parking from customers of the shops on Albany Road/Wellfield Road. It is difficult for residents to park, and a development with the potential for 16 additional cars would exacerbate the situation in Albany Road, with a knock on effect on streets like Arran Place and Roath Court Place. This would create great inconvenience for the existing residents in the area.*

8.5 Jo Stevens MP objects to the application, summarised as follows:

- a) *The development of dormer roof extensions and the first floor balcony will dominate the outlook of neighbouring properties;*
- b) *The additional windows and balcony will overlook neighbouring properties with considerable loss of privacy;*
- c) *The rear extension is out of character of the area;*
- d) *The previous permission (15/01837/DCH) was subject to a condition*

that 'the single storey games room building hereby approved shall as all times remain in use for purposes ancillary to the residential use of no. 225 Albany Road and shall not be sold or let independently' as the creation of a separate dwelling unit would be unacceptable in this location;

- e) *The proposal will have a negative impact on parking in Albany Road and surrounding streets. There is already overflow parking from customers of shops on Albany Road/Wellfield Road.*
- f) *Four flats will require four sets of bins stored at the front, the number of bins is likely to block pavement access on collection days.*

8.6 Jenny Rathbone AM objects to the application, summarised as follows:

- a) *Overdevelopment and change of character of the area, reduction of family housing stock will have a significant detrimental effect upon local residents and the area;*
- b) *The previous permission (15/01837/DCH) was subject to a condition that 'the single storey games room building hereby approved shall as all times remain in use for purposes ancillary to the residential use of no. 225 Albany Road and shall not be sold or let independently' as the creation of a separate dwelling unit would be unacceptable in this location;*
- c) *The proposal will have a negative impact on parking in Albany Road and surrounding streets. There is already overflow parking from customers of shops on Albany Road/Wellfield Road.*

8.7 A further objection to the amended drawings has been received from no. 223 Albany Road. Full details are viewable online, their comments are summarised as follows:

- a) *The increased length of the side screens of the balcony would have an impact upon neighbouring amenity and do not meet the requirement of Supplementary Planning Guidance;*
- b) *The increased length of the side screens would be overbearing and overshadowing upon adjacent gardens as a result of 1.8m screens on top of the 3m wall;*
- c) *Use of the balcony in the evening/night will possibly affect the nearby window with noise and smell issues;*
- d) *The balcony would be over over-dominant and out of character with the surrounding area.*

8.8 Comments of support have been received from the following address:

- no. 217 Albany Road.

Full details are viewable online, their comments are summarised as follows:

- a) *Most people with average incomes would struggle to buy a property in the area. There needs to be an option for people to buy or rent smaller properties;*

- b) *A few properties have been converted to flats in this street, there were no representations from neighbours, AM and MP for those applications;*
- c) *Nos. 217 & 219 Albany Road have been converted into flats and there is no waste management issue with those properties.*

9. **ANALYSIS**

9.1 **Policy Considerations**

Subdivision of residential properties is supported by Policy H5 of the Local Development Plan, the subdivision of a residential building into smaller residential units can be an important source of housing. National Planning policy encourages the provision of additional housing stock within previously developed or existing residential land. Paragraph 9.2.6 of Planning Policy Wales states that *'Local planning authorities should address the scope and potential for rehabilitation, conversion, clearance and redevelopment when considering suitable sites for housing development. Maximising the use of suitable previously developed land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.'* It is noted that some residential dwellings within Albany Road have been subdivided to flats, however Policy H5 does not identify a threshold at which subdivision of residential dwellings is considered to reach saturation level and the Council does not have any supplementary planning guidance applicable to subdivision of dwellings. In this case it is noted that 25% of buildings within 50m of the application site have been subdivided to flats, this proportion is relatively low in comparison with other streets elsewhere within Cardiff, for example Cathedral Road, Richmond Road, Newport Road, Connaught Road and Claude Road. Accordingly, it is not considered that subdivision to four flats would adversely affect the general character of the area.

9.2 **Residential Amenity Considerations**

It is not considered that the single storey extension would be overbearing or generally un-neighbourly to justify concern for the Local Planning Authority in this instance. The overall length and height would be identical to that permitted by extant permission 15/01837/DCH and there is an existing garage/outbuilding of 5m length adjoining at no. 223. Although the adjoining occupier has indicated that they intend to remove their garage/outbuilding, this structure existed when planning application 15/01837/DCH was considered and that permission can be implemented regardless of whether the adjoining structure is demolished. There is no power to revoke a planning permission on the basis of a change in scenario at an adjoining property.

It is not considered that the dormer extensions would be overbearing or generally un-neighbourly to justify concern for the local planning authority in this instance. The rear annexe dormer would have minimal additional overshadowing impact upon no. 227 to that already experienced by the existing two storey annexe and the main roof. Furthermore, the height of the rear annexe dormer would be lower than the ridge height of the existing main

roof. In any case the rear annexe dormer would constitute development permitted under Class B of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 if constructed prior to the conversion to flats.

It is not considered that the rear facing windows of the dormer extensions would result in any unreasonable loss of privacy to adjoining gardens having regard to their positioning and orientation. The rear facing windows of both dormer extensions would face the rear garden of the application site in the same manner as the existing first floor rear facing windows, angled at 90 degrees to the adjoining side gardens. The rear facing window within the main roof rear dormer would be sited 26m from the rear gardens of nos. 104 & 106 Marlborough Road and the rear annexe dormer would be sited 15.5m from the rear gardens of nos. 104 & 106 Marlborough Road, exceeding the minimum of 10.5m specified by the Residential Extensions & Alterations Design Guide. It is noted that the side facing windows of the rear annexe dormer would be sited 4.5m from the side boundary of no. 227 Albany Road which is less than the minimum of 10.5m specified by the Residential Extensions & Alterations Design Guide. Condition 6 is considered necessary to ensure these windows are obscure glazed and non-opening below an internal height of 1.7m.

The internal floor area of all flats comfortably satisfies the minimum requirement of 30 square metres at an internal height of 2m or more, and the outlook from all living areas is considered adequate. An adequate private external amenity area of 65 square metres (60 excluding the cycle store) would be retained at the rear/side accessible by all flats via an external side passage. A cycle store would be provided within the rear garden, condition 5 is considered necessary to ensure a covered cycle store is provided prior to beneficial occupation of the flats. Refuse storage containers can be satisfactorily accommodated externally within the side or the rear garden, condition 4 is considered necessary to ensure the necessary storage containers are provided prior to beneficial occupation.

It is noted that the ground floor rear flat would have a secondary access to the rear lane, if pedestrian access was solely via the rear lane it would be unacceptable as this would be detrimental to residents in terms of pedestrian safety and security. Condition 3 is therefore considered necessary to ensure access to this flat via the front of 225 Albany Road is retained at all times. It is also noted that a condition was imposed on previous permission 15/01837/DCH to prevent use of the games room as a separate dwelling, however this was imposed as an advisory function due to the characteristics of that proposal being for an extension to an existing dwelling and not for subdivision to create additional dwelling units unlike the current proposal.

It is noted that the side facing windows of the ground floor rear flat would be overlooked by occupants of the other flats when using the shared outdoor amenity space, however this is a widely established accepted relationship between ground floor flats and shared external amenity areas of buildings converted to flats and new build blocks of flats.

9.3 Design Considerations

The scale of the single storey extension is considered acceptable in this instance as a large external area (17.5m long 3.5m wide) of 65 square metres would remain to the rear/side, the provision of an unusually large external area at the side is repeated within the vicinity at nos. 227, 237 & 239 Albany Road. The overall footprint would be very similar to the extension permitted by extant permission 15/01837/DCH and part of the extension encompasses the existing detached garage structure. Accordingly it is considered that it would not be out of character to the locality and will provide a subservient addition to the building. It should also be noted that a large proportion would constitute development permitted under Class A of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 on the basis that: *the total area of ground covered by buildings within the curtilage of the dwelling house (other than the original dwelling house) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house); the height of the eaves of any part of the enlarged part which is within 2 metres of the boundary of the curtilage would not exceed 3 metres; and the enlarged part of the dwelling house would not extend beyond the rear wall of the original dwelling house by more than 4 metres.* The existing 3.8m single storey rear structure existed in 1948 therefore is considered original for the purposes of permitted development.

The main roof rear dormer is considered visually acceptable as it would be set back from the rear/side elevations and finished in materials to match the existing building, in accordance with the Residential Extensions & Alterations SPG. It is noted that the rear annexe dormer would be of substantial size, however in any case this dormer extension would constitute development permitted under Class B of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 if constructed prior to the conversion to flats on the basis that: *it does not exceed the highest part of the existing roof, does not exceed 40 cubic metres, is set back by 0.2m from the eaves of the roof, and the appearance of the materials used will far as practicable match the appearance of the materials used in the equivalent elements of the existing dwelling house.*

9.4 Transport Considerations

The proposal is compliant with the Access, Circulation and Parking Standards SPG with no off street parking spaces, subject to provision of cycle parking as confirmed by Transportation. The site is also in a sustainable location near to bus routes.

9.5 Representations

The representations received from the neighbouring residents, Cllrs Joe Boyle, Peter Wong, Daniel De'Ath, Mary McGarry, Sue Lent, Jenny Rathbone AM and Jo Stevens MP are noted. While the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own,

a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations. Specific issues are addressed as follows:

- a) Density/Overdevelopment. It is considered that the provision of four flats is acceptable as detailed within the above analysis.
- b) Size/Scale. It is considered that the proposal is acceptable as detailed within the above analysis.
- c) Bins. It is considered that refuse storage containers could be suitably accommodated within the side/rear garden as detailed within the above analysis. Existing refuse storage containers for buildings within this street are accommodated within the front forecourts. The revised plans indicate that a 0.8m wide access would be provided to the side of the bins. Building Control have confirmed that this is adequate as the ground floor rear flat would have a secondary access to the rear lane which could be used as a means of escape in the event that the side access is obstructed by fire. If any issues were presented by bins being stored at the side they could be relocated to the rear where there is ample space. Should this be the case, condition 4 would allow full flexibility of the bins being located to the side or the rear;
- d) Parking. The proposal is compliant with the Access, Circulation and Parking Standards SPG with no off street parking spaces subject to provision of cycle parking as detailed within the above analysis.
- e) Loss of family accommodation. There is no planning policy to protect family accommodation and no policy or specific supplementary planning guidance in terms of thresholds/saturation which the Council could rely on to support a refusal.
- f) Saturation of HMOs. The application does not propose conversion to HMO accommodation (use class C4) as it proposes residential flats within use class C3. The Houses in Multiple Occupation Supplementary Planning Guidance does not apply to residential units within class C3.
- g) Fast turnover of tenants. Not a material planning matter, there is no planning control upon the length of a tenancy.
- h) Stress on Local Amenities. It is not considered that the proposal would cause 'demonstrable' harm to local amenities.
- i) Pressure on local infrastructure and sewerage system. Connections would be considered by the building regulations procedure, it is not considered that the proposal would cause 'demonstrable' harm to the infrastructure. There is no policy or specific supplementary planning guidance which the Council could rely on to support a refusal.
- j) Loss of privacy/amenity from extension and balcony. It is not considered that the proposal would result in any unreasonable loss of privacy or amenity to adjoining properties as detailed within the amenity analysis above. The rear balcony has been deleted from the scheme.
- k) Loss of privacy/amenity from rear dormers. It is not considered that the proposal would result in any unreasonable loss of privacy or amenity to adjoining properties as detailed within the analysis above. The rear annexe dormer extension would constitute 'permitted development' not requiring planning permission if constructed prior to the conversion to flats. Local Development Plan policies and Supplementary Planning Guidance

are not applicable to works which do not require planning permission. Condition 6 would ensure the south east facing windows of the rear annexe dormer shall be non-opening below a height of 1.7m above internal floor level. The references to the draft 'Cardiff Residential Extensions and Alterations' Supplementary Planning Guidance are noted, however this is draft guidance and has not been formally approved by the Council.

- l) Noise Disturbance. It is not considered that the proposal would result in adverse noise consequences.
- m) External Amenity Space. It is considered that the proposed external amenity area of adequate size and useable form as detailed within the above analysis.
- n) Size of flats. The Council and the Welsh Government have no formal policy or guidelines relating to the size of flats. However, it is of relevance that the size of the proposed flats would be considerably exceeds 30 square metres which is considered to represent a reasonable standard of amenity for occupants.
- o) Condition of previous planning permission. A condition was only imposed on previous permission 15/01837/DCH as an advisory function to prevent use of the games room as a separate dwelling due to the characteristics of that proposal being for an extension to an existing dwelling not a proposal for subdivision to create additional dwelling units. The current proposal is considered acceptable as detailed within the above analysis.
- p) Development on the boundary. The proposal is considered acceptable in this respect, any party wall matters would be a private civil matter between the property owners concerned as set out by the party wall legislation.
- q) Disabled access: Access would be considered by part M of the Building Regulations. Part M is not applicable where there is no material change of use (subdivision of an existing dwelling to flats is not a material change of use), and in such cases requires that any material alterations must not make the building less satisfactory than it was before. Therefore, provision of a lift is not required in this instance.
- r) Effect on Property Values. Not a material planning matter.
- s) Increased crime from flat roof and windows/door to rear lane. It is not considered that the proposal would result in increased crime, the provision of a flat roof is common for single storey extensions and garages and in any case the insertion of windows/doors in the rear elevation facing the lane would not constitute development requiring planning permission.
- t) Effect of External Lighting. Installation of external lighting at residential properties does not constitute development requiring planning permission, therefore is not a material planning matter. Artificial light nuisance can be controlled by the Environmental Protection Act 1990 as 'statutory nuisance'.

The representations in support are noted.

9.6 Other Legal Considerations

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.

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.

Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

9.7 Conclusion

It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.

9.8 However, should Committee be minded to refuse the application as discussed at the previous meeting, the following could potentially form a reason for refusal:

- 1 The proposed subdivision would have an undue effect on the amenity of neighbouring occupiers and surrounding communities, and the cumulative impact would adversely affect the amenity and character of the area, contrary to the provisions of policies KP5 (x) and H5 (iii) of the adopted Local Development Plan.

APPENDIX 1

PREVIOUS COMMITTEE REPORT

PETITION, LOCAL MEMBER, MP & AM OBJECTIONS

COMMITTEE DATE: 11/10/2017

APPLICATION No. **17/01765/MNR** APPLICATION DATE: 18/07/2017

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: Mr HANNAN

LOCATION: 225 ALBANY ROAD, ROATH, CARDIFF, CF24 3NW

PROPOSAL: REAR EXTENSION, LOFT CONVERSION WITH REAR DORMERS & CONVERSION OF DWELLING TO FORM 4 NO. FLATS

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 approved drawings numbered P584 L_200A, P584 L_201, P584 L_210A, P584 L_211A & P584 L_212.
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. Pedestrian access to the ground floor rear flat hereby approved shall be via the front of 225 Albany Road and thereafter be retained.
Reason: Sole pedestrian access via the rear lane would be detrimental to occupants and give rise to concerns over pedestrian safety and security.
4. Prior to occupation of the flats hereby approved, refuse storage shall be provided externally to accommodate general waste, recycling and food waste. Refuse storage shall thereafter be retained.
Reason: To secure an orderly form of development and to protect the amenities of the area.
5. Prior to occupation of the flats hereby approved, a covered cycle store shall be provided within the rear garden to accommodate at least 8 cycles and shall thereafter be retained.
Reason: To ensure that secure and under cover cycle parking facilities are provided to encourage other modes of transport over the private

car.

6. The south east facing windows of the rear annexe dormer shall be non-opening below a height of 1.7m above internal floor level and glazed with obscure glass, and thereafter be retained.
Reason: To ensure that the privacy of adjoining occupiers is protected.
7. 1.8m high opaque privacy screens shall be provided along the north west and south east sides of the first floor rear balcony and a 1.1m high balustrade to the rear of the balcony, and thereafter retained.
Reason: To ensure that the privacy of adjoining occupiers is protected.

RECOMMENDATION 2: Developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting Waste Management's commercial team (029 20717500).

RECOMMENDATION 3: The site is crossed by a public sewer, Consent is required from Welsh Water for buildings directly over or within 3 metres of public sewers. The developer is advised to contact Welsh Water Developer Services prior to commencement of development (tel: 0800 917 2652).

RECOMMENDATION 4: As the site is located within a flood risk area future occupants/owners are advised to sign up to the Environment Agency's Flood Warning service. Additional guidance can be found on the following website: <https://naturalresources.wales/flooding/flood-warning-service/?lang=en>

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks planning permission to convert a two storey end of terrace dwelling to four flats and to erect single storey and rear dormer extensions.
- 1.2 An existing 3.8m long original single storey annexe structure would be demolished and a 12m long 4.7m wide single storey extension is proposed beyond the existing two storey annexe incorporating an existing detached outbuilding, it would have a flat roof 3m high and be finished in render. A small balcony would be formed on part of the roof of the single storey extension, enclosed by 1.8m high opaque screens to the sides and a 1.1m high balustrade screen to the rear.
- 1.3 A pitched roofed dormer would project from the main roof by up to 3.8m at a width of 5.1m, finished in hanging tiles. A flat roofed dormer would project from the rear annexe roof by up to 3.6m at a width of 9.7m, finished in hanging tiles. A window would also be inserted in the existing front gable roof, roof lights would also be inserted in the front and rear roof slopes of the main roof.
- 1.4 Internally the accommodation would comprise of a flat (65m²) within the ground floor front, a flat (66m²) within the first floor rear, a maisonette flat

(57m²) within the first floor front and main roof space and a maisonette flat (56m²) within the first floor rear and rear roof space. The upper level flats would be accessed via an existing entrance from Albany Road and the ground floor flats would be accessed via an external passage to the side.

- 1.5 The application originally also proposed uncovered cycle storage within the external side passage and shorter privacy screens to the sides of the rear balcony, however the architect was advised that the cycle storage would obstruct access to the rear flats and not be covered, and that the side screens would fail to prevent overlooking to the adjoining side gardens from persons leaning over the rear balustrade. The cycle store was subsequently relocated and altered to a secure structure at the rear, and the privacy screens lengthened to prevent direct overlooking from persons leaning over the rear balustrade.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a two storey end of terrace dwelling with a detached garage at the rear.

3. **SITE HISTORY**

- 3.1 15/01837/DCH – planning permission granted for single storey rear extension and separate single storey games room, not implemented to date.

3.2 Related History:

06/00690/C – planning permission granted for conversion of no. 223 Albany Road to 2 flats, not implemented.

05/00285/E – planning permission granted and implemented for single storey rear extension rear dormer extension and conversion to 4 no. flats at 219 Albany Road.

10/01203/DCO – planning permission granted and implemented for conversion from 2 to 4 flats with rear extension rear dormer and detached garage at 215 Albany Road.

08/00140/E – planning permission granted for conversion to 3 flats at no. 211 Albany Road.

09/2178/E – planning permission granted for conversion into 2 no. 2 bedroom self-contained flats at no. 199 Albany Road, not implemented.

01/02654/R – planning permission granted and implemented for conversion into 7 self- contained flats at no. 191-193 Albany Road.

07/00232/E – planning permission granted and implemented for conversion to 5 flats with ground floor rear extensions and dormer extension and alterations at no. 189 Albany Road.

14/01216/DCO – planning permission granted and implemented conversion from 2 to 5 flats with single storey rear extension and loft conversion with rear dormer at 237 Albany Road.

15/00084/MNR - planning permission granted for two storey rear extensions and conversion of house in multiple occupation to 5 flats at no. 269 Albany Road.

04/01990/E – planning permission granted for conversion to 2 flats at no. 206 Albany Road, not implemented.

4. **POLICY FRAMEWORK**

4.1 Relevant National Planning Guidance:

Planning Policy Wales (Edition 9, 2016)
Technical Advice Note 12: Design
Technical Advice Note 15: Development & Flood Risk

4.2 Relevant Cardiff Local Development Plan (2006-2026) policies:

Policy KP5 (Good Quality and Sustainable Design)
Policy EN14 (Flood Risk)
Policy H5 (Subdivision or Conversion of Residential Property)
Policy T5 (Managing Transport Impacts)
Policy W2 (Provision for Waste Management Facilities in Development)

4.3 Relevant Supplementary Planning Guidance

Access, Circulation & Parking Standards (2010).
Waste Collection and Storage Facilities (2016).
Residential Extensions & Alterations (2015).

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Transportation – The existing property does not have any off-street parking. There is no on-street resident parking scheme in operation in this section of Albany Road. The location is at the boundary of the central planning area. Therefore the parking requirements under the current parking standards (January 2010) would expect a minimum of between zero and two spaces (up to a maximum of eight spaces). Therefore, the proposal to provide no spaces off-street spaces would be acceptable under current guidelines. Secure covered cycle parking is being proposed within the development. Eight cycle parking spaces are proposed which is in line with the current parking standards (January 2010).

5.2 Waste Management – Each flat will require the following for recycling and waste collections: 1 x 140 litre bin for general 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. Please advise the owner/applicant that since 27th July 2015, the developers of all new residential units are required to purchase the bin provision 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.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Natural Resources Wales – initially requested a Flood Consequences Assessment (FCA) to demonstrate the risks and consequences of flooding can be managed to an acceptable level in accordance with Technical Advice Note 15. The application proposes highly vulnerable development (residential) within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Their Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability tidal/fluvial flood outlines of the Rhymney River and Roath Brook. An FCA was subsequently produced, however Natural resources Wales advised that it did not utilise their latest flood data. As a result they were unable to provide advice on the risks and consequences of flooding in accordance with TAN15. A revised FCA was produced and Natural Resources Wales were re-consulted, comments will be reported to committee.
- 6.2 Welsh Water - no objection, however the applicant's attention is drawn to the fact that there is a public sewer in the rear garden.

7. **REPRESENTATIONS**

- 7.1 The application was publicised by letter. A petition of objection was received, signed by 57 residents with addresses in Cardiff, all of which are within the vicinity who could reasonably be affected by the matter. Full details are viewable online.
- 7.2 Objections have been received from the following addresses:
- nos. 180, 182, 186, 190, 192, 201, 202, 204, 206, 210, 221, 223, 227, 231, 235, 241, 263 Albany Road
 - 86, 104 Marlborough Road
 - 32 Roath Court Road
 - 5, 16 Roath Court Place
 - 2, 5, 11 Arran Place
 - 84 Heol y Cadno
 - 62 Brithdir Street.

Full details are viewable online, their comments are summarised as follows:

- a) *Density/overdevelopment;*
- b) *Size and scale detrimental to the character of the area;*
- c) *Large number of bins/bags in the front garden and placed on pavement on collection days;*
- d) *Adverse impact upon parking which is already an issue;*

- e) *Loss of family accommodation, a large proportion of houses in Roath and Plasnewydd have already been converted to flats;*
- f) *Fast turnover of tenants;*
- g) *Further stress on local amenities;*
- h) *Increased pressure on local infrastructure and capability of sewerage system;*
- i) *Overlooking/loss of privacy from extensions and balcony;*
- j) *Loss of light from proposed dormer extensions;*
- k) *Noise disturbance from flats and balcony;*
- l) *Insufficient outdoor space for the proposed development;*
- m) *Small size of flats and lack of disabled access to the flats;*
- n) *When permission 15/01837/DCH was granted for a single storey extension/games room a condition was imposed to prevent use as a separate dwelling;*
- o) *The proposed development sits on the boundary between nos. 223 and 225. The owners of no. 223 do not give permission for building on the boundary.*
- p) *Devaluation of other existing family properties.*

7.3 Cllr Joe Boyle objects to the application, summarised as follows:

- a) *Over-intense conversion of family homes into HMOs along Albany Road. I argue that this is having a detrimental impact on community amenity and cohesion. Policy H5 of the Local Development Plan states 'Proposals for any conversion to flats or Houses in Multiple Occupation will be permitted where: 'i) The property is of a size, whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers. ii) There would be no material harm to the amenity of existing, nearby residents by virtue of general disturbance, noise, or overlooking. iii) The cumulative impact of such conversions will not adversely affect the amenity and/or character of the area. iv) Does not have an adverse effect on local parking provision.' I am especially mindful of the third point and believe that the amenity and / or character of the area has already been adversely affected by an intense level of conversion along Albany Road. This proposal, I fear, would add to those problems.*
- b) *The SPG on Houses of Multiple Occupancy also makes the following valid observation in paragraph 4.3: ... concentrations of HMOs, clustered in small geographical areas can detract from the character of the area and actively contribute towards a number of perceived problems. It is considered that this may conflict with policy KP13 of the LDP which aims to improve the quality of life for all. Eight out of the thirty-six homes within a 50m radius of 225 Albany Road are already converted. This equates to 22%, above even the threshold for Cathays and Plasnewydd and well beyond that 10% that would be considered acceptable within Penylan. It is also worth pointing out that in the adjacent stretch, 177 – 207 Albany Road, all bar three of the properties have been converted to HMOs.*

7.4 Cllrs Peter Wong, Daniel De'Ath, Mary McGarry, Sue Lent object to the application, as follows:

- a) *Overdevelopment and change of character to the area. Albany Road is predominantly a street of residential houses, and we consider this planning application to be a clear overdevelopment of the site and therefore too large a development for the area. It has the potential for up to 16 people to be living there, with the added potential of 16 additional cars to the area. Allowing the over development of the residential areas of Albany road and reducing family housing stock will have a significant detrimental effect on the local community.*
- b) *Previous Planning Rationale. The previous planning application on this property (15/01837/DCH) was subject to complying with the following condition: "The single storey games room building hereby approved shall at all times remain in use for purposes ancillary to the residential use of no. 225 Albany Road and shall not be sold or let independently. Reason: The creation of a separate dwelling unit would be unacceptable in this location." If the creation of a single separate dwelling unit is unacceptable in this location then the latest application to create 4 separate dwelling units is much more untenable. For consistency, this application should be declined on this basis.*
- c) *Local Parking. The proposal will significant additional burden on local parking in Albany Road and the surrounding streets. There is already pressure on parking from customers of the shops on Albany Road/Wellfield Road. It is difficult for residents to park, and a development with the potential for 16 additional cars would exacerbate the situation in Albany Road, with a knock on effect on streets like Arran Place and Roath Court Place. This would create great inconvenience for the existing residents in the area.*

7.5 Jo Stevens MP objects to the application, summarised as follows:

- a) *The development of dormer roof extensions and the first floor balcony will dominate the outlook of neighbouring properties;*
- b) *The additional windows and balcony will overlook neighbouring properties with considerable loss of privacy;*
- c) *The rear extension is out of character of the area;*
- d) *The previous permission (15/01837/DCH) was subject to a condition that 'the single storey games room building hereby approved shall as all times remain in use for purposes ancillary to the residential use of no. 225 Albany Road and shall not be sold or let independently' as the creation of a separate dwelling unit would be unacceptable in this location;*
- e) *The proposal will have a negative impact on parking in Albany Road and surrounding streets. There is already overflow parking from customers of shops on Albany Road/Wellfield Road.*
- f) *Four flats will require four sets of bins stored at the front, the number of bins is likely to block pavement access on collection days.*

7.6 Jenny Rathbone AM objects to the application, summarised as follows:

- a) *Overdevelopment and change of character of the area, reduction of family housing stock will have a significant detrimental effect upon local residents and the area;*
- b) *The previous permission (15/01837/DCH) was subject to a condition that 'the single storey games room building hereby approved shall as all times remain in use for purposes ancillary to the residential use of no. 225 Albany Road and shall not be sold or let independently' as the creation of a separate dwelling unit would be unacceptable in this location;*
- c) *The proposal will have a negative impact on parking in Albany Road and surrounding streets. There is already overflow parking from customers of shops on Albany Road/Wellfield Road.*

7.7 A further objection to the amended drawings has been received from no. 223 Albany Road. Full details are viewable online, their comments are summarised as follows:

- a) *The increased length of the side screens of the balcony would have an impact upon neighbouring amenity and do not meet the requirement of Supplementary Planning Guidance;*
- b) *The increased length of the side screens would be overbearing and overshadowing upon adjacent gardens as a result of 1.8m screens on top of the 3m wall;*
- c) *Use of the balcony in the evening/night will possibly affect the nearby window with noise and smell issues;*
- d) *The balcony would be over over-dominant and out of character with the surrounding area.*

7.8 Comments of support have been received from the following address:

- no. 217 Albany Road.

Full details are viewable online, their comments are summarised as follows:

- a) *Most people with average incomes would struggle to buy a property in the area. There needs to be an option for people to buy or rent smaller properties;*
- b) *A few properties have been converted to flats in this street, there were no representations from neighbours, AM and MP for those applications;*
- c) *Nos. 217 & 219 Albany Road have been converted into flats and there is no waste management issue with those properties.*

8. **ANALYSIS**

8.1 **Policy Considerations**

Subdivision of residential properties is supported by Policy H5 of the Local Development Plan, the subdivision of a residential building into smaller

residential units can be an important source of housing. National Planning policy encourages the provision of additional housing stock within previously developed or existing residential land. Paragraph 9.2.6 of Planning Policy Wales states that *'Local planning authorities should address the scope and potential for rehabilitation, conversion, clearance and redevelopment when considering suitable sites for housing development. Maximising the use of suitable previously developed land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.'* It is noted that some residential dwellings within Albany Road have been subdivided to flats, however Policy H5 does not identify a threshold at which subdivision of residential dwellings is considered to reach saturation level and the Council does not have any supplementary planning guidance applicable to subdivision of dwellings. In this case it is noted that 25% of buildings within 50m of the application site have been subdivided to flats, this proportion is relatively low in comparison with other streets elsewhere within Cardiff. Accordingly, it is not considered that subdivision to four flats would adversely affect the general character of the area.

8.2 Residential Amenity Considerations

It is not considered that the single storey extension would be overbearing or generally un-neighbourly to justify concern for the Local Planning Authority in this instance. The overall length and height would be identical to that permitted by extant permission 15/01837/DCH and there is an existing garage of 5m length adjoining at no. 223. It should also be noted that the majority of the proposed single storey rear structure adjacent to the boundary would constitute development permitted under Class A of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

It is noted that the side facing windows of the rear annexe dormer would be sited 4.5m from the side boundary of no. 227 Albany Road which is less than the minimum of 10.5m specified by the Residential Extensions & Alterations Design Guide. Condition 6 is considered necessary to ensure these windows are obscure glazed and non-opening below an internal height of 1.7m.

It is noted that the first floor rear balcony could allow overlooking to the side of nos. 223 & 227 Albany Road, condition 7 is therefore considered necessary to ensure 1.8m high opaque screens are provided along the north west and south east sides of the balcony and a 1.1m high balustrade to the rear prior to beneficial use of the balcony, and thereafter retained. The rear balustrade balcony would be sited 13.5m from the rear gardens of nos. 104 & 106 Marlborough Road, exceeding the minimum of 10.5m specified by the Residential Extensions & Alterations Design Guide.

It is not considered that the provision of the opaque screen within close proximity to the boundary with no. 223 Albany Road would result in any unreasonable loss of amenity to 223 as it would not extend beyond the point of the adjoining single structure at no. 223 and its total height (4.7m) would be considerably lower than the maximum height of the existing two storey

annexe structure (7.7m) in relation to the impact upon the adjoining garden.

The internal floor area of all flats comfortably satisfies the minimum requirement of 30 square metres at an internal height of 2m or more, and the outlook from all living areas is considered adequate. An adequate private external amenity area of 65 square metres (60 excluding the cycle store) would be retained at the rear/side accessible by all flats via an external side passage. A cycle store would be provided within the rear garden, condition 5 is considered necessary to ensure a covered cycle store is provided prior to beneficial occupation of the flats. Refuse storage containers can be satisfactorily accommodated within the front forecourt as per the existing scenario or within the rear garden, condition 4 is considered necessary to ensure the necessary storage containers are provided prior to beneficial occupation.

It is noted that the ground floor rear flat would have a secondary access to the rear lane, if pedestrian access was solely via the rear lane it would be unacceptable as this would be detrimental to residents in terms of pedestrian safety and security. Condition 3 is therefore considered necessary to ensure access to this flat via the front of 225 Albany Road is retained at all times. It is also noted that a condition was imposed on previous permission 15/01837/DCH to prevent use of the games room as a separate dwelling, however this was imposed due to the characteristics of that proposal being a detached building with an access via the rear lane whereas the current proposal is for an extension attached to the existing building.

It is noted that the side facing windows of the ground floor rear flat would be overlooked by occupants of the other flats when using the shared outdoor amenity space, however this is a widely established accepted relationship between ground floor flats and shared external amenity areas of buildings converted to flats and new build blocks of flats.

8.3 Design Considerations

The scale of the single storey extension is considered acceptable in this instance as a large external area (17.5m long 3.5m wide) of 65 square metres would remain to the rear/side, the provision of an unusually large external area at the side is repeated within the vicinity at nos. 227, 237 & 239 Albany Road. The overall footprint would be very similar to the extension permitted by extant permission 15/01837/DCH and part of the extension encompasses the existing detached garage structure. Accordingly it is considered that it would not be out of character to the locality and will provide a subservient addition to the building. It should also be noted that a large proportion would constitute development permitted under Class A of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 on the basis that: *the total area of ground covered by buildings within the curtilage of the dwelling house (other than the original dwelling house) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house); the height of the eaves of any part of the enlarged part which is within 2 metres of the boundary of the curtilage*

would not exceed 3 metres; and the enlarged part of the dwelling house would not extend beyond the rear wall of the original dwelling house by more than 4 metres.

The main roof rear dormer is considered visually acceptable as it would be set back from the rear/side elevations and finished in materials to match the existing building, in accordance with the Residential Extensions & Alterations SPG. It is noted that the rear annexe dormer would be of substantial size, however in any case this dormer extension would constitute development permitted under Class B of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 if constructed prior to the conversion to flats on the basis that: *it does not exceed the highest part of the existing roof, does not exceed 40 cubic metres, is set back by 0.2m from the eaves of the roof, and the appearance of the materials used will far as practicable match the appearance of the materials used in the equivalent elements of the existing dwelling house.*

8.4 Transport Considerations

The proposal is compliant with the Access, Circulation and Parking Standards SPG with no off street parking spaces, subject to provision of cycle parking as confirmed by Transportation. The site is also in a sustainable location near to bus routes.

8.5 Representations

The representations received from the neighbouring residents, Cllrs Joe Boyle, Peter Wong, Dan De'Ath, Mary McGarry, Sue Lent, Jenny Rathbone AM and Jo Stevens MP are noted. While the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations. Specific issues are addressed as follows:

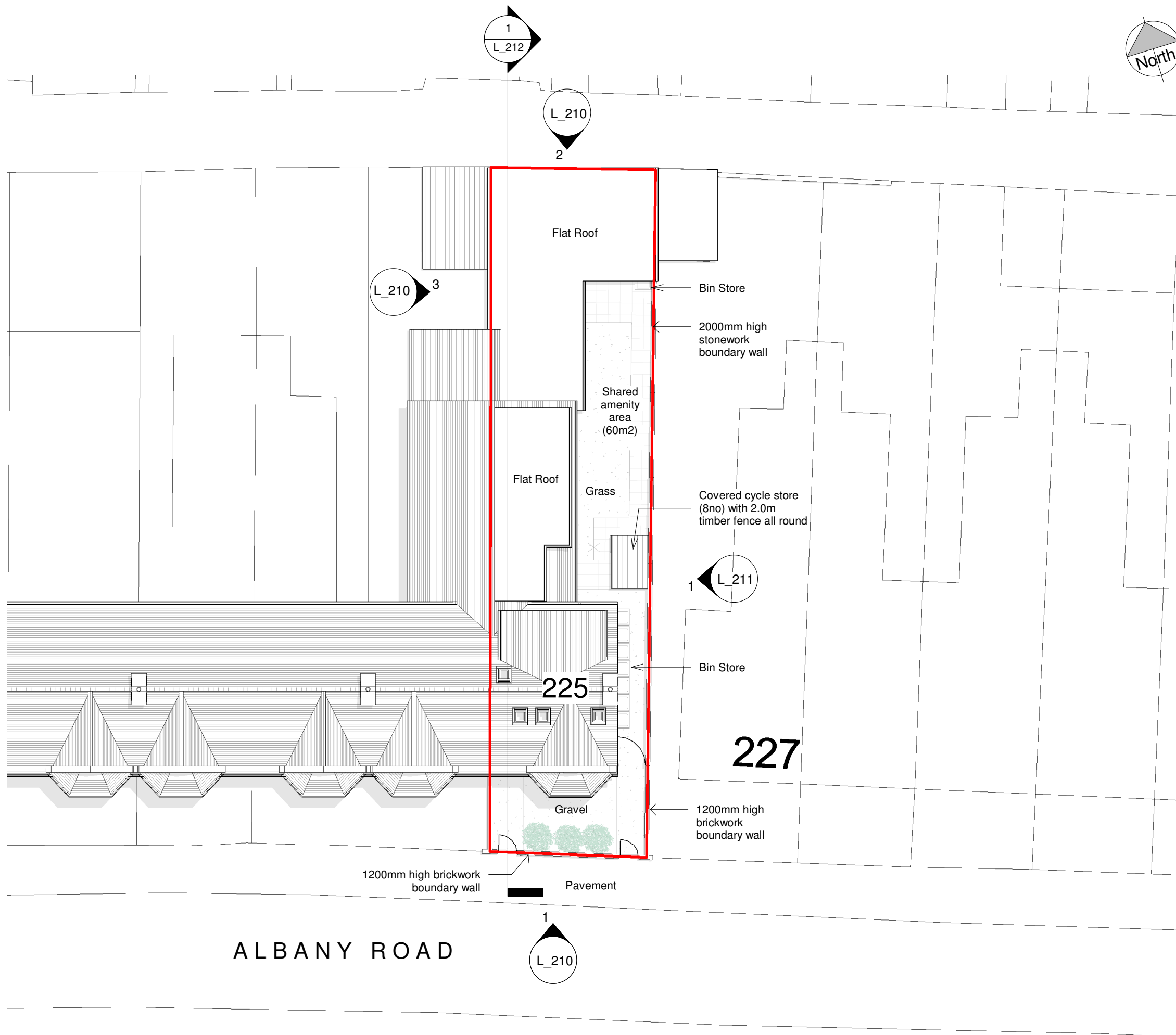
- a) Bins. It is considered that refuse storage containers could be suitably accommodated within the front forecourt enclosed behind the boundary wall as detailed within the above analysis, existing refuse storage containers for dwellings within this street are accommodated within the front forecourts.
- b) Parking. The proposal is compliant with the Access, Circulation and Parking Standards SPG with no off street parking spaces subject to provision of cycle parking as detailed within the above analysis.
- c) Loss of privacy. It is not considered that the proposal would result in any unreasonable loss of privacy or amenity to adjoining properties as detailed within the amenity analysis above. Condition 6 would ensure the south east facing windows of the rear annexe dormer shall be non-opening below a height of 1.7m above internal floor level and condition 7 would ensure a 1.8m high opaque screen is provided along the north west and south east sides of the balcony.

- d) Loss of family accommodation. There is no planning policy to protect family accommodation and no policy or specific supplementary planning guidance in terms of thresholds/saturation which the Council could rely on to support a refusal.
- e) Saturation of HMOs. The application does not propose conversion to HMO accommodation (use class C4) as it proposes residential flats within use class C3. The Houses in Multiple Occupation Supplementary Planning Guidance does not apply to residential units within class C3.
- f) Pressure on local infrastructure and sewerage system. Connections would be considered by the building regulations procedure, it is not considered that the proposal would cause 'demonstrable' harm to the infrastructure. There is no policy or specific supplementary planning guidance which the Council could rely on to support a refusal.
- g) Impact of rear dormers. It is not considered that the proposal would result in any unreasonable loss of amenity to adjoining properties as detailed within the analysis above. The rear annexe dormer extension would constitute 'permitted development' if constructed prior to the conversion to flats.
- h) Noise Disturbance. It is not considered that the proposal would result in adverse noise consequences.
- i) Overdevelopment/Density. It is considered that the provision of four flats is acceptable and the proposed external amenity area of adequate size and useable form as detailed within the above analysis.
- j) Size of flats. The Council and the Welsh Government have no formal policy or guidelines relating to the size of flats. However, it is of relevance that the size of the proposed flats would be considerably exceeds 30 square metres which is considered to represent a reasonable standard of amenity for occupants.
- k) Disabled access: Access would be considered by part M of the Building Regulations. Part M is not applicable where there is no material change of use (subdivision of an existing dwelling to flats is not a material change of use), and in such cases requires that any material alterations must not make the building less satisfactory than it was before. Therefore, provision of a lift is not required in this instance.
- l) Fast turnover of tenants. Not a material planning matter, there is no planning control upon the length of a tenancy.
- m) Condition of previous planning permission. A condition was only imposed on previous permission 15/01837/DCH to prevent use of the games room as a separate dwelling due to the characteristics of that proposal being a detached building with an access via the rear lane. The current proposal is considered acceptable as detailed within the above analysis.
- n) Development on the boundary: The proposal is considered acceptable in this respect, any party wall matters would be a private civil matter between the property owners concerned as set out by the party wall legislation.
- o) Effect on Property Values. Not a material planning matter.

The representations in support are noted.

8.5 **CONCLUSION**

It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.



ALBANY ROAD

Site Plan as Proposed
1 : 200

AMENDED PLAN

SITE AREA: 285m²

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

A3 Original Sheet Size



Location Plan
1 : 1250

Planning Issue

date	rev	name	chk	note
20/10/17	B	PL		Balcony removed, bin store repositioned & entrance to flat 1 amended
07/09/17	A	PL		Balcony screens & cycle store amended



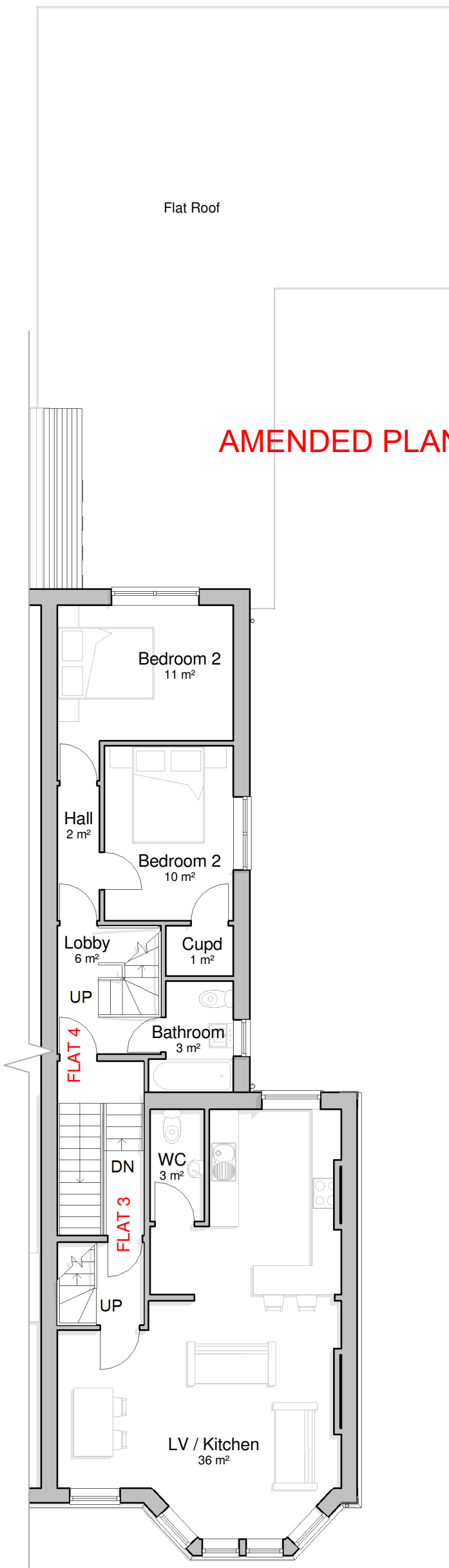
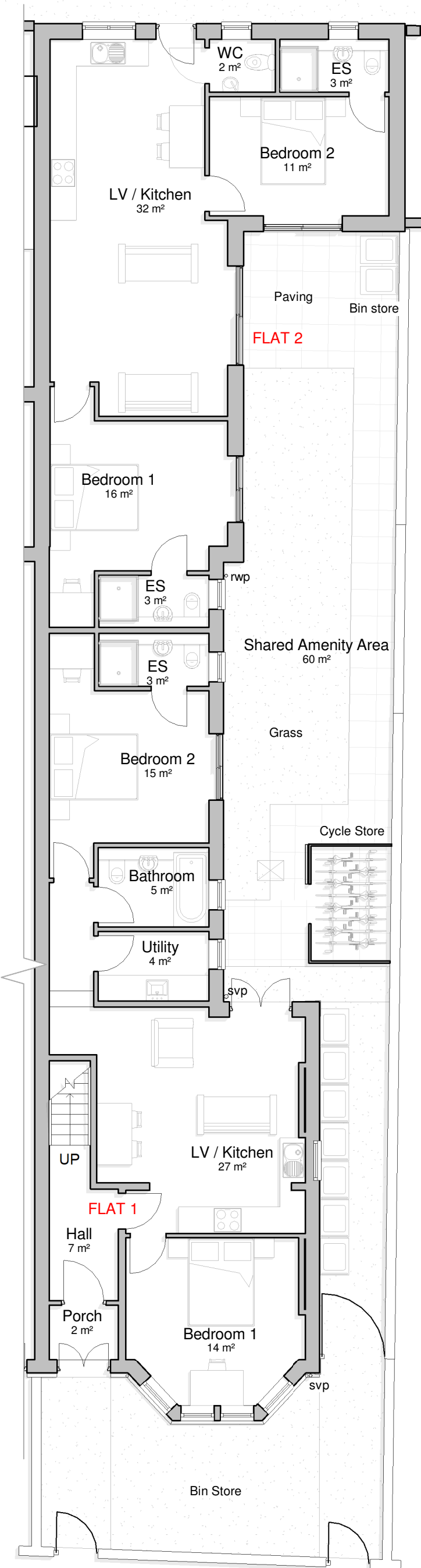
Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT
Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats
225 Albany Road, Roath, Cardiff, CF24
3NW
DRAWING TITLE
Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	05/07/17	PL	HH
DRAWING NUMBER	REVISION		
P584 L_002	B		

FINISHES KEY:

- A : GREY SLATE ROOFING & RED RIDGE TILES
- B : WHITE DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON BLACK FASCIA
- D : WHITE RENDERED EXTERNAL WALLS
- E : RED / ORANGE BRICKWORK EXTERNAL WALLS
- F : GREY SLATE VERTICAL CLADDING TILES



AMENDED PLAN

Planning Issue

date	rev	name	chk	note
20/10/17	B	PL		Balcony removed, bin store repositioned & entrance to flat 1 amended
07/09/17	A	PL		Balcony screens & cycle store amended



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
 Systems House 89 Heol Don Cardiff CF14 2AT
 T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT
 Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats

225 Albany Road, Roath, Cardiff, CF24 3NW

DRAWING TITLE
 GF & 1st Floor Plans as Proposed

Ground Floor Plan

1 : 100

First Floor Plan

1 : 100

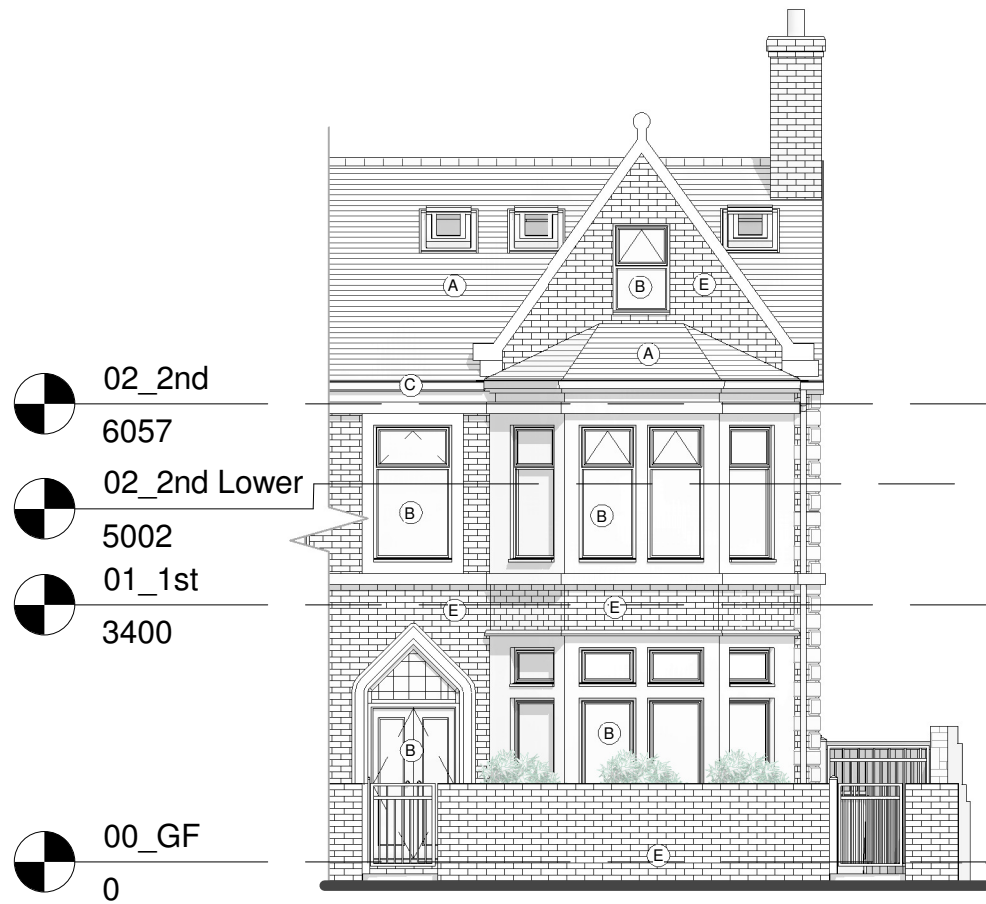
SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	05/07/17	PL	HH

DRAWING NUMBER	REVISION
P584	L_200
	B

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

A3 Original Sheet Size



South (Front) Elevation
1 : 100



North (Rear) Elevation
1 : 100

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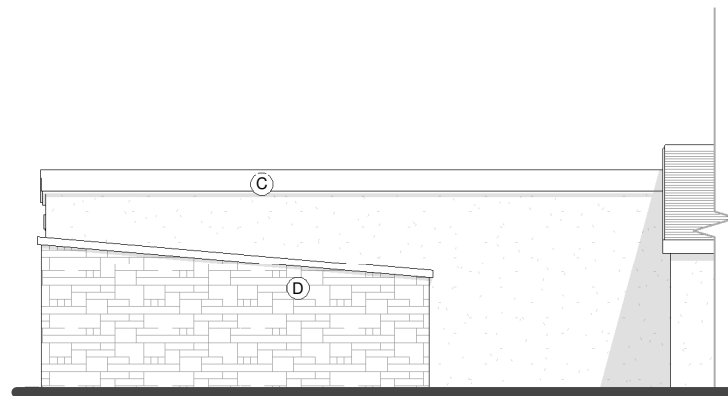
00_GF
0

01_1st
3400

02_2nd Lower
5002

02_2nd
6057

AMENDED PLAN



West (Side) Elevation
1 : 100

Planning Issue

date	rev	name	chk	note
20/10/17	B	PL		Balcony removed, bin store repositioned & entrance to flat 1 amended
07/09/17	A	PL		Balcony screens & cycle store amended



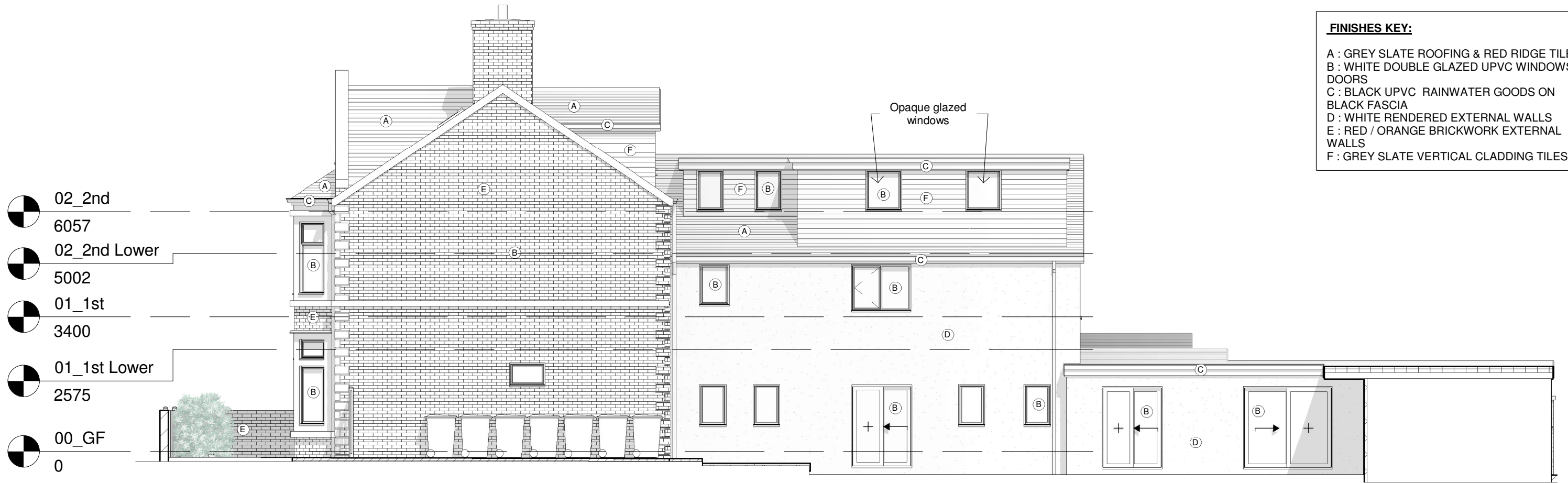
Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
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PROJECT
Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats
225 Albany Road, Roath, Cardiff, CF24
3NW
DRAWING TITLE
Elevations 1 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	05/07/17	PL	HH
DRAWING NUMBER	REVISION		
P584	L_210		B

FINISHES KEY:

- A : GREY SLATE ROOFING & RED RIDGE TILES
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- D : WHITE RENDERED EXTERNAL WALLS
- E : RED / ORANGE BRICKWORK EXTERNAL WALLS
- F : GREY SLATE VERTICAL CLADDING TILES



East (Side) Elevation
1 : 100

AMENDED PLAN

Planning Issue

20/10/17	B	PL	Balcony removed, bin store repositioned & entrance to flat 1 amended
07/09/17	A	PL	Balcony screens & cycle store amended

date	rev	name	chk	note
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Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats
225 Albany Road, Roath, Cardiff, CF24
DRAWING TITLE
Elevations 2 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	07/07/17	PL	HH
DRAWING NUMBER	REVISION		
P584	L_211	B	



AMENDED PLAN

Rear Perspective View

FINISHES KEY:

- A : GREY SLATE ROOFING & RED RIDGE TILES
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Planning Issue

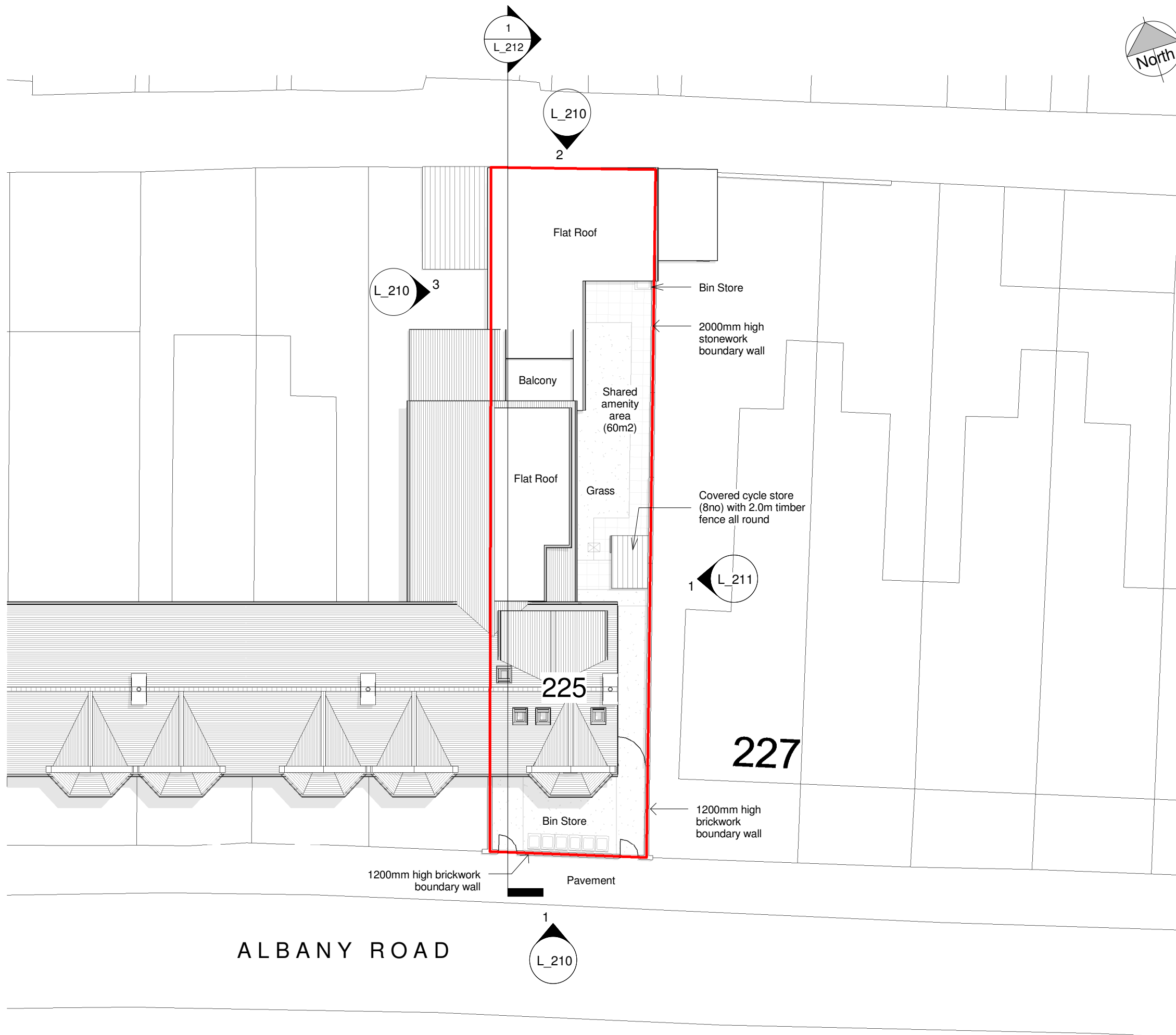
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20/10/17	B	PL		Balcony removed, bin store repositioned & entrance to flat 1 amended
07/09/17	A	PL		Balcony screens & cycle store amended



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 Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats
 225 Albany Road, Roath, Cardiff, CF24
 DRAWING TITLE
 Perspective View as Proposed

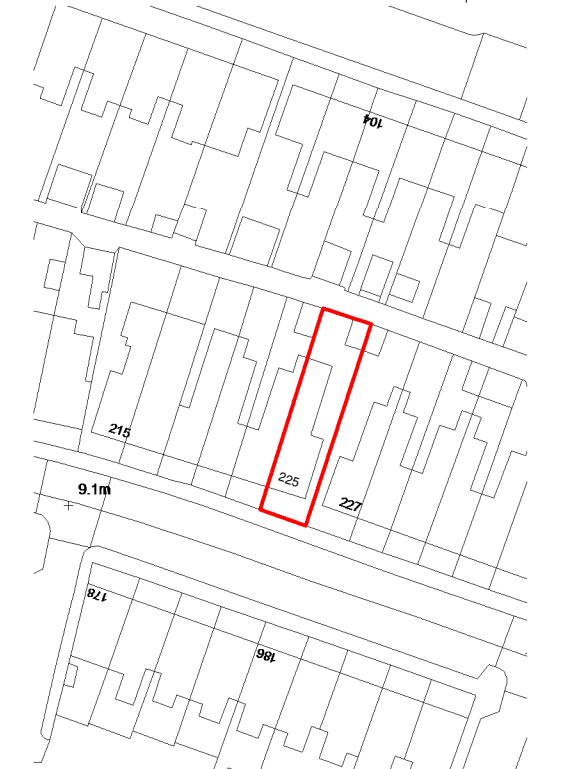
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1 : 50	07/07/17	PL	HH
DRAWING NUMBER		REVISION	
P584	L_220		B



Site Plan as Proposed
1 : 200

SITE AREA: 285m²

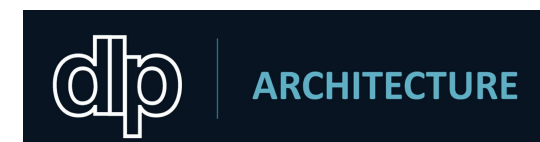
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Location Plan
1 : 1250

Planning Issue

date	rev	name	chk	note
07/09/17	A	PL		Balcony screens & cycle store amended



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Systems House 89 Heol Don Cardiff CF14 2AT
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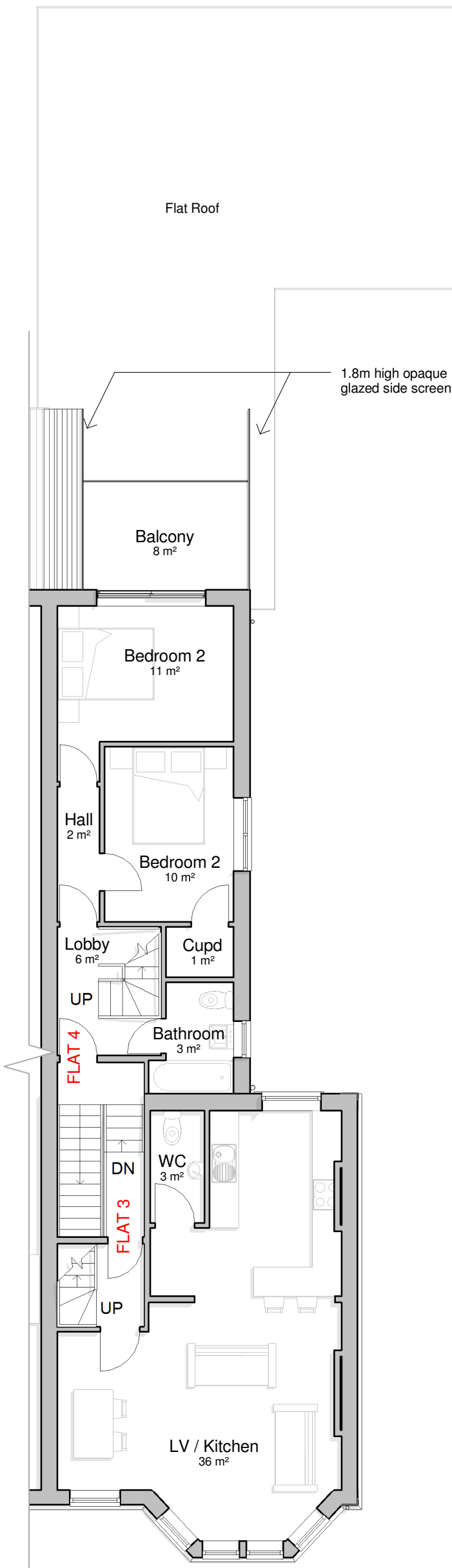
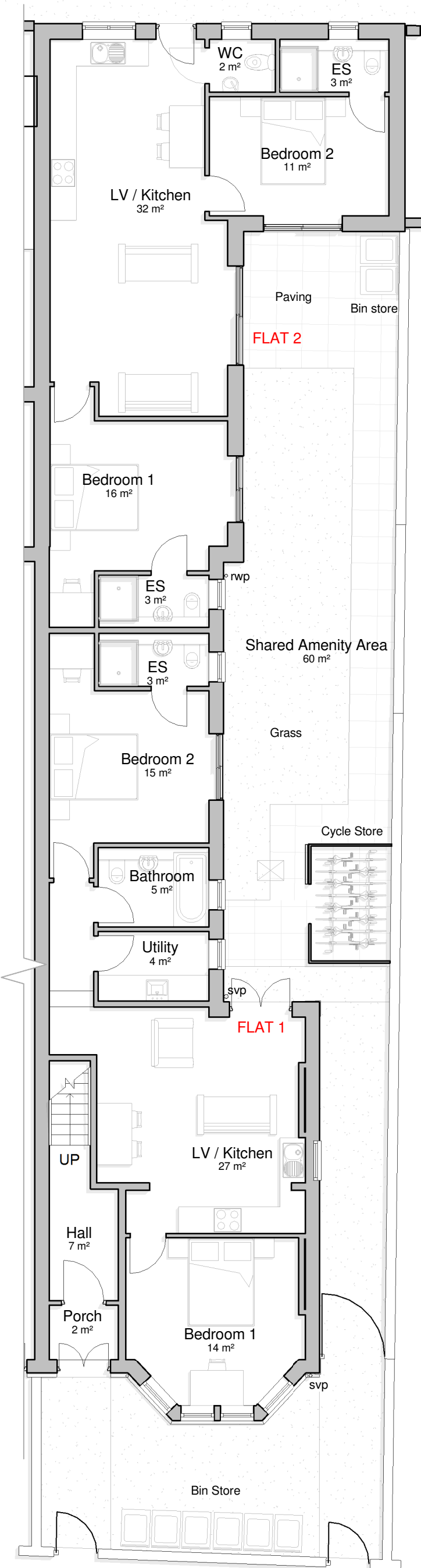
PROJECT
Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats
225 Albany Road, Roath, Cardiff, CF24 3NW

DRAWING TITLE
Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	05/07/17	PL	HH
DRAWING NUMBER	REVISION		
P584	L_002		A

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- F : GREY SLATE VERTICAL CLADDING TILES



Ground Floor Plan
1 : 100

First Floor Plan
1 : 100

Planning Issue

07/09/17 A PL Balcony screens & cycle store amended
date rev planr chk



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
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PROJECT
 Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats

225 Albany Road, Roath, Cardiff, CF24 3NW

DRAWING TITLE
 GF & 1st Floor Plans as Proposed

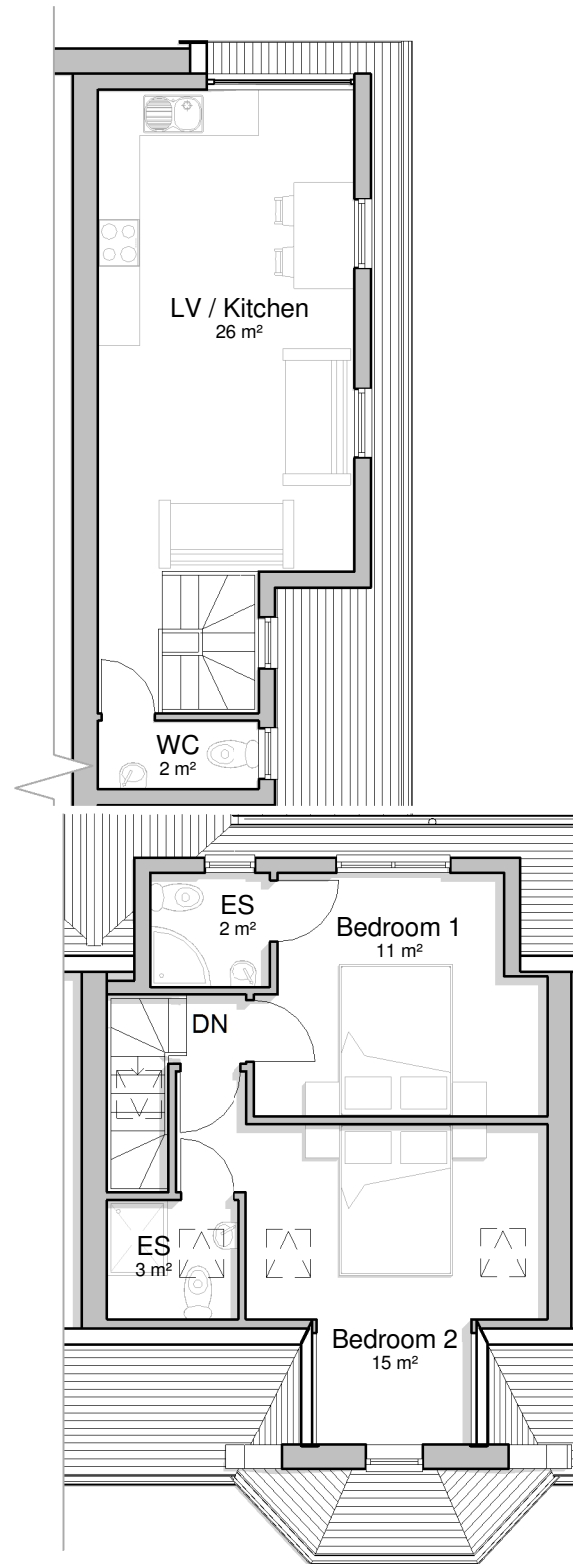
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DRAWING NUMBER	REVISION
P584 L_200	A

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0mm 50mm

A3 Original Sheet Size



Second Floor

1 : 100

FINISHES KEY:

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Planning Issue

date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
 Systems House 89 Heol Don Cardiff CF14 2AT
 T 02920316857 M 07785582007 info@dlparchitecture.co.uk

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 Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats
 225 Albany Road, Roath, Cardiff, CF24 3NW

DRAWING TITLE
 Second Floor Plans as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	07/07/17	Author	Checker

DRAWING NUMBER	REVISION
P584 L_201	

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0mm 50mm

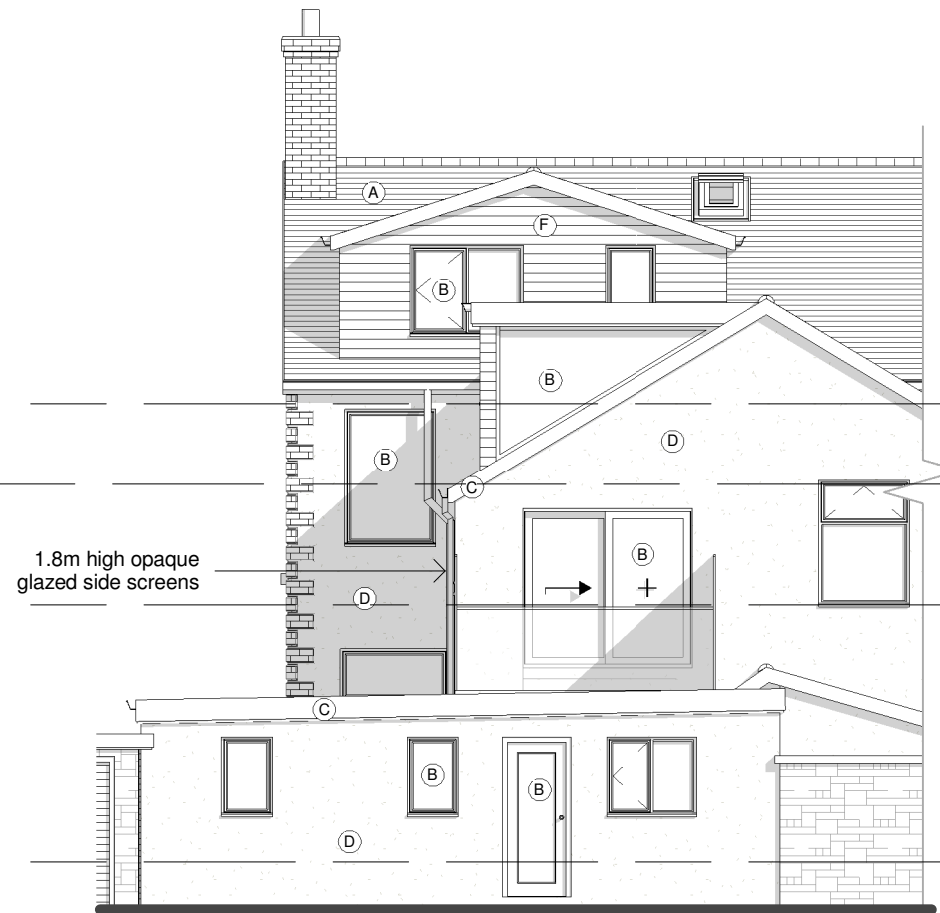
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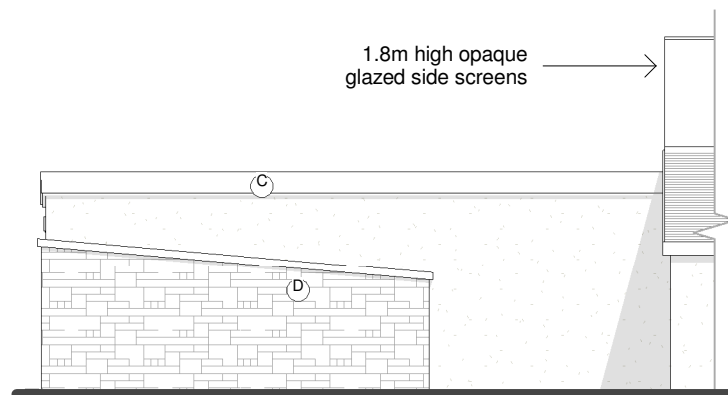
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South (Front) Elevation
1 : 100



North (Rear) Elevation
1 : 100



West (Side) Elevation
1 : 100

Planning Issue

date	rev	name	chk	note
07/09/17	A	PL		Balcony screens & cycle store amended



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
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DRAWING TITLE
Elevations 1 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
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DRAWING NUMBER		REVISION	
P584	L_210		A

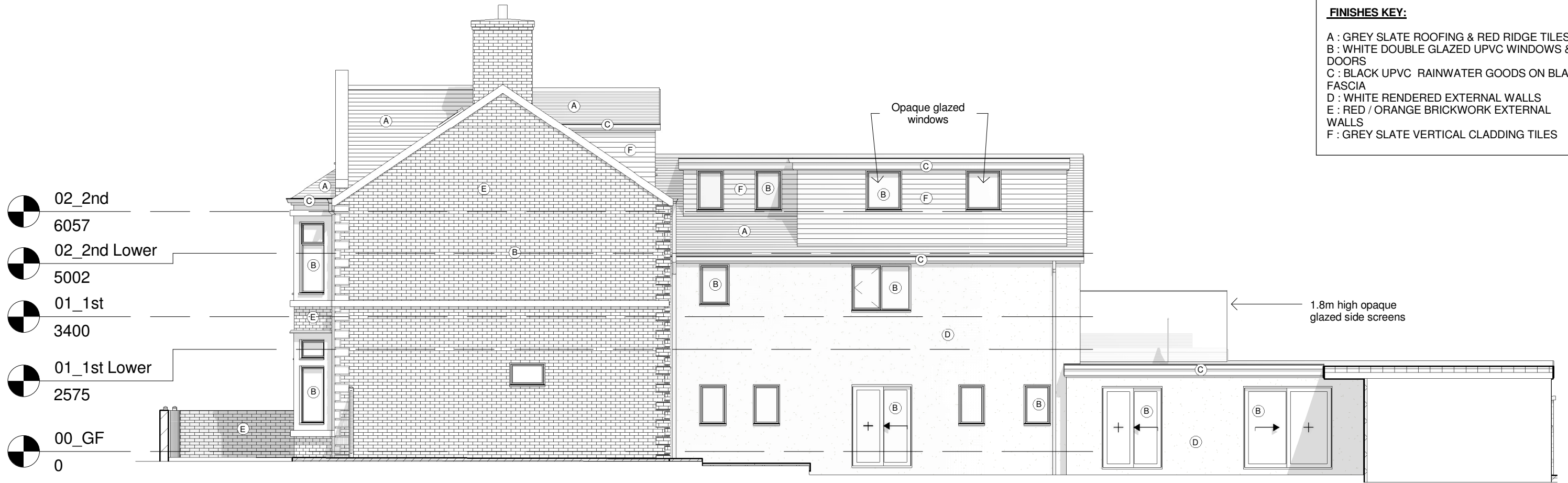
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0mm 50mm

A3 Original Sheet Size

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- 02_2nd 6057
- 02_2nd Lower 5002
- 01_1st 3400
- 01_1st Lower 2575
- 00_GF 0

East (Side) Elevation
1 : 100

Planning Issue

date	rev	name	chk	note
07/09/17	A	PL		Balcony screens & cycle store amended



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DRAWING TITLE
Elevations 2 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	07/07/17	PL	HH
DRAWING NUMBER	REVISION		
P584 L_211	A		