

## LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/00711/MNR** APPLICATION DATE: 29/03/2017

ED: **FAIRWATER**

APP: TYPE: Reserved Matters

APPLICANT: Mr N Maqueline  
LOCATION: PROPOSED DWELLING REAR OF 19 FAIRWOOD ROAD,  
FAIRWATER

PROPOSAL: RESERVED MATTERS IN RELATION TO APPLICATION  
11/1285/DCO AND APPLICATIONS 14/01330/DCO AND  
13/2253/DCO

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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 following approved plans:
  - 2331-03 Rev B – Block Plan
  - 2331-02 Rev B – Proposed Plans and Elevations

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in the first floor Side elevations facing 17 Fairwood Road (to the South) and The Bungalow (to the North), other than those hereby approved.

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

4. The Second floor rooflights facing 17 Fairwood Road (to the South) and The Bungalow (to the North) elevation shall be non-opening below a height of 1.8 metres above internal floor level and glazed with obscure glass and thereafter be so maintained.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no structure or

extension shall be placed within the curtilage of any dwelling or alteration to any roof.

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

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

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

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

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

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

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

9. No equipment, plant or materials shall be brought onto the site for the purpose of development until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include details of paved areas, verges and other open spaces, indications of all existing trees and hedgerows on the land and details of any to be retained and planted.

Reason: To maintain and improve the appearance of the area and in the interests of visual amenity.

10. The use of the roof of the flat roof annexe positioned to the rear elevation of the dwelling hereby approved shall not be used for any type of external amenity space or recreational space what so ever.

Reason: To ensure that the privacy and amenities of the occupier of the adjoining properties are protected.

**RECOMMENDATION 2** : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays

to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

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

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

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

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

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

**RECOMMENDATION 5** : You should contact Welsh Water before commencing the development since it may lie within the easement of a public sewer that crosses the site. The approximate position of the sewer is marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Developer Services on 0800 9172652 or via email at

developer.services@dwrwymru.com. Please note that the grant of planning permission does not give any rights to build within a sewer easement without first obtaining the consent of Welsh Water.

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

- 1.1 The application was deferred by Committee on the 11<sup>th</sup> October 2017 in order to undertake a site visit, which took place on the 30<sup>th</sup> October 2017.
- 1.2 Planning permission is sought for the construction of a two-storey detached dwelling
- 1.3 The proposed dwelling house is to be approximately 8.2m high with a pitched roof, 7.6m wide and 7.8m deep and a single storey rear annexe measuring 4m wide, 3.2m deep and 2.8m high with a flat roof. The submitted plans show the provision of two off-street parking spaces positioned to the front of the proposed dwelling.

## 2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises the rearmost part of the rear garden of no.19 Fairwood Road
- 2.2 The site is accessed off Chatsworth Close along a single lane highway
- 2.3 The surrounding area is a combination of two-storey semi-detached dwelling, detached two-storey dwellings as well as a number of single storey dwellings

## 3. **SITE HISTORY**

- 3.1 11/1285/DCO – Outline planning application (with all matters reserved) for new detached residence at land to rear of 19 Fairwood Road. Approved
- 3.2 13/935/DCO – Variation of conditions 8 (attached plans) and 9 (single storey dwelling only) of 11/1285/DCO to allow construction of a house within 9.5m x 7m footprint and to allow for the construction of a two-storey house. Refused
- 3.3 13/2253/DCO – Removal of condition 9 (single storey dwelling only) of planning permission 11/1285/DCO to enable a two-storey development on the application site. Approved
- 3.4 14/1330/DCO – Variation of condition 8 (attached plans) of planning permission 13/2253/DCO to allow for substitution of plan drawing 663-03 G. Refused but subsequent Planning Appeal Allowed

## 4. **POLICY FRAMEWORK**

- 4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan

4.2 The following policies of the approved Cardiff Local Development Plan (2006-2026) are considered to be relevant to the proposal:

Policy KP5 (Good Quality and Sustainable Design)

Policy T5 (Transport Impacts)

Policy W2 (Provision for Waste Management Facilities in Development)

4.3 Supplementary Planning Guidance: Infill Sites (April 2011)

4.4 Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010)

4.5 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007)

4.6 Technical Advice Note 12: Design

4.7 Planning Policy Wales 2016

## 5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager, Transportation – No objections

5.2 The Operational Manager, Environment and Public Protection – No objections

5.3 The Operational Manager, Waste Management – No objections

## 6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Welsh Water – No objections

## 7. **REPRESENTATIONS**

7.1 Neighbours have been consulted, letters and e-mails have been received from the occupiers of 1, 2 and 3 Chatsworth Close, 62, 64, 66 and 68 Kirton Close, 5, 6, 9, 13, 14, 17, 19 and 21 Fairwood Road (plus a Diane Brewster, address unknown) objecting for the following summarised reasons;

(i) Highway Safety issues – site is down a narrow lane

(ii) Off-street parking provision for proposal is unsatisfactory

(iii) Proposed dwelling not in keeping with area

(iv) Overlooking/privacy issues

(v) Proposed dwelling would be overbearing and unneighbourly

(vi) Loss of value to adjacent dwellings

(vii) Noise and disturbance from construction works

(viii) Potential for vehicles from occupants or visitors to block adjacent lane

7.2 A 53 name Petition has been received objecting to the proposal for the following summarised reasons;

- i) Creation of new building line within Chatsworth Close
- ii) Precedent for further new dwellings in immediate area
- iii) Impact on surrounding area
- iv) Cramped size of plot

7.3 Councillor Lisa Ford, objects for the following summarised reasons;

- i) The development by reason of its size, depth, width, height and massing would have an adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy, being overbearing and visual impact on the area as a whole
- ii) Circulation within the site would be unacceptable as will create conflict between pedestrians, cyclists and vehicular movement thereby creating a safety hazard
- iii) Vehicles could overhang onto the lane to the detriment of other users
- iv) Parking spaces are insufficient which will impact surrounding properties through roadside parking on the narrow lane
- v) Beech hedge will be affected by the house

## 8. **ANALYSIS**

8.1 The main planning issues relate to:

- (i) The impact of the amenities of neighbouring occupiers.
- (ii) Highway safety/parking issues.

8.2 Amended Plans have been received due to concerns regarding the design and scale of the proposed dwelling, its siting adjacent to the side boundaries and potential overlooking issues.

8.3 It is noted that the principle of a dwelling house on this site was approved under planning application 11/1285/DCO. The original application was in outline with all matters reserved for future consideration. However, conditions 8 and 9 were imposed in regard to the proposed scale, design and size of the dwelling being as shown on the submitted plans and the dwelling being of a single storey design. It should be noted that subsequent planning applications have removed these requirements as listed in the site history section of this report.

8.4 It is not considered that the proposal as amended would prejudice the amenities of adjoining neighbours. The property is detached and sited approximately 2m away from the adjoining side boundaries with 17 Fairwood Road and The Bungalow.

8.5 The submitted amended plans show that there are no first floor windows sited in the side elevations facing 17 Fairwood Road and The Bungalow other than the insertion of four rooflights into the second floor. It is considered necessary to ensure that these rooflights are non-opening and obscurely glazed if sited below 1.7m internal floor level (see conditions 4) and that no other windows be inserted into the first floor side elevations (see condition 3). The first floor elevation is sited 21 metres from the adjoining dwelling at no. 19 Fairwood

Road and approximately 10.8 metres from the rear elevation of 64 Kirkton Close, notwithstanding this distance is it considered that privacy will not be compromised.

- 8.6 It is noted that the original outline permission was granted with a condition that any future dwelling-house be single storey (condition 9), this condition was subsequently removed under planning application 13/2253/DCO and the Planning Committee considered that a two-storey development would be acceptable on this site
- 8.7 In considering the application the Supplementary Planning Guidance; Infill sites (2011) is appropriate.

Para 2.14 states that It is important to strike a balance between maintaining the established positive character of a residential street and introducing additional housing. To avoid a 'town cramming' effect, any proposals must:

- Maintain a useable amenity space or garden for new as well as any existing dwellings/ occupiers;
- Maintain an established spacing between buildings that respects the pattern of layout in the vicinity of the site;
- Maintain appropriate scale and massing which respects buildings in the vicinity of the site;
- Respect the frontage building line and respond to the existing street scene

Para 2.15 states that the intensification of a site often means that additional car parking needs to be accommodated within the site boundary. Parking design is an important consideration with all infill development (see section on Parking), but the increased unit densities can specifically create problems for site redevelopment. Front gardens are important for biodiversity, amenity, drainage, street character and therefore parking should not intrude on these areas where they contribute to the character of the area. Parking should be designed and sited to encourage the use of street frontage to access dwellings

Para 3.11 states that as an overarching guide for all residential development, the Residential Design Guide sets out the following list of design characteristics that should inform a character analysis:

- Locally distinct patterns of streets and spaces
- Urban grain/built form relationships
- Local or strategic views
- Building envelope : scale, mass, form, height, roof form.
- 

Detailing and visual richness: window profiles, timberwork, building entrances, materials

- Layout: plot widths, set backs
- Topographical, microclimatic and ecological features
- Local patterns of landscape: front garden treatments, street trees

Para 3.12 Infill development needs to be sensitive to its immediate surroundings and respond well to the built context. It is important that in

residential areas where there is a clear existing pattern and form of development, that new buildings, landscaping and boundary treatment (e.g. gates, railings, walls and hedges) complement the character of the surroundings. A thorough understanding of detailing in the street scene which contributes to the form the character of the area needs to be gained and responded to.

It is considered that the proposal meets the above criteria used in the Supplementary Planning Guidance: Infill Sites as the design of the dwelling as amended is considered to be acceptable, and reflects those properties adjoining in Kirton Close. It is noted that there are a number of different designs of dwellings within the area with no one dominant style, with those sited along Chatsworth Close being modern properties.

8.8 The Operational Manager (Transportation) has no objection to the proposal.

8.9 In regards to comments made by neighbours which are not covered above, the following should be noted:

- i, ii + viii) The OM, Transportation raises no objections to the proposal
- iii) See para 8.5
- iv+ v) See para 8.4
- vi) Not a material planning consideration
- vii) Dealt with under separate legislation

8.10 In regard to the comments made by Councillor Lisa Ford, would comment as follows:

- i) See para 8.5-8.7
- ii-iv) See para 8.8
- v) Damage to adjoining neighbours property is a private legal matter between the two parties

#### 8.11 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.

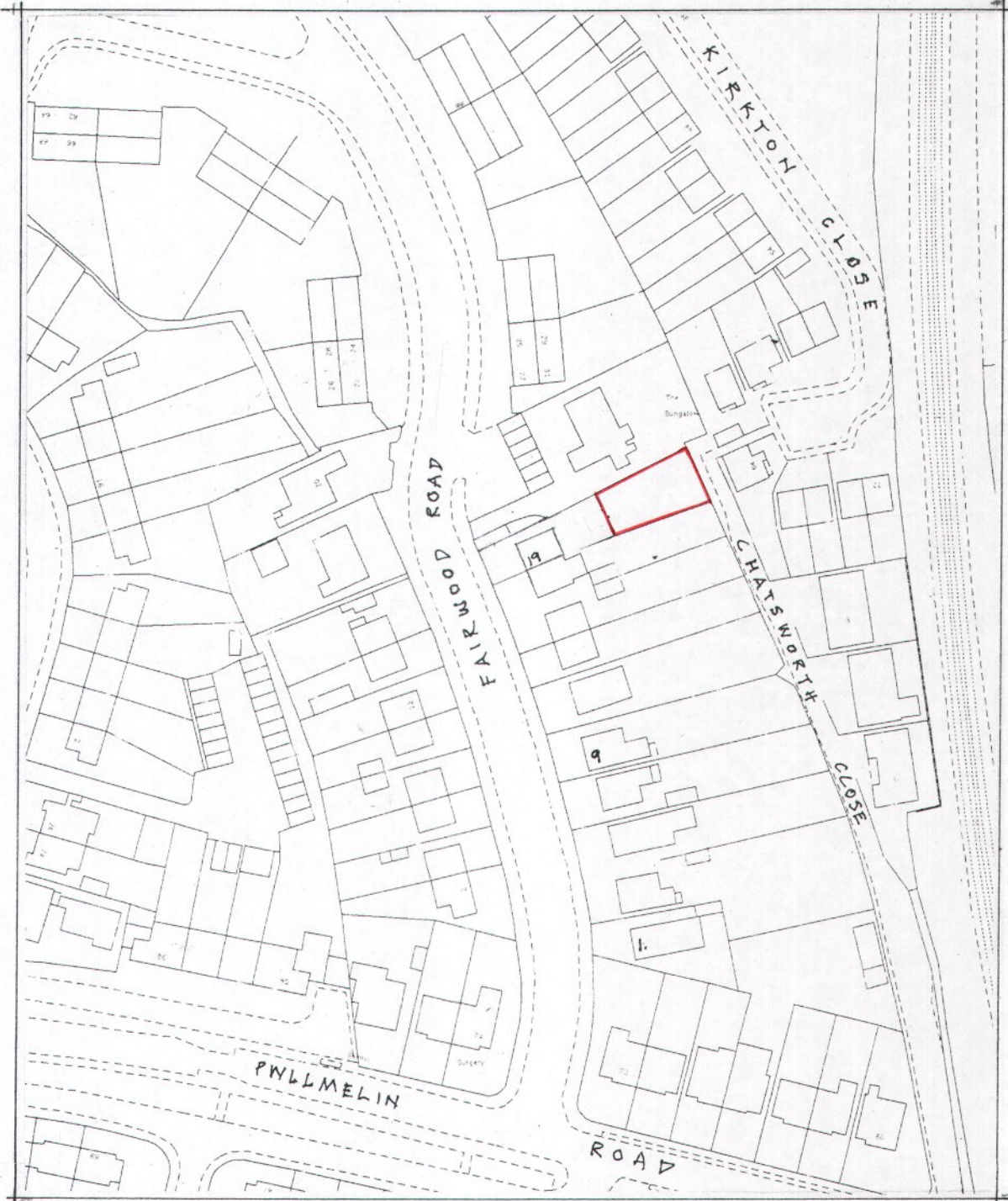
*Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given 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.

#### 8.12 **Conclusion**

Having regard to the policy context above, the proposal as amended is considered to be acceptable and planning permission is recommended subject to conditions.

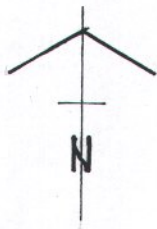


LOCATION PLAN

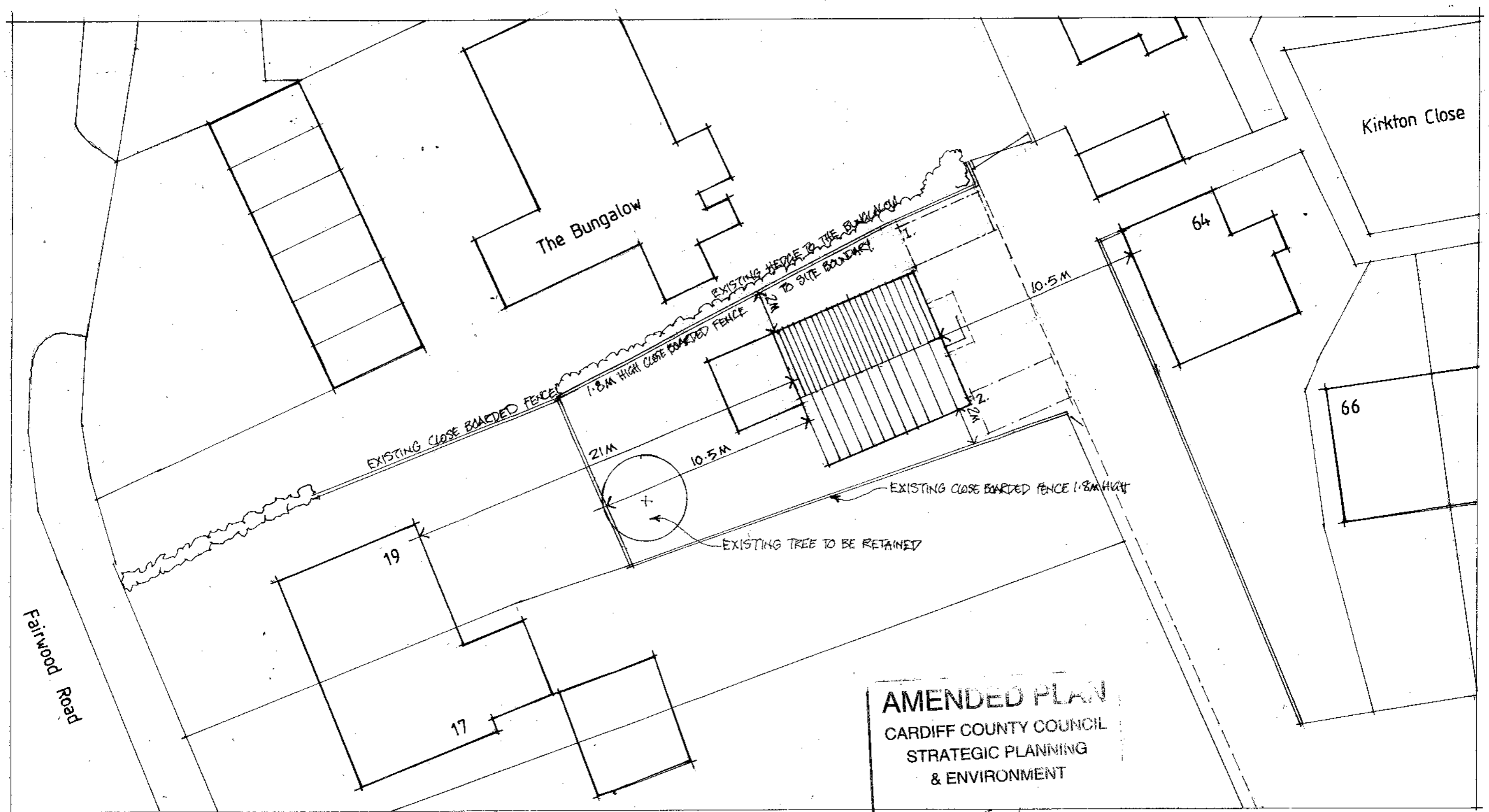
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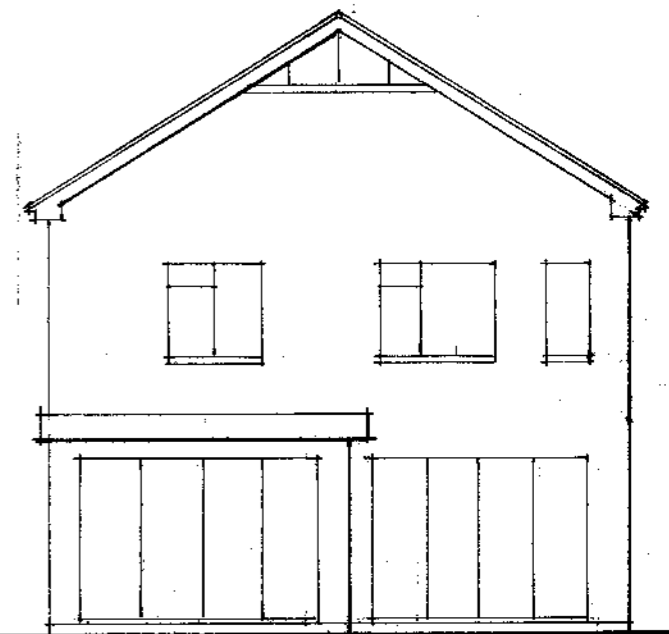
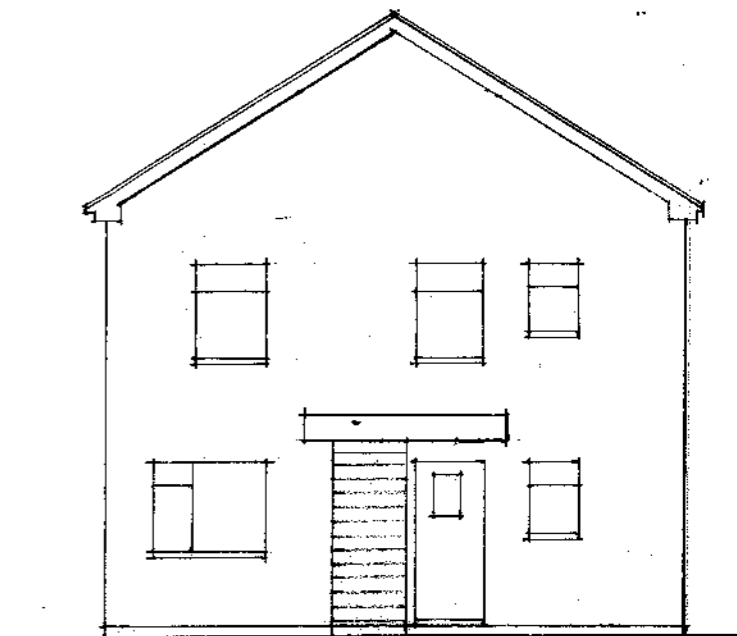
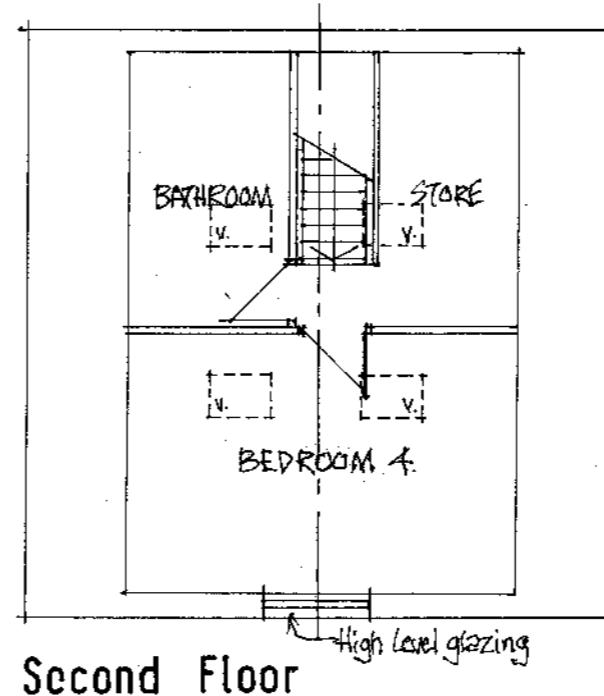
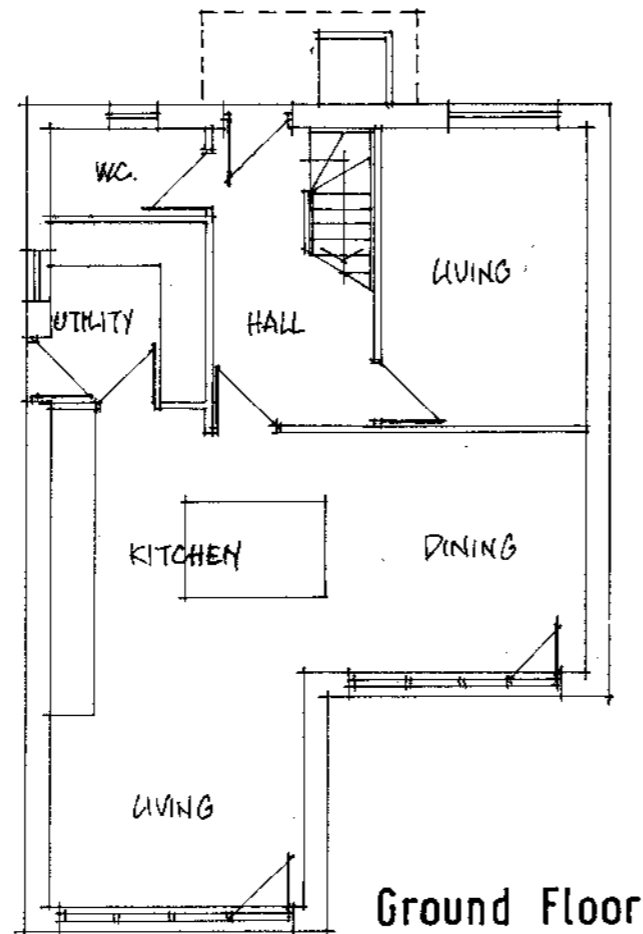
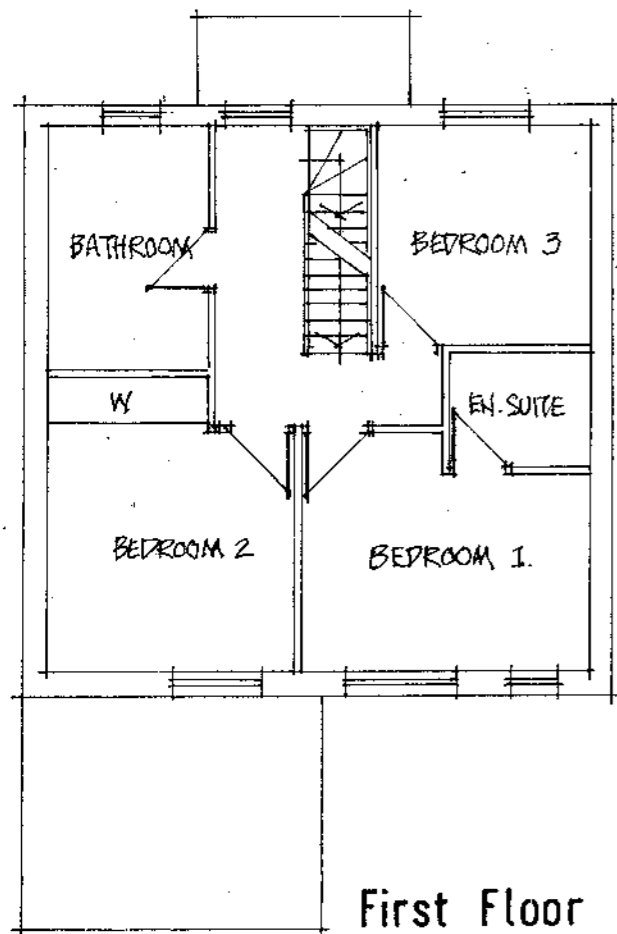
**AMENDED PLAN**  
 CARDIFF COUNTY COUNCIL  
 STRATEGIC PLANNING  
 & ENVIRONMENT

DATE 7.8.17

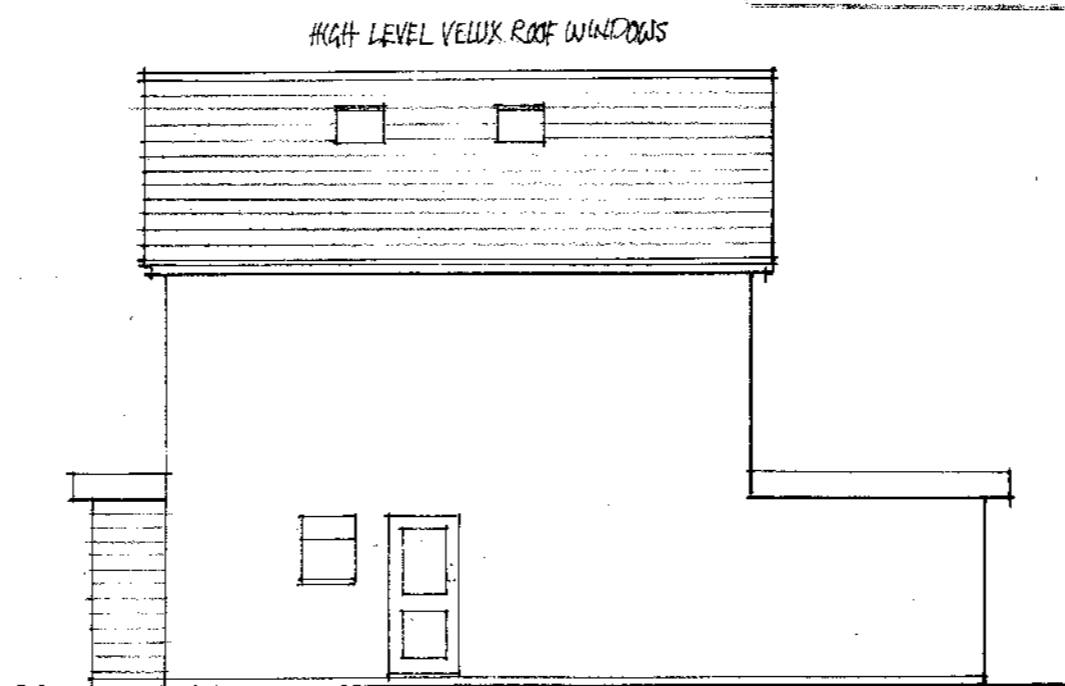
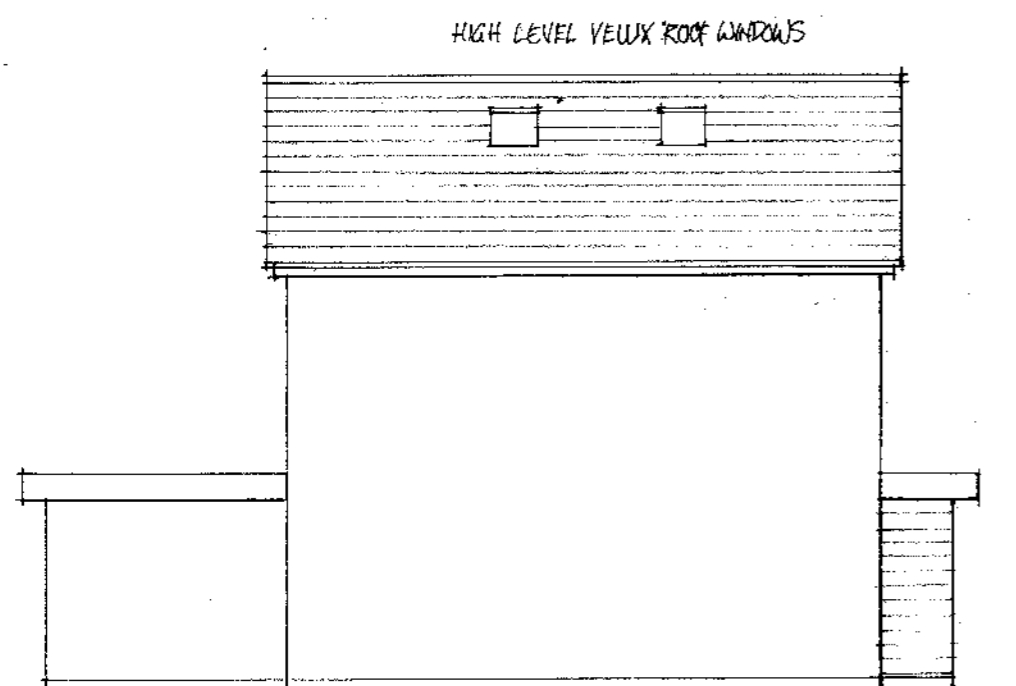
**TERRY NUNNS ARCHITECT**  
 D.Arch Dip.TP ARB

Bedw Arian, School Lane, Gwaelod y Garth,  
 Cardiff, CF15 9HN  
 Email: terry@terrynnuns.co.uk  
 Tel: 02920 810134 Mob: 07581 233058

SITE <b>REAR OF 19 FAIRWOOD ROAD</b>	
TITLE <b>BLOCK PLAN</b>	
DATE <b>03-07-2017</b>	DRWG. NO. <b>2331-03 REV B</b>
SCALE <b>1:200 AT A3</b>	



**AMENDED PLAN**  
 CARDIFF COUNTY COUNCIL  
 STRATEGIC PLANNING  
 & ENVIRONMENT  
 DATE 7.8.17



DATE 31-07-2017	DRWG. NO. 2331-02 REV. B
SCALE 1:100 AT A3	

**TERRY NUNNS ARCHITECT**  
 D.Arch Dip.TP ARB

SITE  
**REAR OF 19 FAIRWOOD ROAD**  
 TITLE  
**PROPOSED PLANS & ELEVATIONS**

Bedw Arian, School Lane, Gwaelod y Garth,  
 Cardiff, CF15 9HN  
 Email: [terry@terrynnuns.co.uk](mailto:terry@terrynnuns.co.uk)  
 Tel: 02920 810134 Mob: 07581 233058