

## MEMBER OBJECTION

COMMITTEE DATE: 10/01/2018

APPLICATION No. **17/01020/DCH** APPLICATION DATE: 18/05/2017

ED: **LLANDAFF**

APP. TYPE: Householder Planning Permission

APPLICANT: Mr Edmunds

LOCATION: TYN Y COED, 73 CARDIFF ROAD, LLANDAFF, CARDIFF, CF5  
2AA

PROPOSAL: GROUND, FIRST AND SECOND FLOOR EXTENSION TO  
REAR OF PROPERTY. INCREASE IN RIDGE HEIGHT AND  
REAR ROOF EXTENSION TO PROVIDE MEZZANINE FLOOR,  
ALTERATION TO FRONT DORMER; EXTENSION AND  
ALTERATIONS TO SIDE DORMER AND REPLACEMENT  
WINDOWS AND NEW RELOCATED ENTRANCE AREA TO  
GROUND FLOOR

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**RECOMMENDATION** : That planning permission be **REFUSED** for the following reasons :

1. The proposed side dormer by virtue of its scale, design and position is considered to be an unsympathetic addition to the host dwelling and detrimental to the character and appearance of the Cardiff Road Conservation Area, contrary to Policies KP5, KP17 and EN9 of the Cardiff Local Development Plan 2006-2026.
2. The proposed rear roof extension and associated balcony, by virtue of its scale, design and position is considered to be an unsympathetic addition which would result in an overdevelopment of the site and create an over-dominant feature within the existing roof to the detriment of the host dwelling and surrounding area and would neither preserve or enhance the character or appearance of the Cardiff Road Conservation Area contrary to Policies KP5, KP17 and EN9 of the Cardiff Local Development Plan 2006-2026.
3. The rooflight on the side roof plane of the rear gable extension facing no 75, Cardiff Road is considered to be an unsympathetic addition and detrimental to the character and appearance of the host dwelling and would neither preserve or enhance the character or appearance of the Cardiff Road Conservation Area, contrary to Policies KP5, KP17 and EN9 of the Cardiff Local Development Plan 2006-2026.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 Planning permission is sought for extensions and alterations to Tyn y Coed, 73 Cardiff Road, Llandaff, Cardiff.

1.2 Planning permission (16/01931/MNR) was granted permission in January 2017 for ground, first and second floor extensions/balconies incorporating an amended rear roof extension in order to upgrade and reconfigure the three existing flats within the property. New materials were introduced to the rear elevation together with large rear glazed windows at each floor level. The creation of a ground floor patio area to the rear incorporating the reduction of the mezzanine to the dwelling to the rear was also approved.

1.3 This application proposes further alterations to extend the property. These originally included a larger three storey rear extension with balconies in order to further upgrade and reconfigure the existing three flats. Extensions and alterations are also proposed to the main roof including the raising of the ridge height, introducing a revised front dormer and rear roof extension/balcony to create an additional floor at third floor level to incorporate a mezzanine bedroom. A new side dormer incorporating a lift shaft and stairs to service the third floor is also proposed. A modern front porch, roof lights, replacement windows (black slimline), the creation of a patio area to the rear and new finishing materials to the rear (as per Planning application reference number 16/01931/MNR) also forms part of the proposed development.

1.4 Amended plans were submitted on the 17th October 2017 (Drawing no A103E and A104E) which have removed the front porch and replaced this with a proposed new entrance doorway to the front elevation, reduced the size of the side dormer, removed part of rear gable end extension so that it remains at the depth approved under planning application reference number 16/01931/MNR, marginally set down the rear roof extension and corrected some minor errors. The specification of the cladding to the walls behind balcony areas has also been annotated.

1.5 Supplementary window detailing and heritage statement were also submitted in support of the application.

2. **DESCRIPTION OF SITE**

2.1 The application site is a detached Edwardian red brick property which lies on Cardiff Road within the Cardiff Road Conservation Area. The property comprises 3 flats and the entrance to the dwelling to the rear which is cut into the bank of the existing rear garden. Beyond this at a lower level is Llandaff Fields, a Grade II\* listed park. To either side are large detached dwellings, Pentir, 71 Cardiff Road with a Coach House to the rear and Maes Derwen, 75 Cardiff Road. Opposite is Howell's School.

2.2 It is apparent that works have already been undertaken at the property including the removal of the rear elevation wall at first and second floor level and the outer skin of the rear elevation to ground floor flat. A supporting steel

framework has been erected as the owner has claimed that the rear wall was defective and needed replacing.

2.3 More recently unauthorised works in the form of a side dormer and the raising of the ridge of the main roof has been completed and a new replacement front dormer built.

2.4 The building remains unfinished and with scaffolding insitu.

2.5 Changes in levels are apparent from the front to the rear of the site, whereby the ground falls away to the rear and neighbouring gardens are set at a lower level.

### **SITE HISTORY**

3.1 Application No : 94/01576W  
Proposal : REAR EXTENSION TO 73 CARDIFF ROAD TO FORM ECOFRIENDLY RESIDENTIAL UNIT  
PERMISSION GRANTED 24/11/1994

Application No : 14/02325/DCH  
Proposal : REPLACEMENT OF EXISTING DEFECTIVE FLAT ROOF TO REAR UNIT BY INSERTION OF NEW STEEL FRAME AND INSULATED DECKING. REPLACEMENT OF EXISTING DEFECTIVE ROOFING TO FORMER SWIMMING POOL ENCLOSURE WITH NEW INSULATED DECKING AND CREATION OF NEW BEDROOM OVER FORMER POOL AREA. NEW BALCONY TO UPPER GROUND LEVEL.  
WITHDRAWN 25/3/2015

Application No : 15/02381/DCH  
Proposal : RETROSPECTIVE PLANNING APPLICATION FOR REPLACEMENT OF EXISTING DEFECTIVE FLAT ROOF TO REAR UNIT BY INSERTION OF NEW STEEL FRAME AND INSULATED DECKING. REPLACEMENT OF EXISTING DEFECTIVE ROOFING TO FORMER SWIMMING POOL ENCLOSURE WITH NEW INSULATED DECKING AND CREATION OF NEW BEDROOM (REDUCED HEIGHT) OVER FORMER POOL AREA. PARTIAL EXTENSION OF UPPER GROUND FLOOR (OVER ORIGINAL BALCONY) AND NEW BALCONY.  
PERMISSION GRANTED 06/05/2016

Application No : 16/01931/MNR  
Proposal : PROPOSED REAR GROUND, FIRST AND SECOND FLOOR EXTENSION INCLUDING BALCONIES TO SE ELEVATION ONLY AT FIRST AND SECOND FLOORS,

AMENDMENT/EXTENSION TO MAIN ROOF. REAR  
MEZZANINE EXTENSION TO BE LOWERED TO FORM  
EXTENDED PATIO AREA AT GROUND LEVEL.  
PERMISSION GRANTED 13/01/2017

#### 4. **POLICY FRAMEWORK**

##### 4.1 Relevant National Planning Guidance:

###### **National Planning Policy**

- Planning Policy Wales (9th Ed) 2016
- Technical Advice Note 12: Design
- Technical Advice Note 24: The Historic Environment (2017)
- The Planning (Listed Building and Conservation Areas) Act 1990
- Welsh Office Circular 61/96: Planning and the Historical Environment

###### **Cardiff Local Development Plan 2006-2026 (2016)**

- Policy EN9 (Conservation of Historic Environment)
- Policy H5 (Subdivision or Conversion of Residential Properties)
- Policy KP5 (Good Quality and Sustainable Design)
- Policy KP17 (Built Heritage)
- Policy T5 (Managing Transport Impacts)

###### **Conservation Area Appraisal (Cardiff Road)**

###### **Supplementary Planning Guidance**

- Access, Circulation and Parking Standards (2017)
- Residential Extensions and Alterations (2017)

Prior to January 2016 the Supplementary Planning Guidance's were approved as supplementary guidance to the City of Cardiff Local Plan (1996). Although the City of Cardiff Local Plan (1996) has recently been superseded by the Cardiff Local Development Plan (2016), the advice contained within the SPG's is pertinent to the assessment of the proposal and remains consistent with the aims of both the Cardiff Local Development Plan Policies and guidance in Planning Policy Wales and are therefore afforded significant weight. Any Supplementary Planning Guidance approved since January 2016 are approved as supplementary guidance to the Cardiff Local Development Plan 2016.

#### 5. **INTERNAL CONSULTTEE RESPONSES**

- 5.1 The Operational Manager Parks Services has been consulted and no objections have been raised, subject to the avoidance of damage to trees along the Landaff Fields boundary and no dumping of materials on the banks of the open space.

#### 6. **EXTERNAL CONSULTTEE RESPONSES**

- 6.1 The Landaff Conservation Group have been consulted and have expressed

strong concerns about the adverse impact on the Conservation Area because the rear elevation looks over Llandaff Fields. The proposed increase in the elevation of the property and the change to the general appearance and the skyline proposed to be presented to the park will detract from the parkland in the Conservation Area in this location. Different groupings of houses located in the Llandaff Ward Conservation Area are an important feature of the current appraisal. These proposals are not sympathetic to the property's position and presentation within the group and adjacent properties and adversely impact on the building relationships with each other.

7.

### **REPRESENTATIONS**

7.1

Local members have been consulted. Councillor Hill-John has objected and considers that planning permission should not be granted for the recent proposal and it appears this 'project' has become more and more protracted at the inconvenience of the neighbours and should be brought to a timely conclusion. The proposed aesthetics of the external cladding are not in keeping/sympathetic with the surrounding area. She also echoes the comments provided by the Conservation Group.

7.2

Neighbours have been notified and the following objections have been received.

7.3

The owner/occupier of Pentir, 71 Cardiff Road and the Coach House to the rear of 71 Cardiff Road states their objection should be read in conjunction with previous letters of objection (submitted in relation to planning application reference number 16/01931/MNR), which are summarised and set out below. The current issues remain substantially unaltered.

### **Objections in relation to Planning Application 16/0931/MNR**

- Significant concern over the condition of the 73 Cardiff Road and unauthorised building activities, pattern of development, non-compliance and associated Enforcement Notice, associated noise and disruption carried out by the applicant over the last two years;
- No consultation by the applicant over the proposed works and concern that further unauthorised activities were commencing;
- Requests have been ignored to remove existing scaffolding that has been in situ for the last 12 months and overlooks their property and is unsightly and to remove materials stored on the flat roof to the rear of Tyn y Coed;
- The proposal will be contrary to advice contained in the both the Cardiff Road and Llandaff Conservation Area Appraisals, Local Plan policies and Cardiff Road - Strategic Planning - An advisory leaflet for Householders updated March 2010 including Article 4 Direction in terms of its design and character and its impact on the conservation area;
- The proposal will have a detrimental effect on amenity, including blockage of light, the extension would be too close; nuisance from noise given closer proximity; concerns over position of windows to the

- side and rear elevation and loss of privacy to both 71 Cardiff Road and the Coach House to the rear and concerns over the building line;
- Concerns over compliance with building regulations;
- Concern why it is acceptable for applicant to start new works before recitifying existing unauthorised matters and before an application has been considered by the Council and neighbours consulted;
- Outstanding concern raised with regard to planning permission 15/02381/DCH in relation to breach of conditions relating to the reduction of the mezzanine level, the screening to the balcony and the use of the flat roof;

A further objection has also been received in relation to amended plans submitted on 1st December 2016 on the following grounds.

- To be read in conjunction with previous objections, these issues remain substantially unaltered;
- The size and nature of the proposal will deprive them of privacy and enjoyment of their home and amenities;
- Significant work carried out without planning consent;
- Nothing has been done to rectify the Enforcement Notice to rectify works carried out two years ago;
- Revised plans are a flagrant flouting of Council's guidance re :Cardiff Road and Landaff Conservation Areas;
- Extending building line significantly and works have already been carried out;
- Blockage of light to whole side of the house and bedrooms in particular;
- Extension too close;
- Concern over nuisance from increased noise due to closer proximity;
- Windows inserted on East Elevation in contravention of contents of Council document 15/02318/DCH;
- Objection to floor to ceiling windows and balconies across the back;
- Windows and cladding proposed to the first and second floor are of a size and nature totally incongruous with Council planning guidance and infringe on privacy;
- Revised plans extend ground floor flat and change to patio area which is too close to their property and will cause loss of privacy;

In addition an objection to 16/01931/MNR was received from a planning consultant on behalf of the owner/occupier of 71 Cardiff Road and the Coach House, rear of 71 Cardiff Road who objected for the following reasons.

- Concern over the substantial adverse impact of the development on privacy and amenity;
- Concerns exacerbated as applicant has commenced without planning permission and that the applicants approach is disturbing given the planning history and enforcement issues;
- Overlooking from large full height glazing and balconies in terms of the coach house and rear garden of 71 and that glazing is not typical of existing dwelling;

- Proximity to habitable room windows and loss of light to existing windows, potential loss of privacy from second floor balcony and the overbearing nature of development;
- Design inappropriate and not considered to meet aims of Conservation Area Appraisal where high standard of development is expected, that it would dominate their property, it occupies a prominent position, that it would be visible from Llandaff Fields, ratio of glazing to wall is disproportionate, the choice of materials inappropriate and is out of keeping and will have an adverse impact on the conservation area;
- Lack of engagement from applicant;
- Contrary to Local and National planning policies, Cardiff Road Conservation Area Appraisal and SPG;
- If allowed development would have substantial adverse impact on privacy, amenity and on the reasonable enjoyment of their home and it would adversely affect the conservation area and Grade 2 \* listed park and as such should be refused.

Objection to current application 17/01020/MNR

Additional comments from the owner/occupier of 71 Cardiff Road and the Coach House to the rear of 71 Cardiff Road have been received in relation to the current application and reiteration relate to:-

- Lack of enforcement action over compliance with a number of conditions relating to planning permission 16/01931/MNR.
- The revised plans are a flagrant flouting of the Council's own guidance regarding Llandaff and Cardiff Road conservation area.
- The extension will extend the building line of no 73 significantly and building works has already been carried without approval. It will block light and have a serious detrimental affect on their property and will be far too close.
- There may be noise nuisance due to the extension being closer to their property.
- Significant loss of privacy and overlooking to main dwelling and Coach House.
- Floor to ceiling windows would not comply with policy.
- Windows and cladding totally incongruous.
- Extension of ground floor flat and patio area will cause privacy issues and possible overlooking.
- Totally fed up with ongoing building works, state of property and requested to the applicant that it is put right. No works have been attempted for weeks and scaffolding is still in place. This is unsightly and causing a significant nuisance.
- Appears that the Council has been negligent in the way they have allowed the site to progress and the whole matter is a disgrace.

A further objection was also received from the owner/occupiers of Pentir, 71 Cardiff Road and the Coach House to the rear of 71 Cardiff Road in respect of the amended plans and are summarised below.

- The issues referred to in previous letter remain substantially unaltered (comments above).
- Objections submitted relate to points previously made above.
- Significant works carried out without planning permission.

7.4 Comments have been submitted by solicitors acting for the owner/occupier of Flat 1, 73 Cardiff Road.

Reference is made to the previous application 16/01931/MNR and that despite objection this was given permission and the applicant is in breach of this consent. Further comments predominantly relate to building works, land ownership and trespass issues and that the proposal has already commenced (in relation to steel beams) and would encroach on land under their ownership or result in the demolition of their clients property. It is also referenced that their client was not notified of the planning application. Concern is raised that the flat will be reconfigured to accommodate the changes to the building including, porch, entrance lobby and lift. Any permission grant is a flagrant disregard of our clients rights as registered proprietor of the property in which the applicant seeks permission.

A rebuttal was submitted by solicitors on behalf the applicant regarding private matters/proceeding which appears to be between the freeholder/leaseholder regarding property maintenance/surcharge issues. The letter also states that the applicant has the right to obtain planning permission over his land and he owns the freehold of the entire building and notice of works were served under the terms of the lease.

7.5 The Llandaff Society have objected to the proposal. They comment that this is a fine Edwardian red brick house located within the heart of the Cardiff Road Conservation Area and overlooks the listed parkland Llandaff Fields. Given that trees were cut down to the rear some years ago it is open to wide views from Llandaff Fields. The Llandaff Society disagrees with the submitted Design and Access Statement. The proposal is completely out of character and scale. The proposed Corten and Cedar Cladding is not in character with the area and could present a fire hazard. Demolition started last year, before permission was sought and the building has been an eyesore ever since. There are also outstanding enforcement issues. Llandaff Society are concerned this is a case of a “creeping” proposal. These are major changes to a scheme which we opposed. Planning permission should not be granted and Llandaff Society urges the Council to refuse the proposal.

Further comments from the Llandaff Society were received in relation to the amended plans. It is considered that the changes are marginal and do not alter the previous position. The increase in ridge height would result in reducing the prominence of the chimneys which are a feature of the current design, to the detriment of the integrity of the group of substantial Edwardian houses lining Cardiff Road. The rhythm of the fenestration to the rear façade is visible over a wide area in Llandaff Fields. This would be disrupted further by a larger expanse of roof, new dormer window, balustrade and Velux Window. The proposals contradict the purpose of the designation of this



Conservation Area, which is to 'conserve and enhance'. They contradict the claim on page 4 of the Design Statement that the proposals do 'not affect the characteristics or architectural prominent features as evident along the principal front elevation and general street scene.' The Llandaff society urges the Council to refuse the application.

7.6 The application was also advertised by way of a site notice and press notice.

## 8. ANALYSIS

8.1 The key issues are the effect of the proposal upon the character and appearance of the Cardiff Road Conservation Area, its wider settings and on the living conditions of neighbours

8.2 Policies KP5, KP17 and EN9 of the Local Development Plan are in place to ensure good design and to preserve and enhance the character of conservation areas and the built heritage of the City. These policies are also supported by advice contained in the national and local guidance as referenced above.

8.3 With reference to the roof alterations, the adopted 2006 Cardiff Road Conservation Area Appraisal (p.19) notes that:

### Dormer Windows and Loft Conversions

8.4 Dormers with decorative fascias of ridges and stonework are a common feature of the Victorian and Edwardian period during which most of the Conservation Area was developed. New dormers will only be appropriate where they respect the scale of the house, protect the character of the existing roof form, and the appearance of the Conservation Area. Small traditional roof lights may be acceptable in discrete locations, offering an alternative to a dormer. In the case of a semi-detached property, particularly if symmetrical, care will be taken to ensure that a roof light will not unbalance the pair. Modern roof lights in deep frames, which break up the line of the roof surface, are not appropriate. The use of roof lights on front roof slopes will not be supported.

### Roof Materials

8.5 Generally original roofing materials should be maintained. Reclaimed or new natural slates or clay tiles are the best way to protect the character of the Conservation Area. Decorative ridge tiles and ornamental barge boards should be retained.

### Extensions and Alterations

8.6 In modernising their homes, residents want larger kitchens and family rooms and need additional accommodation. Often this can be done without spoiling the character of either the individual house or the wider Conservation Area. However, the kind of extension, dormer window or loft conversion suitable for one type of house might be completely inappropriate for another, and so it is

impossible to lay down a uniform set of rules for the whole Conservation Area.

#### Increase in Ridge Height

- 8.7 In respect of the increasing of the height of the front roof/ridge height it is considered that the rebuilt front roof slope with raised ridge has not unacceptably altered the form of the roof or the proportions of the building when viewed from Cardiff Road. As such this element is considered to preserve the character the Conservation Area.

- 8.8 Given the depth of the house, the raised ridge height in isolation would also not be considered to unacceptably alter the proportions of the house in views into the Conservation Area from Llandaff Fields. However, the associated large flat roof extension behind this is considered to be harmful, as detailed in para 8.11.

#### Front Dormer

- 8.9 The front dormer as rebuilt is arguably more sympathetic in form than the one it replaced; being more appropriately scaled relative to the roof slope size and steeper in pitch to more accurately reflect that of the principal gable; and position, being set further down the roof slope. The windows would continue to fill the majority of the face of the dormer and it is slate clad as previously existed. As such it is considered to enhance the Conservation Area.

#### Side Dormer

- 8.10 The large size, position, unsympathetic form and poor detailing of the proposed side dormer shown on the amended plans modified (from that installed without permission) would result in an incongruous addition that neither preserves nor enhances the character or appearance of the Conservation Area, contrary to the above advice within the appraisal and LDP Policies KP5, KP 17 and EN9 and the Residential Alterations and Extensions SPG (2017). In addition, the dormer would be located immediately adjacent to an existing decorative chimney stack, resulting in a cluttered roofscape and harming the character and appearance of this chimney stack. While its position would increase views toward the chimney from Cardiff Road compared to the unauthorised dormer as built and viewed on site, it would remain an uncharacteristic large flat roof addition at ridge height and in a prominent position. It would not be considered to preserve or enhance the character or appearance of the Conservation Area.

#### Additional (3rd) floor – rear mansard roof extension

- 8.11 It is considered that the previously approved alteration and extension to the roof (application reference number 16/01931/MNR) was a significant alteration and considered on balance to be acceptable without harming the character and appearance of the Conservation Area when viewed from within gardens (private views) or from within Llandaff Fields (public views).

- 8.12 The proposed additional floor – essentially a large almost-flat roof dormer at the newly raised ridge height – is considered to represent a significant

overdevelopment of the building, altering the scale and proportions of the rear elevation to the extent that the building would appear unsympathetically top-heavy and over-scaled within its context. The addition is proposed to have a marginal set down from the ridge that would not be perceptible from longer views or within nearby gardens and would have an awkward and uncharacteristic shallow pitch down to the SE elevation, contrary to the guidance within the adopted Conservation Area Appraisal and the Residential Alterations and Extensions SPG (2017) and LDP Policies KP5, KP17 and EN9.

#### Rear projecting extension

- 8.13 Concerns relating to the rear extensions have been considered in terms of design, amenity, impact on the Conservation Area and its wider setting. It should be noted that the revised proposed rear extension and associated balconies are similar to those already approved (planning application reference number 16/01931/MNR), albeit with the first and second floors being at a slightly lower height to accommodate the introduction of the mezzanine bedroom at third floor level. These extensions, apart from the roof extension on the third floor, have for the most part been assessed under the previous application (16/01931/MNR) and considered acceptable. It should be noted that the gable end extension is reflective of the form of the original building and the glazing to the rear was rationalised during the determination of the previous application (16/01931/MNR) and better reflects the rear of the existing building.

- 8.14 Having regard to the glazing, with the exception of the large roof light which has been introduced to the side roof plane of the rear gable end extension facing no 75 Cardiff Road, this is considered to be out of keeping and an unsympathetic feature which is contrary to KP5, KP17 and EN9 of the Cardiff Local Development Plan as referenced above. It is also noted that a finish is not indicated on the elevational drawings to side roof plane of the gable extension.

- 8.15 The proposed change to enclose the second floor balcony and the introduction of a solid wall to the balcony area associated with Flat 2 is considered acceptable.

- 8.16 Consideration has been given to the choice of materials and the inclusion of the Corten Steel strip and UPVC composite cladding are noted, however, the rear gable end and side return will be clad in red brick slip which is more in keeping with the original dwelling. Materials proposed to the rear elevation are predominantly as approved under planning permission 16/01931/MNR and as such remain acceptable in principle.

- 8.17 Impact on windows to the side elevations of no 71, in particular those which serve a bedroom at second floor level have been considered. These will not be significantly affected to a degree which would warrant a refusal, given the distance between the properties and that the roof slopes away from No. 71.

- 8.18 Concerns over the introduction of balconies and glazing to the rear were previously considered and considered acceptable. Given the existing building did benefit from rear glazing and balconies and that privacy screens can be

conditioned, it is not considered that privacy will be significantly affected to a degree which would warrant a refusal.

- 8.19 The roof overhang associated with the scheme as originally submitted is still shown on the roof plans on drawings no A103E Proposed Plans and A104E Proposed Elevations and this does not correlate to the proposed plans or elevations which remove the additional gable end extension. This has been raised with the agent during the course of the application but has not been addressed.

Front porch/new entrance

- 8.20 The amended plans remove the roof porch structure and instead propose an alteration of a non-original window to form a doorway. This would be considered to represent a minor alteration that would preserve the character of the Conservation Area, subject to detailed joinery details for the proposed door and does not form part of the refusal.

Replacement windows

- 8.21 Given that the property had non-original small top opening casement windows, the proposed replacement black slimline aluminium windows are considered acceptable, as they would reintroduce a more sympathetic central transom. The proposed replacement windows are considered acceptable 'in principle' and therefore are not considered a reason for refusal.

- 8.22 For clarification, Drawing no A105 has been considered in relation to window detailing only as these plans are based on the original proposal and has not been updated. (The proposal has since been amended by Drawing no's A103E and A104E). There also appears some errors relating to window types (e.g. WEW02 and WEW03) and incorrect information has been submitted in relation to the side dormer window and rear gable end rooflight however this does not form part of the reason for refusal and could be controlled by condition if this application were to be approved and planning permission granted.

Patio area

- 8.23 The extended patio area approved under 16/01931/MNR is also shown on the submitted drawings with slightly wider steps. The principle of the patio has previously be considered acceptable subject to conditions relating to finish and privacy and no further issues are raised.

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

- Noise and disruption from existing building activities is not a matter for the Local Planning Authority.
- The erection of the scaffolding is not a matter for the Local Planning Authority as planning permission is not required for its erection.
- The distress caused through building work to the neighbouring occupiers is

- noted, however, many of these matters relating to building work are not a matter for the Local Planning Authority.
- In response to concerns over land ownership and trespass, these are civil issues outside of the remit of the Local Planning Authority. A planning application can be submitted and determined despite the applicant not owning all of the property and providing Certificate B is signed and served on the relevant landowner the application can be registered and determined. Certificate B was served on the owner of the Flat 1, 73 Cardiff Road in this instance.
  - A planning consent does not give the applicant the right to carry out works outside of their ownership, this is also a civil issue.
  - The owner/occupier of Flat 1 was notified by consultation letter on the 1st and 6<sup>th</sup> June 2017 and was also consulted on amended plans on the 18th October 2017. A site notice was also in place outside of the property.
  - Objections raised under 16/01931/MNR and those relating to privacy and impact on neighbouring dwellings in relation to the rear extensions were fully considered under 16/01931/MNR.
  - The Council served a Breach of Condition Notice with regard to non-compliance with conditions attached to a previous planning permission relating to the dwelling situated to the rear. Following the determination of this application further consideration will be given to the pursuit of enforcement action relating to the current breach of planning control.
  - With reference to cladding being a fire hazard, this is a matter which is dealt with under Building Regulation Legislation and not Planning Legislation.

## 9.

### **OTHER CONSIDERATIONS**

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

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

- 9.3 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

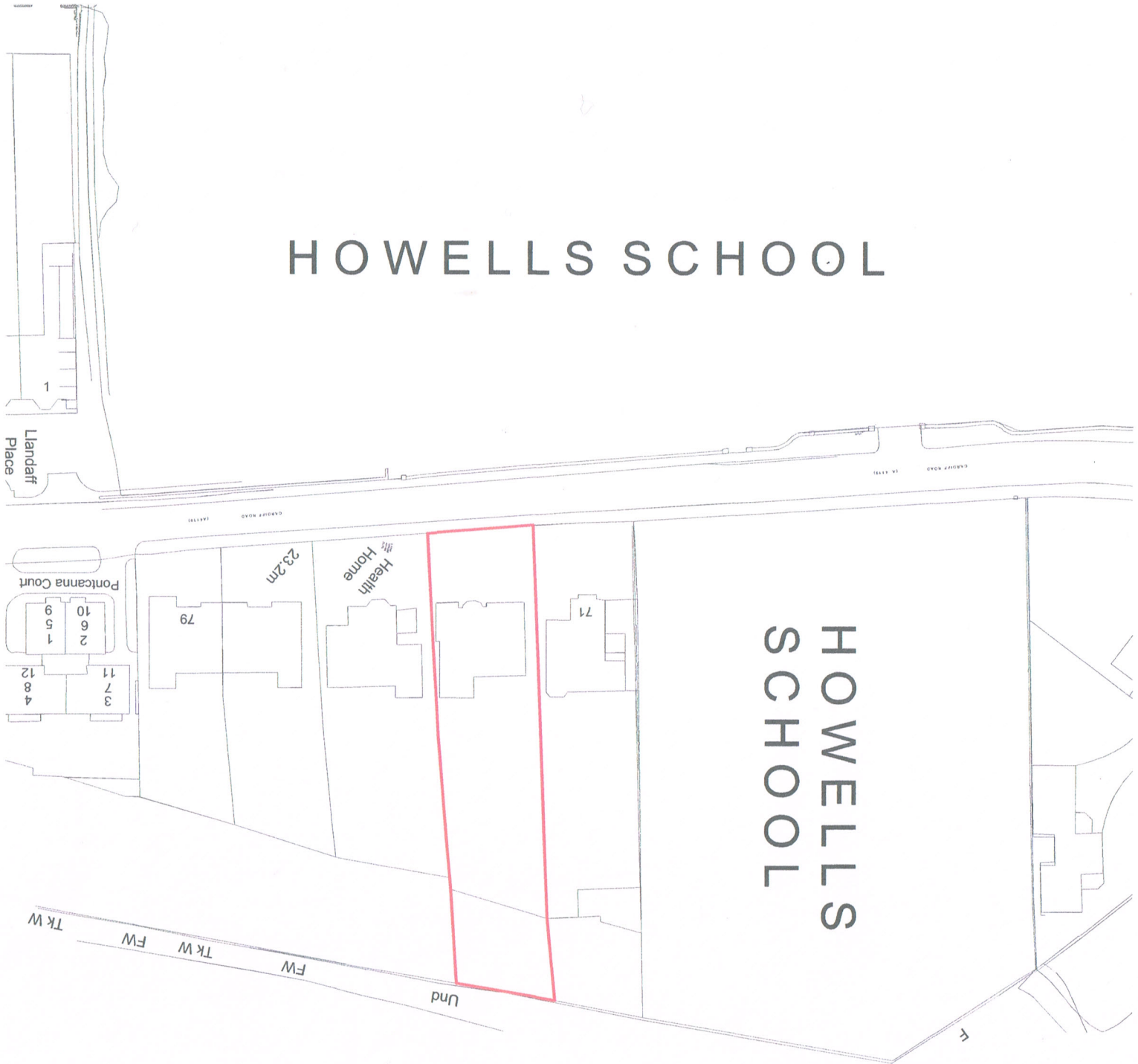
objectives as a result of the recommended decision.

10. **RECOMMENDATION**

- 10.1 Having taken all of the relevant factors into consideration it is concluded that the proposal is considered unacceptable for the reasons outlined above and refusal of permission is recommended.

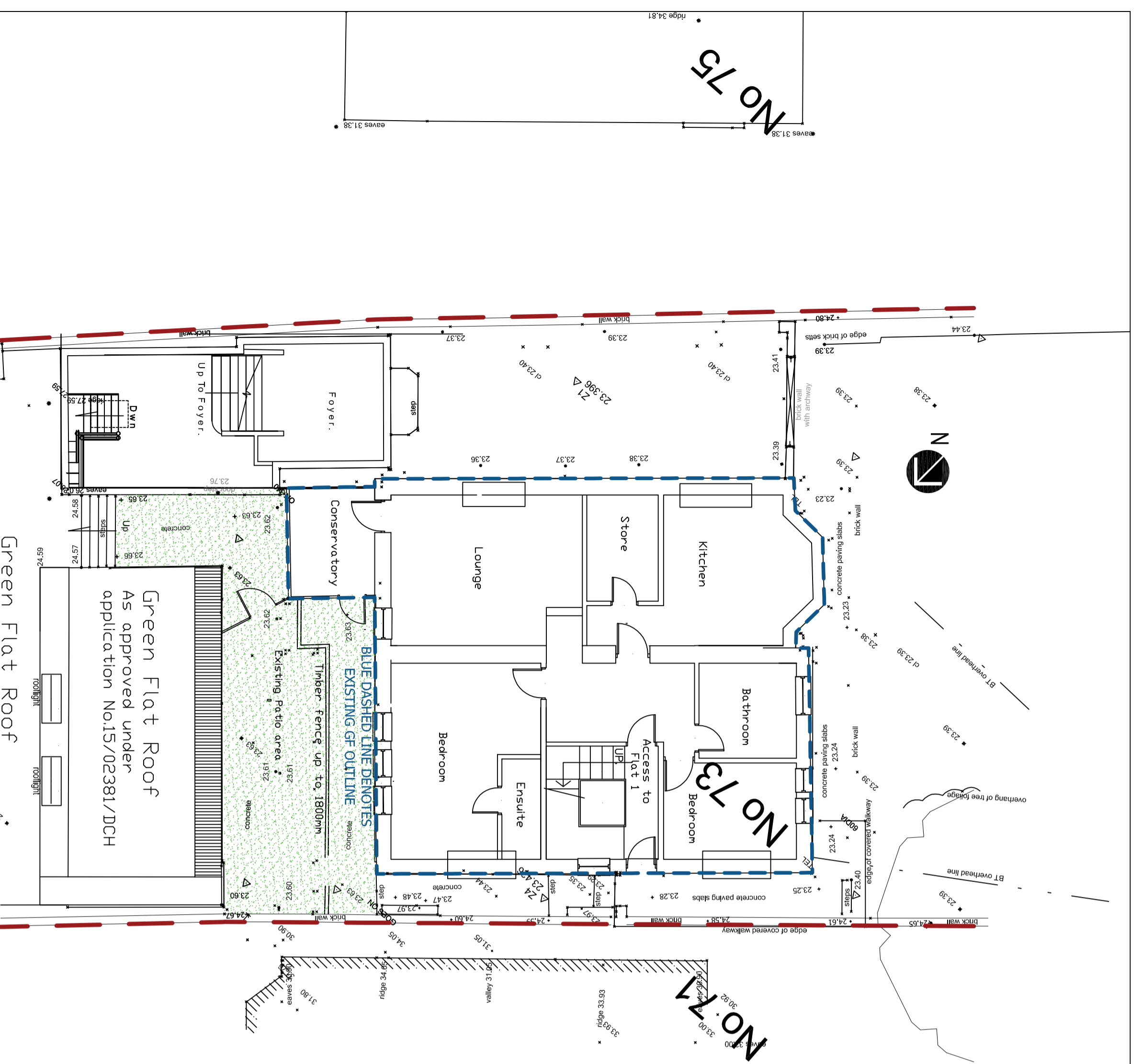
# HOWELLS SCHOOL

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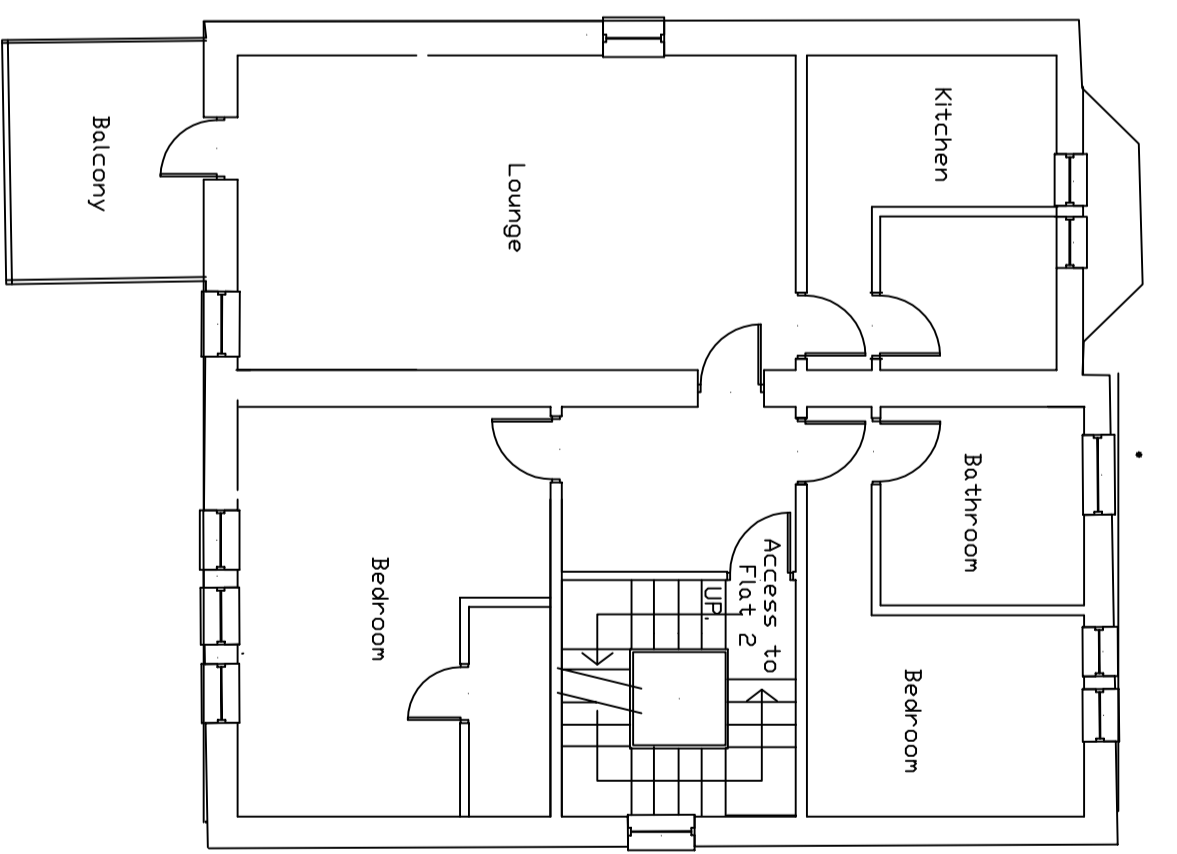


SITE LOCATION PLAN.

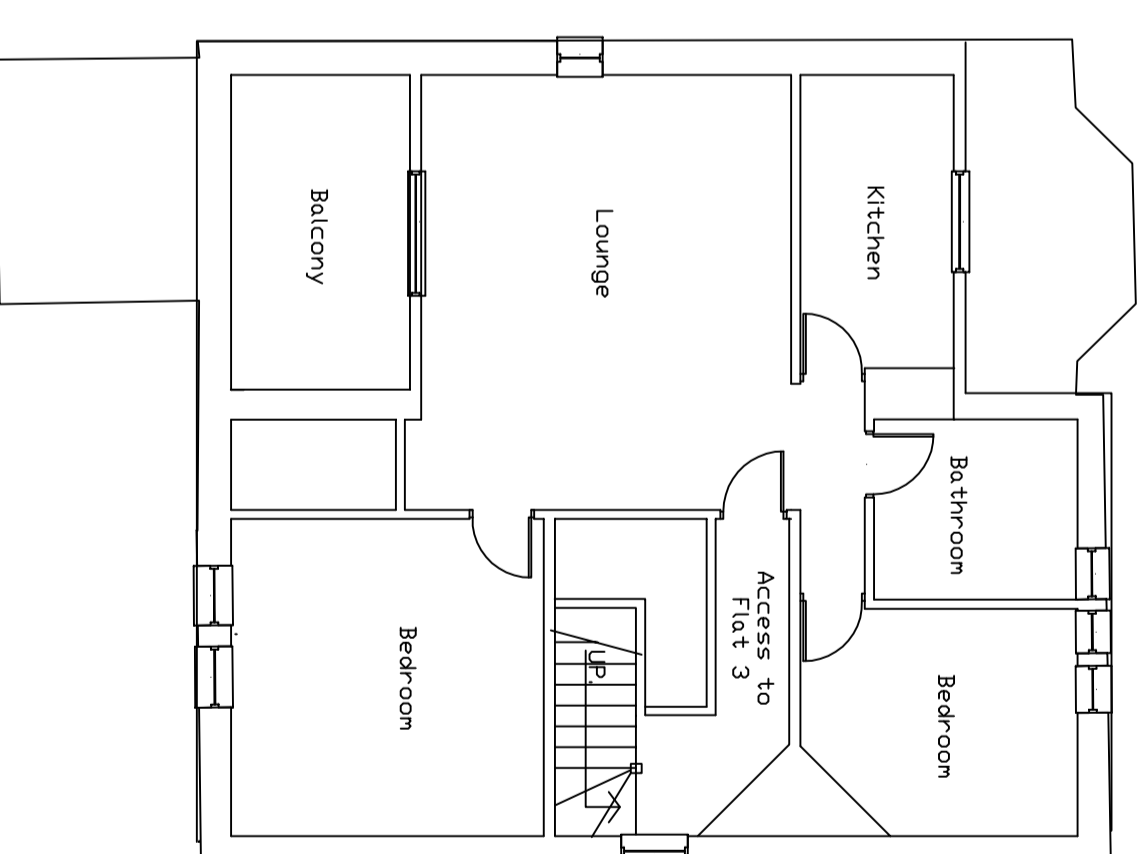
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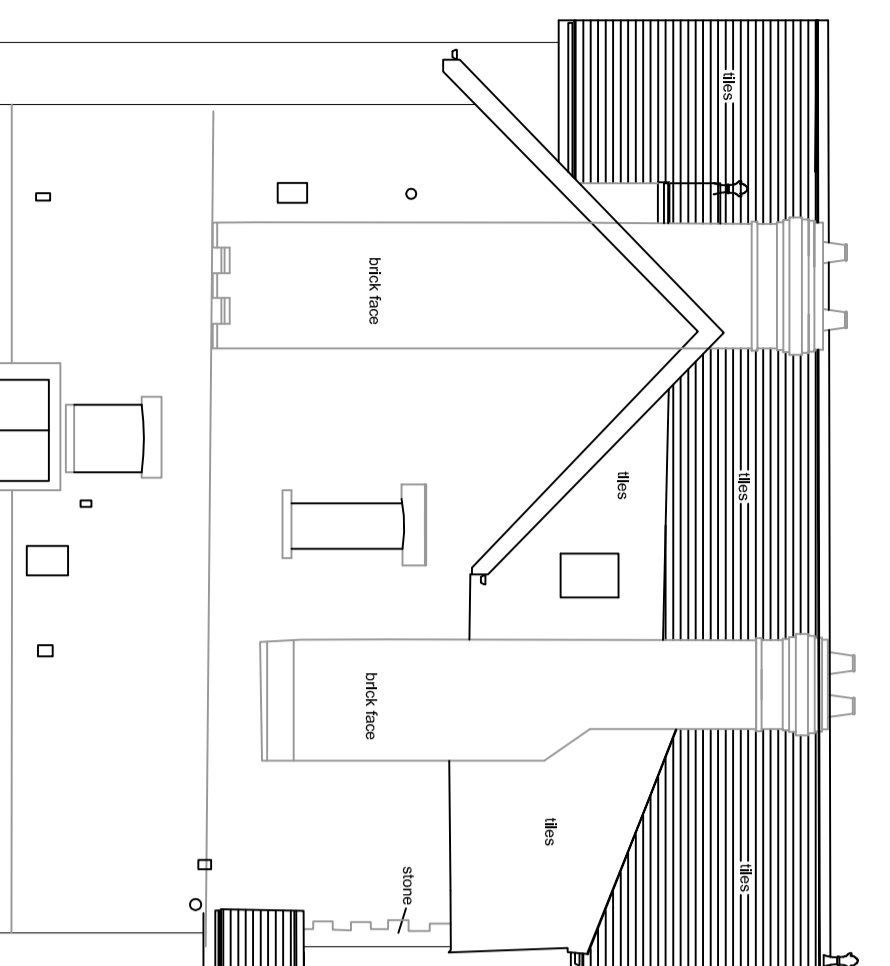
EXISTING GROUND FLOOR PLAN



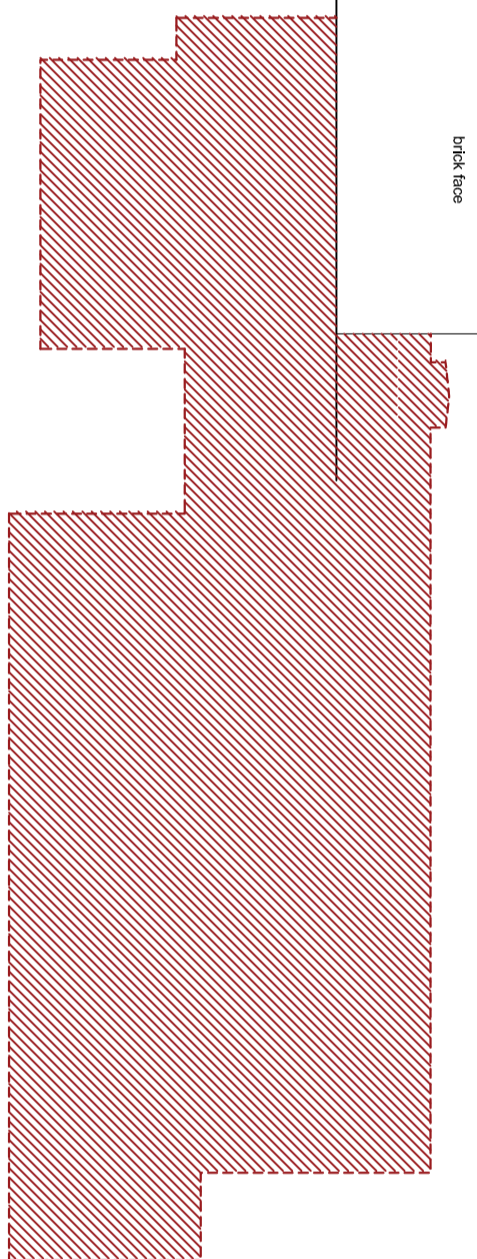
EXISTING FIRST FLOOR PLAN



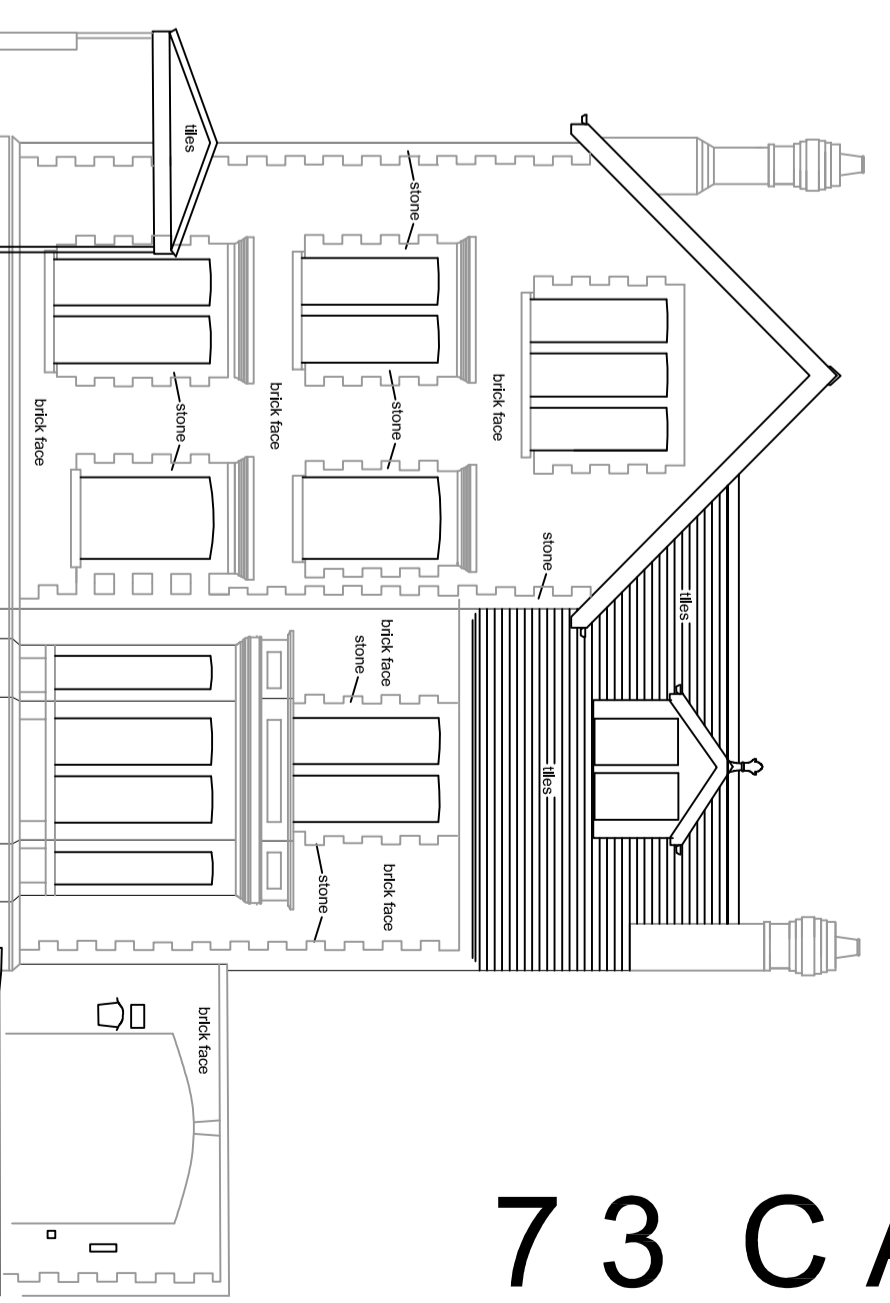
EXISTING SECOND FLOOR PLAN



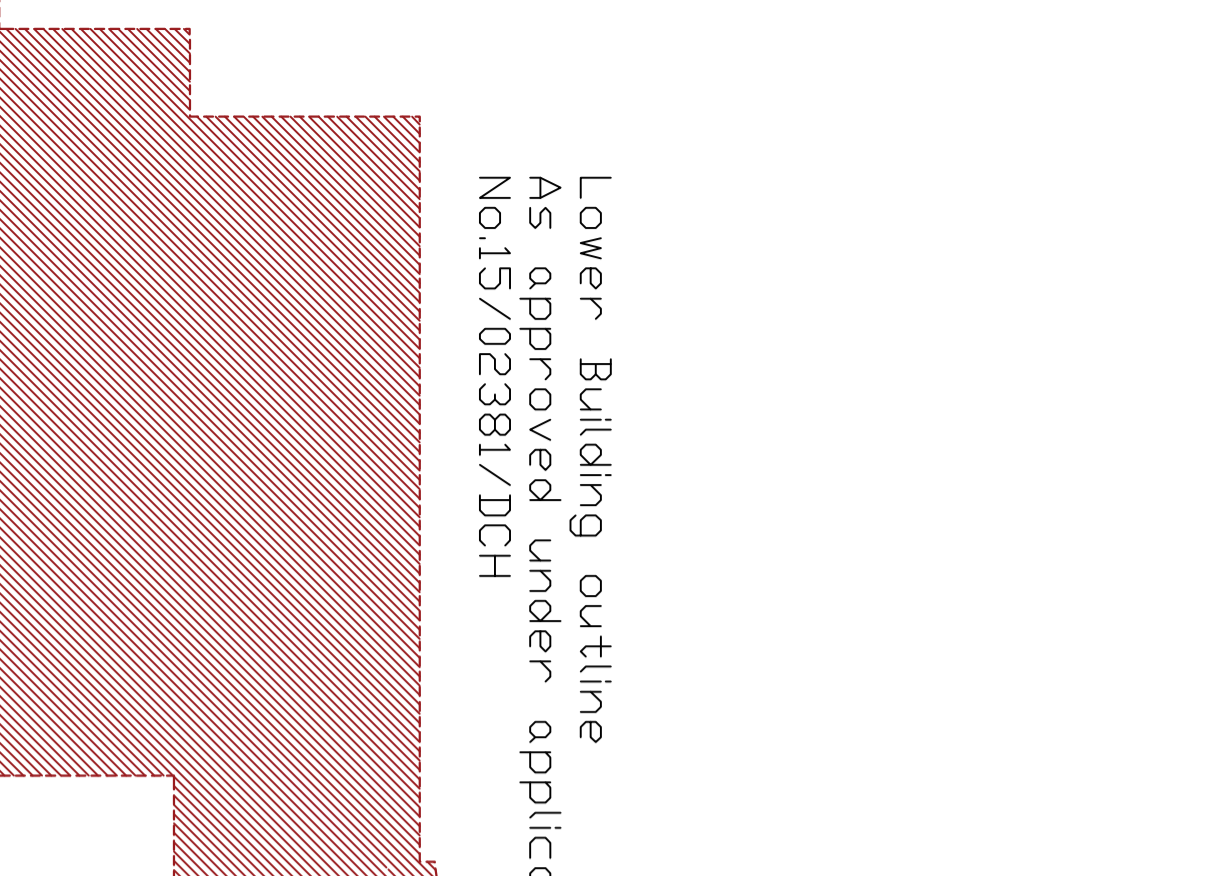
EXISTING SIDE ELEVATION



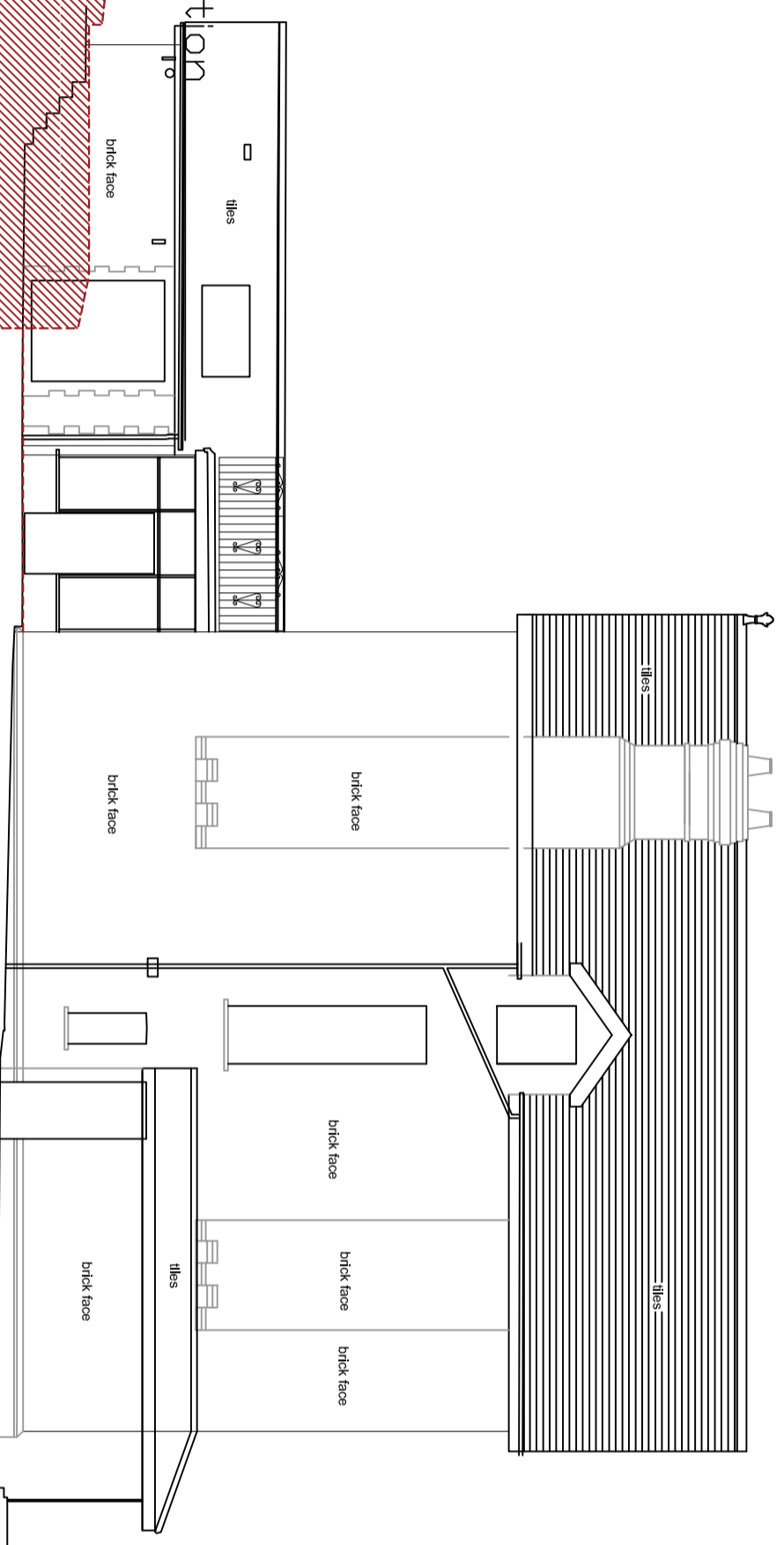
Lower Building outline  
As approved under application  
No.15/02381/DCH



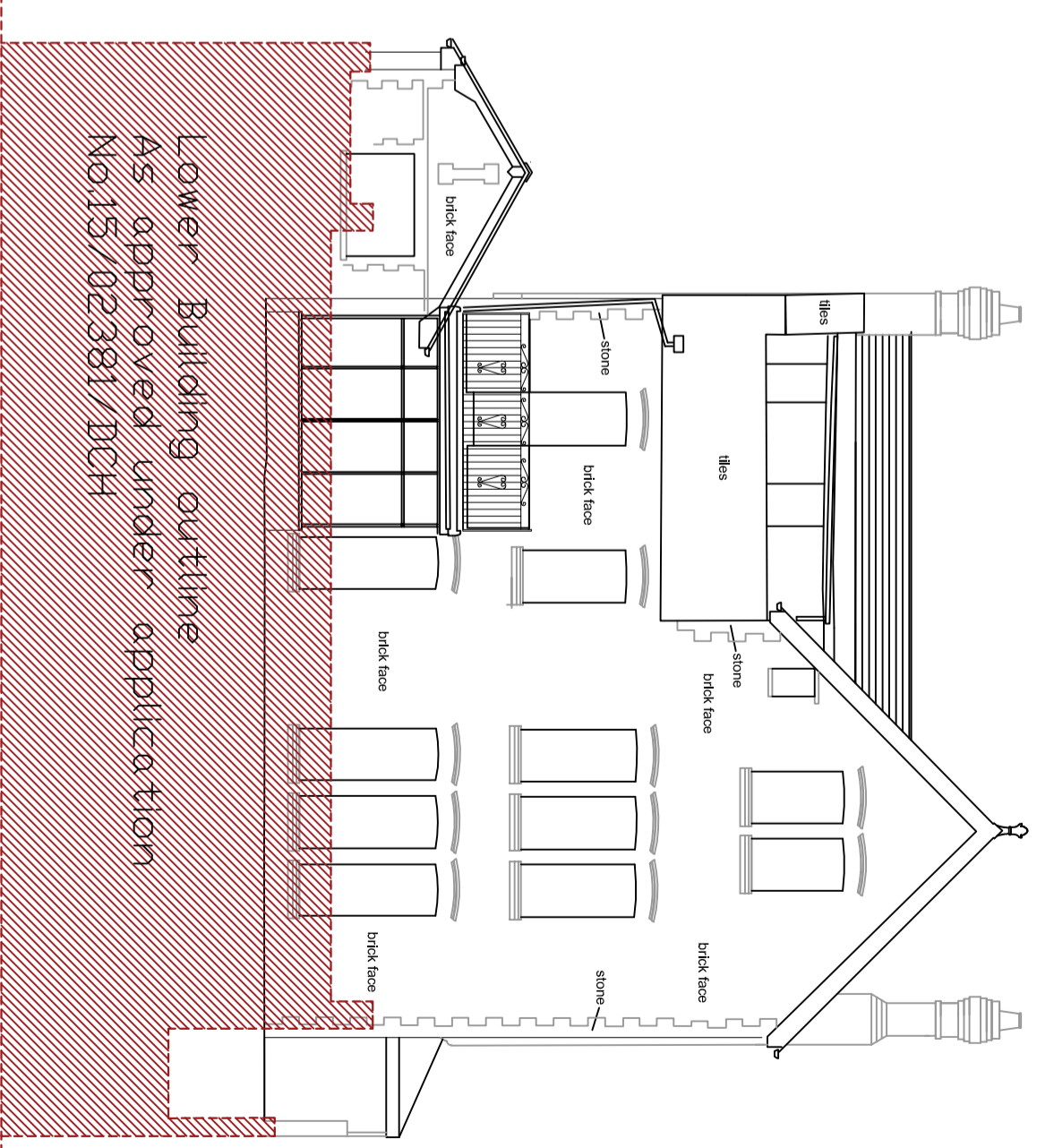
FRONT EXISTING ELEVATION



EXISTING SIDE ELEVATION



Lower Building outline  
As approved under application  
No.15/02381/DCH



EXISTING REAR ELEVATION

Lower Building outline  
As approved under application  
No.15/02381/DCH

# 73 CARDIFF ROAD

DESIGN STAGE-PLANNING PURPOSES ONLY



**Varco**

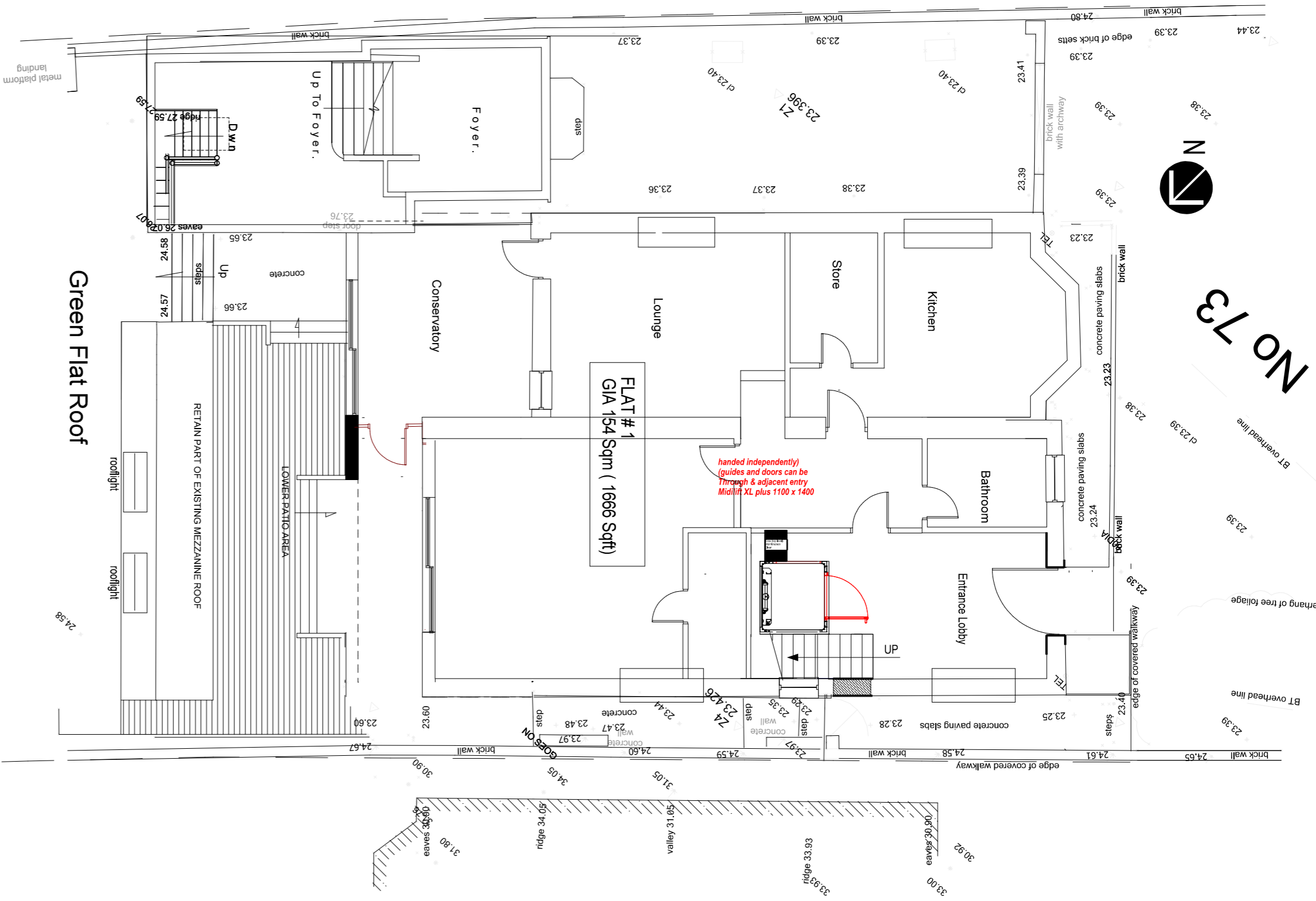
VARCO (UK) LIMITED  
 1, Llanharan Road, Llanharan, Cardiff, CF23 5LW  
 T: 0300 000 0000  
 E: sales@varco.co.uk  
 W: www.varco.co.uk

VARCO (UK) LIMITED  
 1, Llanharan Road, Llanharan, Cardiff, CF23 5LW  
 T: 0300 000 0000  
 E: sales@varco.co.uk  
 W: www.varco.co.uk

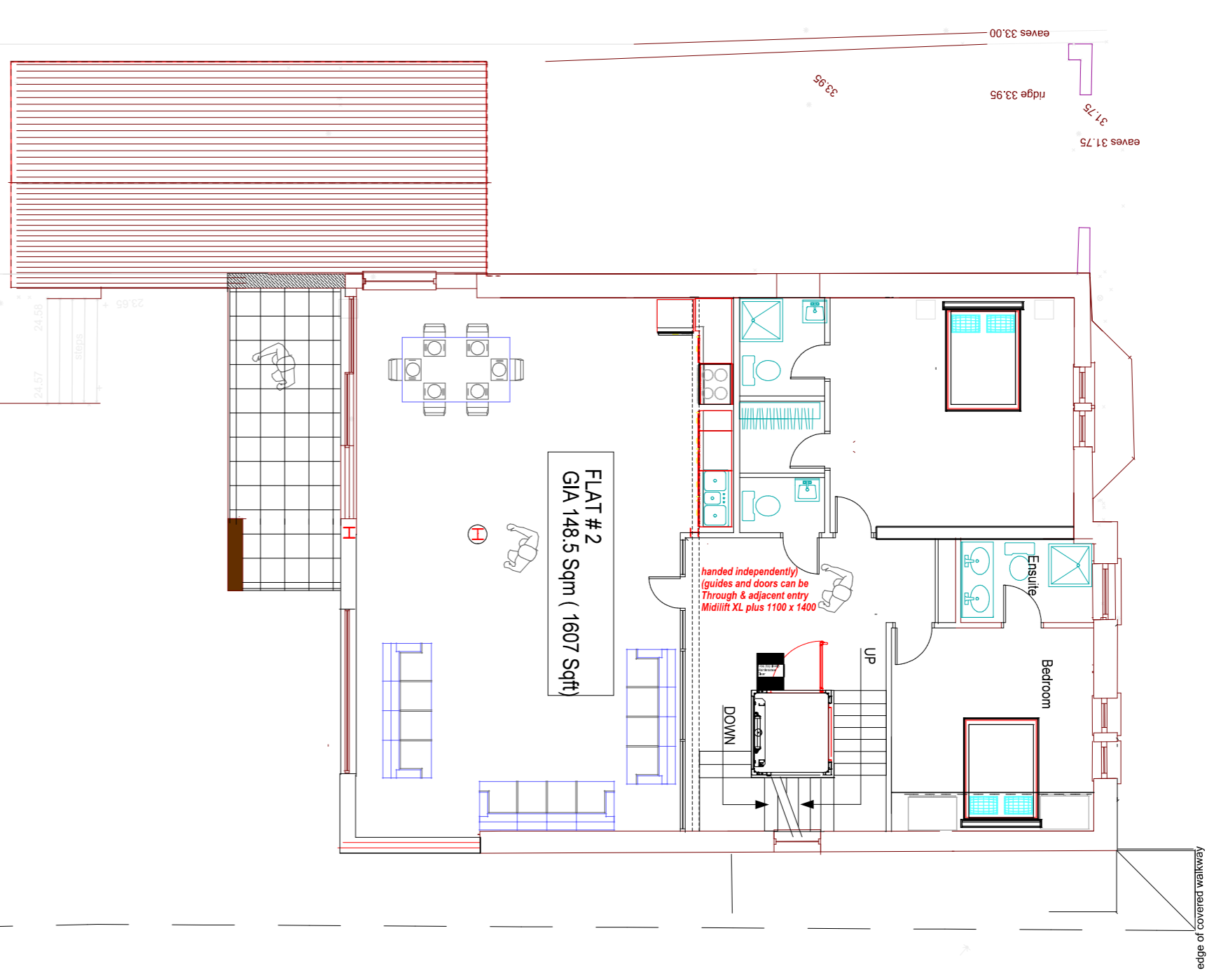
VARCO (UK) LIMITED  
 1, Llanharan Road, Llanharan, Cardiff, CF23 5LW  
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 E: sales@varco.co.uk  
 W: www.varco.co.uk



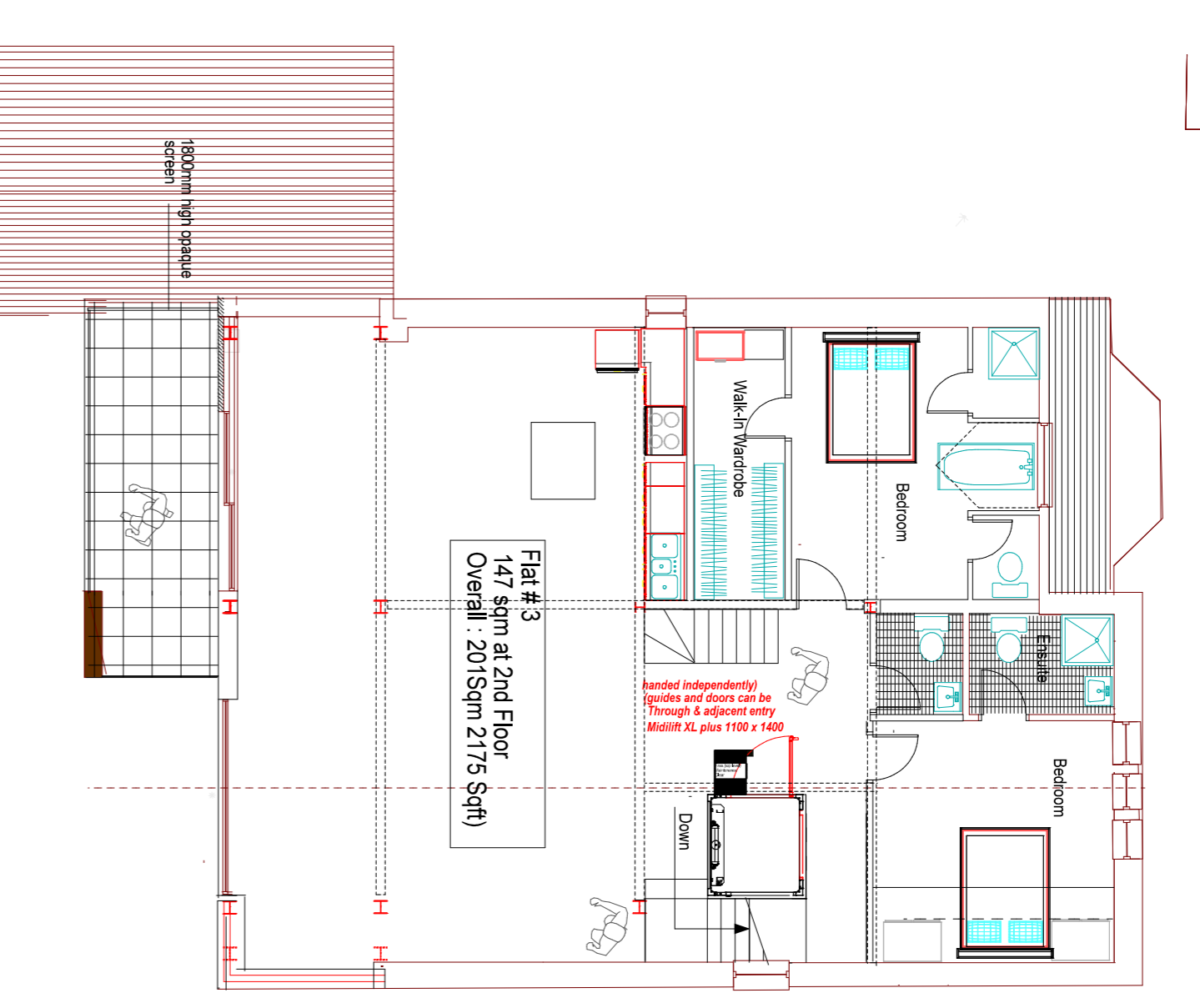




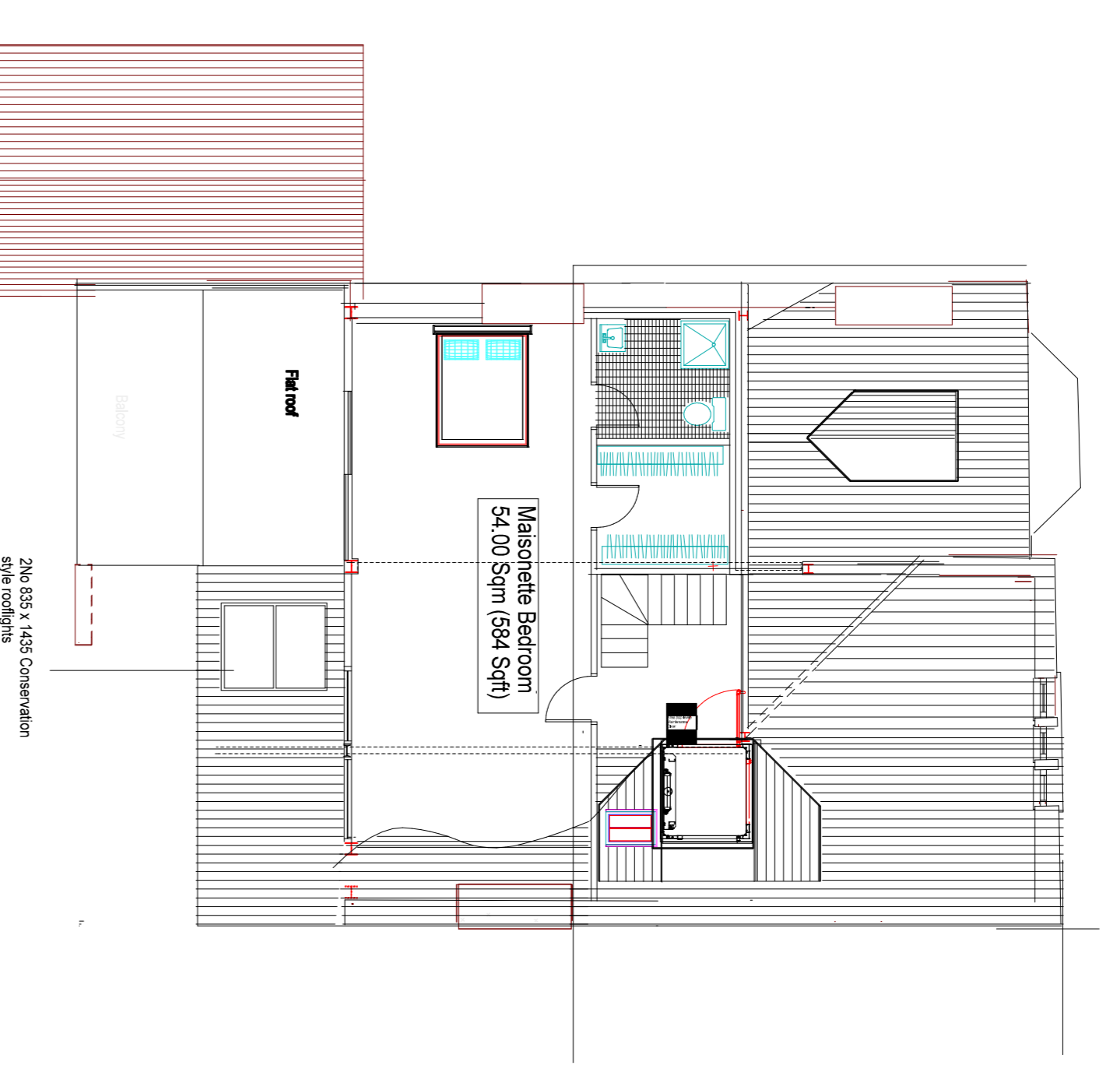
PROPOSED GROUND FLOOR PLAN



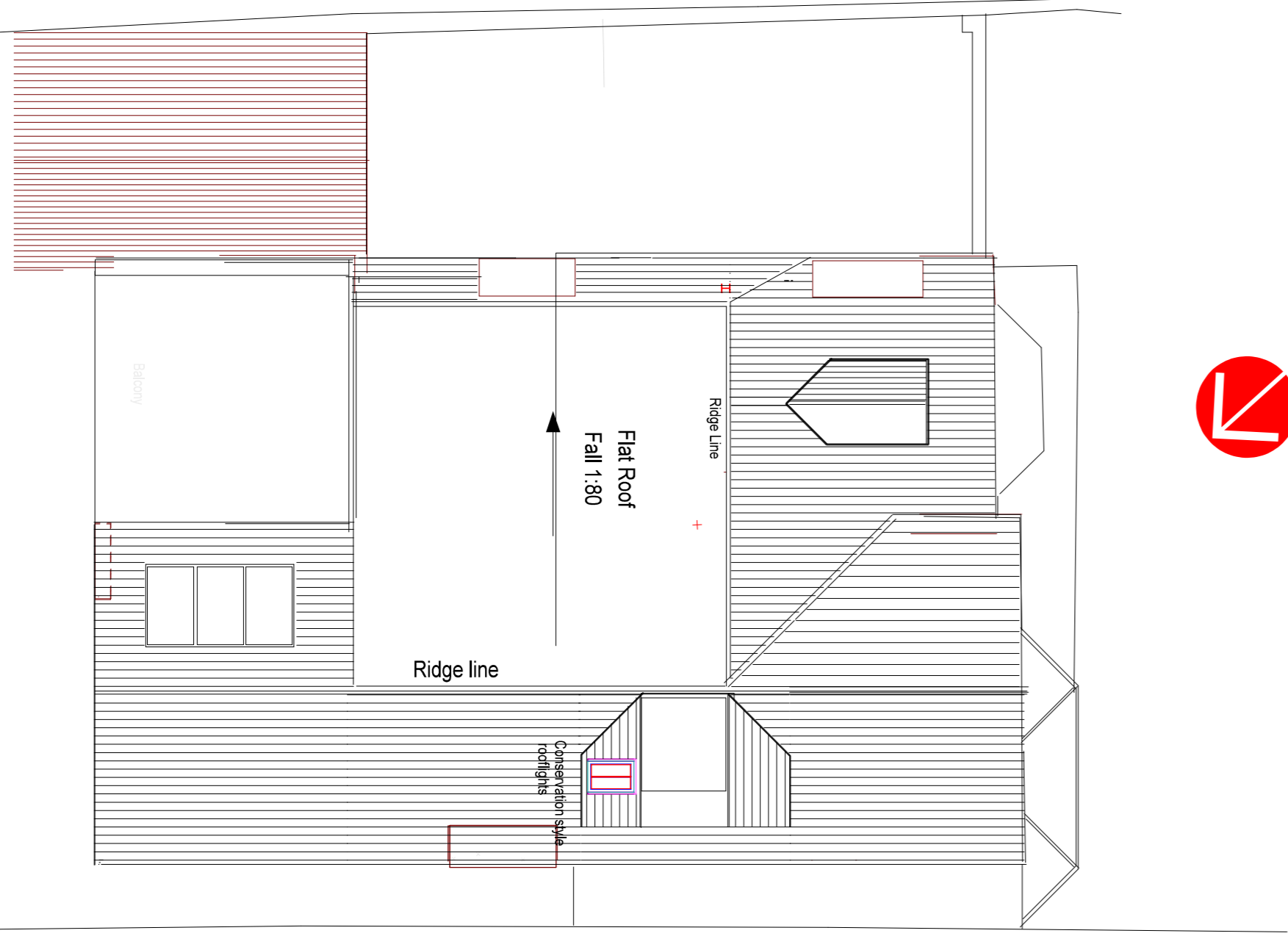
PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN



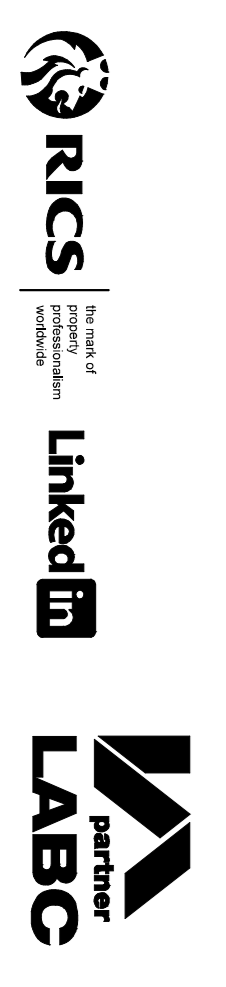
PROPOSED THIRD FLOOR PLAN



PROPOSED ROOF PLAN

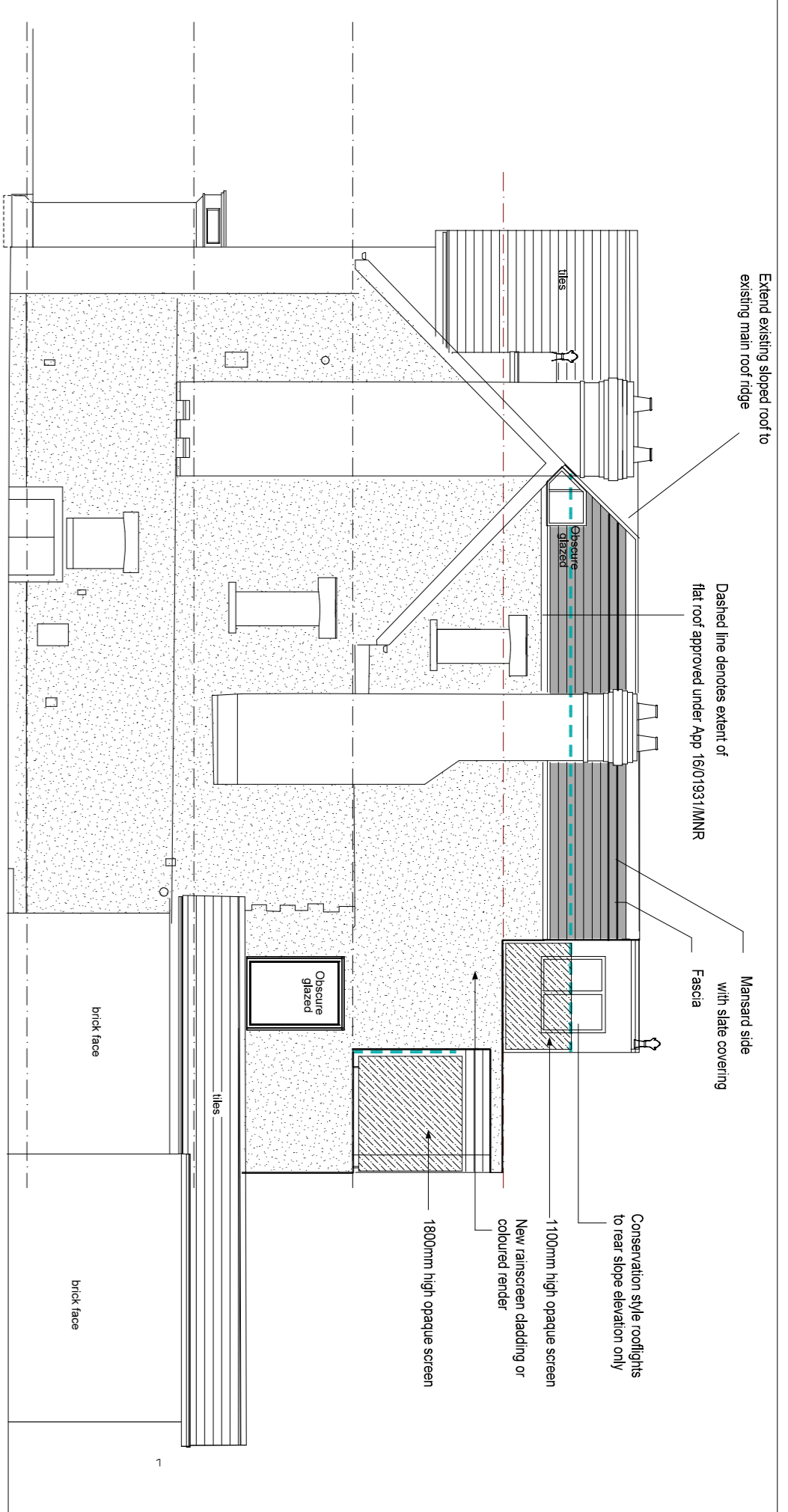
73 CARDIFF ROAD

Varco

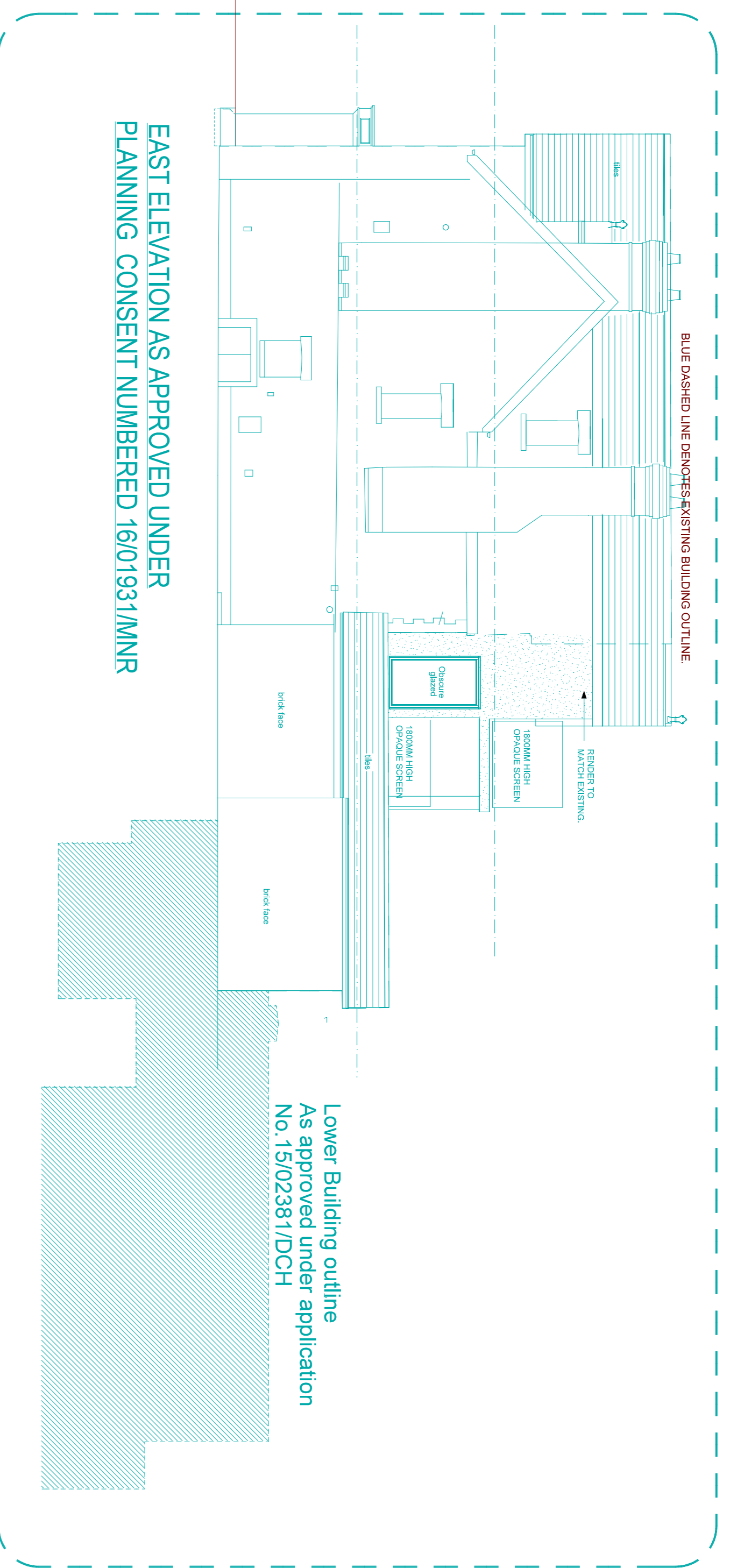


**MR. L. EDWARDS**  
**23 CHEFFERS ROAD, LLANDUDNO**  
**PLANNING DRAWINGS - REVISED PLANS**  
**V1/R - 11/13**  
 DATE: 11/13/17  
 SCALE: 1:100 @ A1  
 SHEET: 1 OF 2  
 DRAWING: AV  
 PROJECT: 73 CARDIFF ROAD, LLANDUDNO

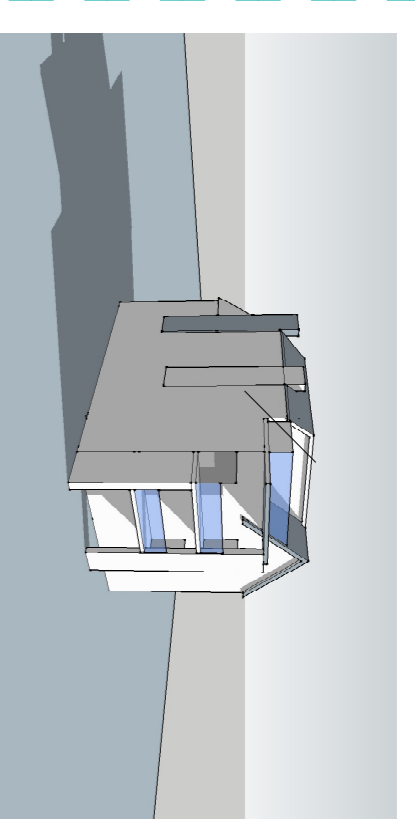
AV A.103 E



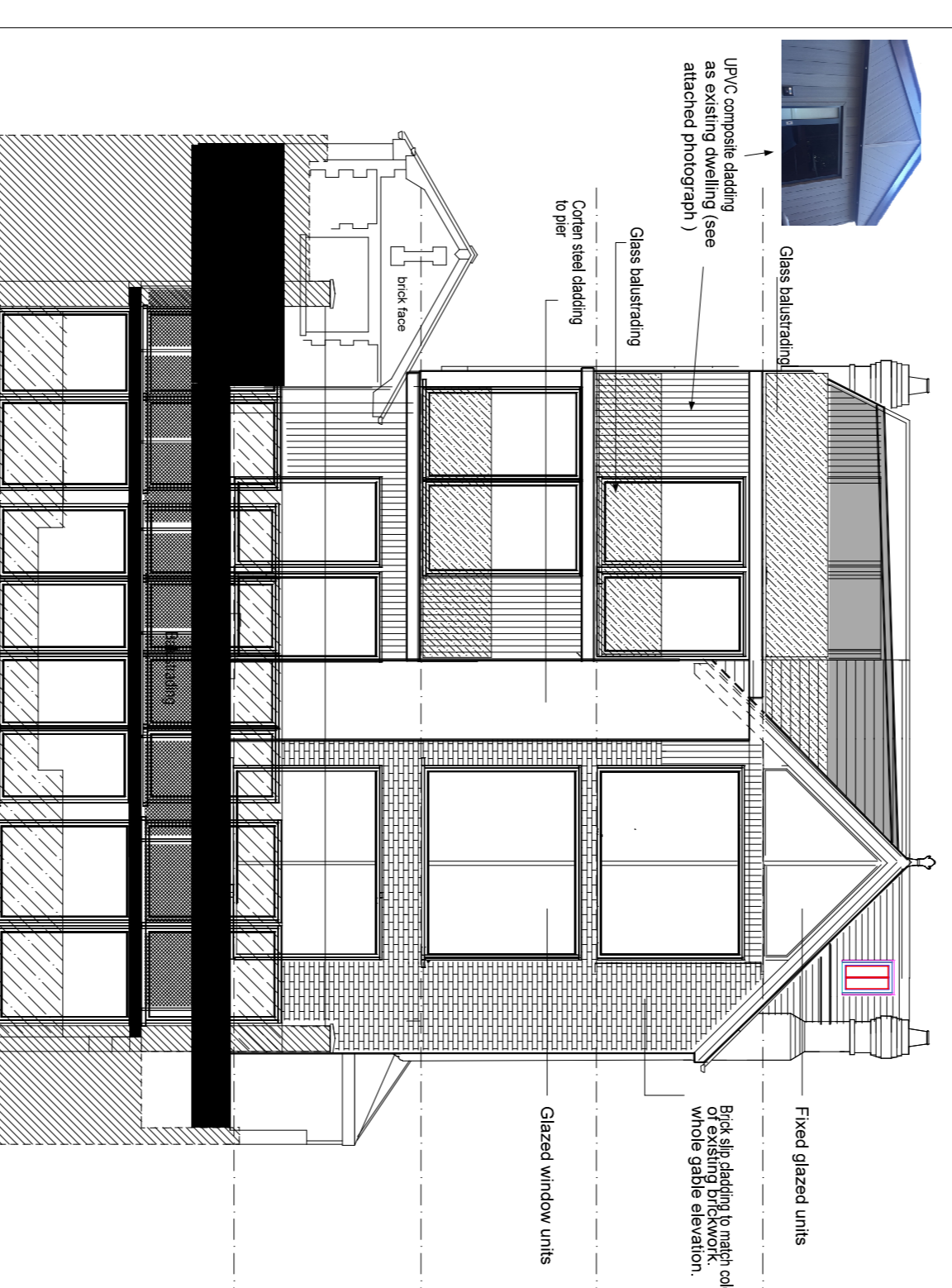
ELEVATION A- EAST



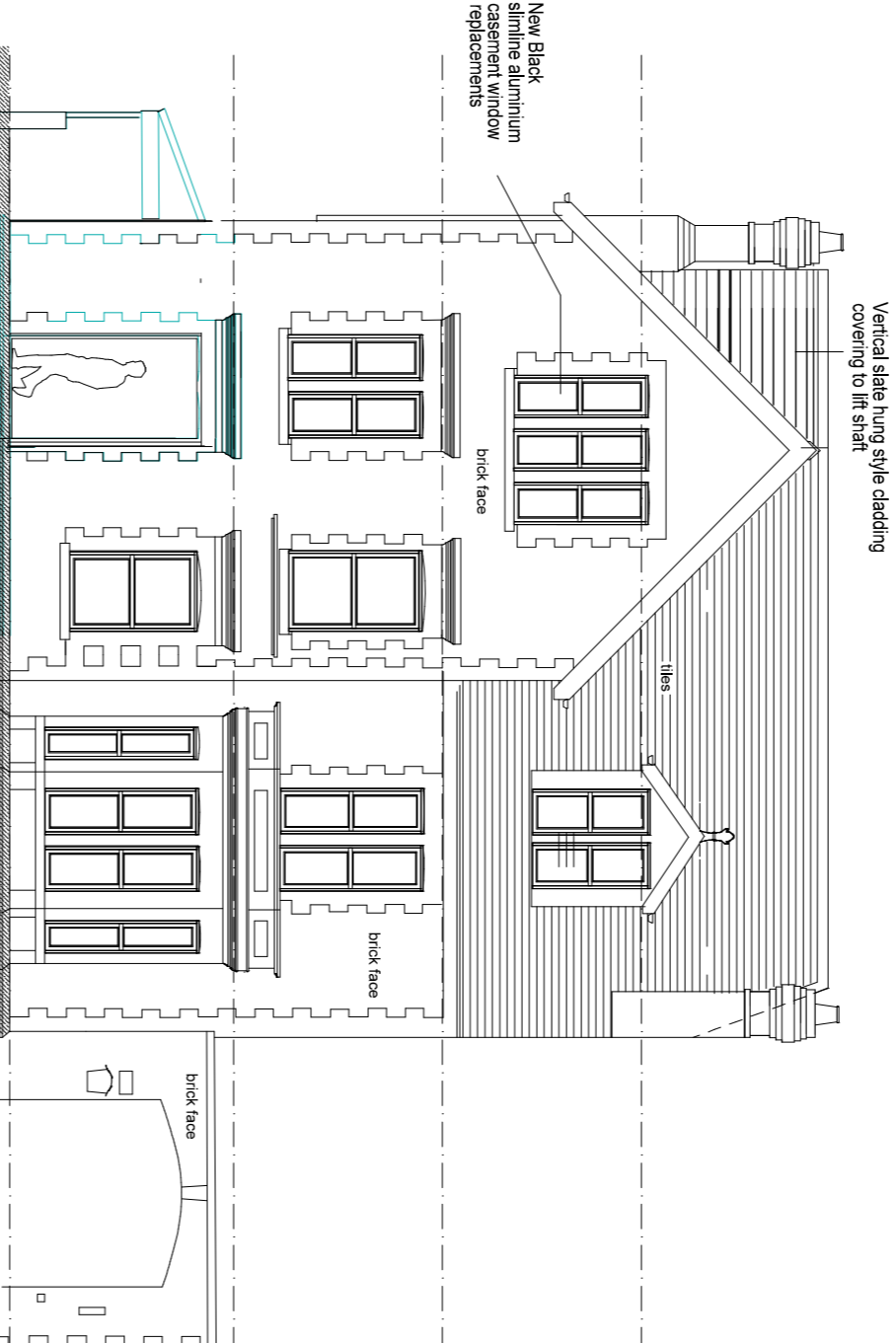
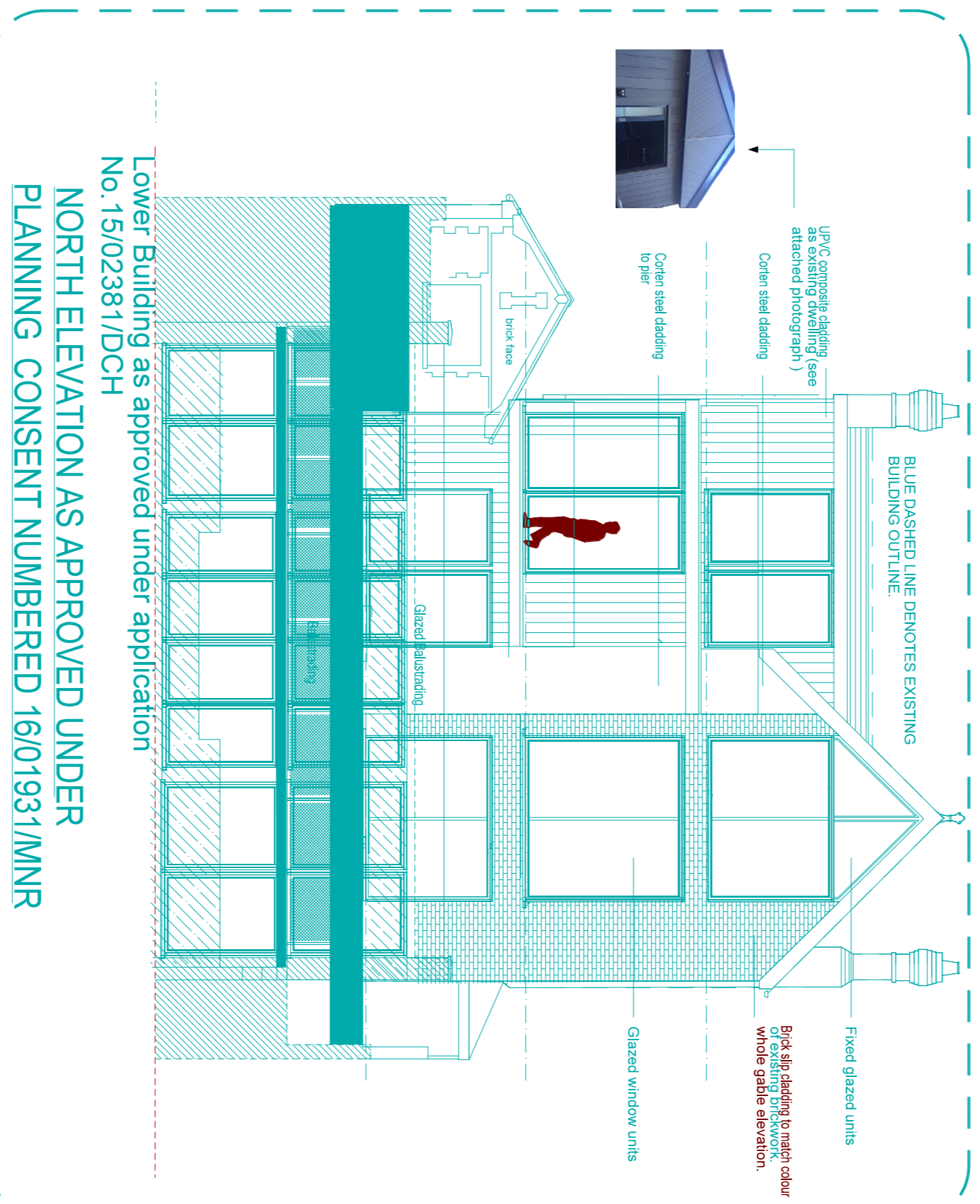
MASSING MODEL OF REAR ELEVATION SHOWING 3RD FLOOR



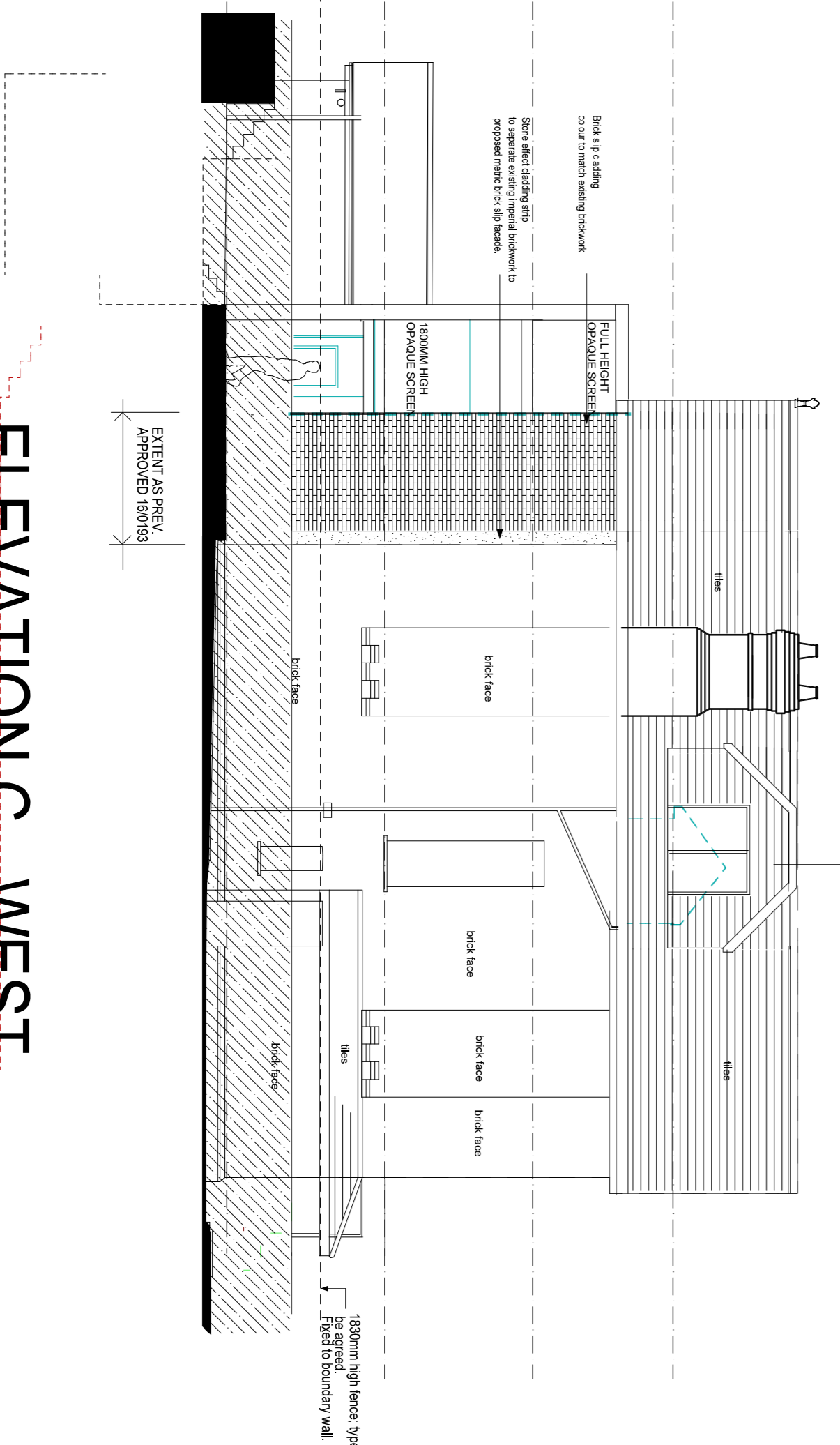
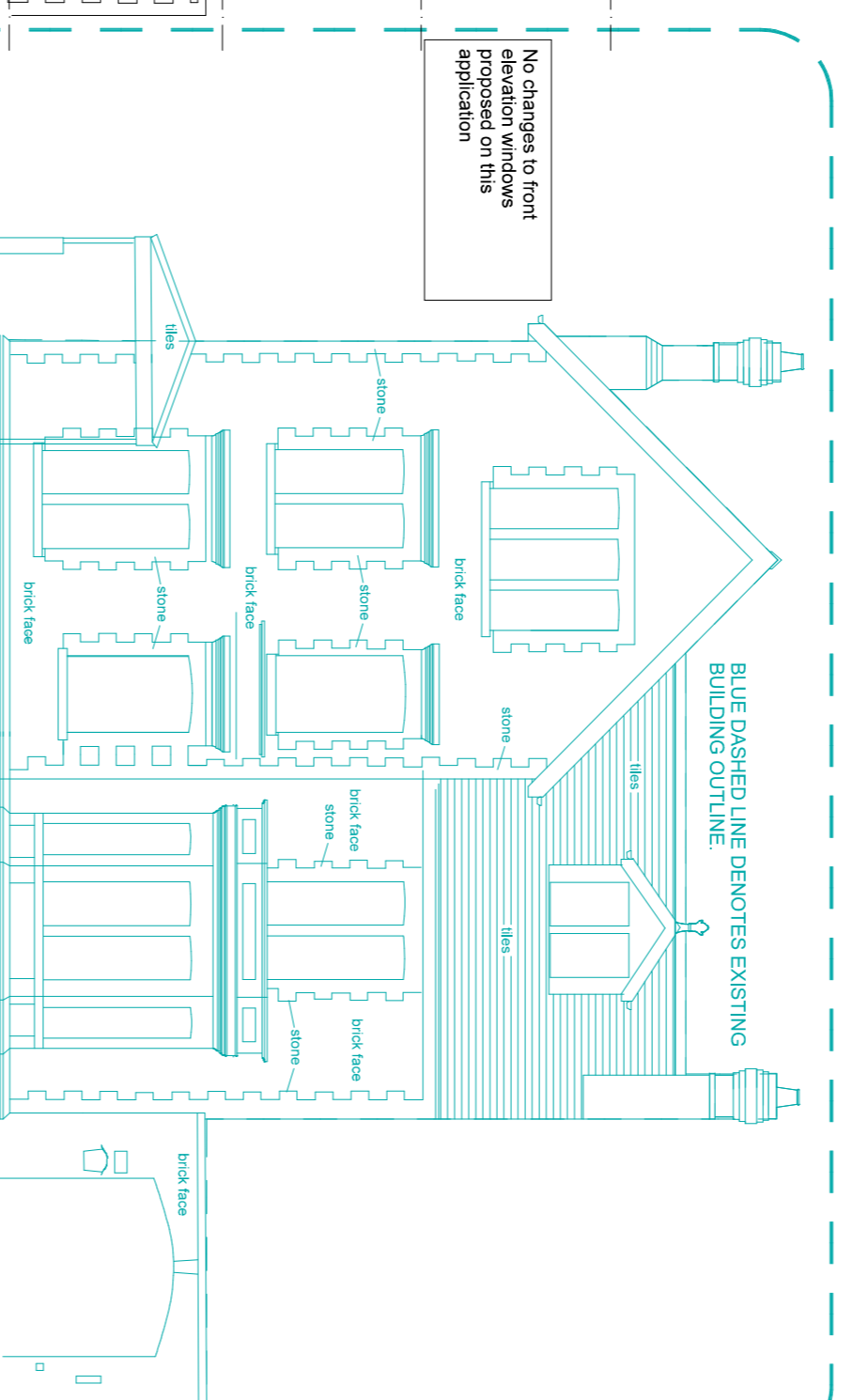
73 CARDIFF ROAD



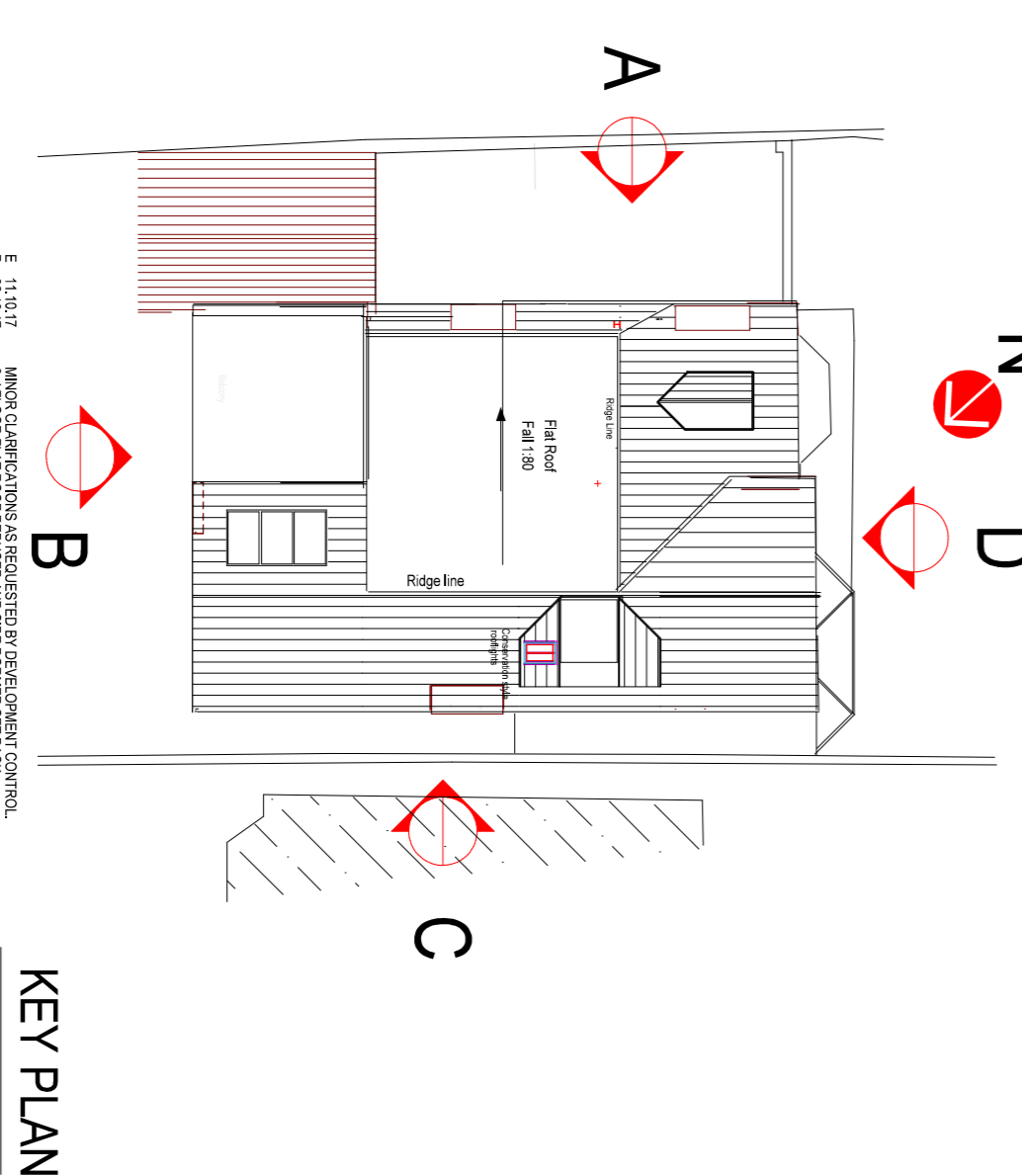
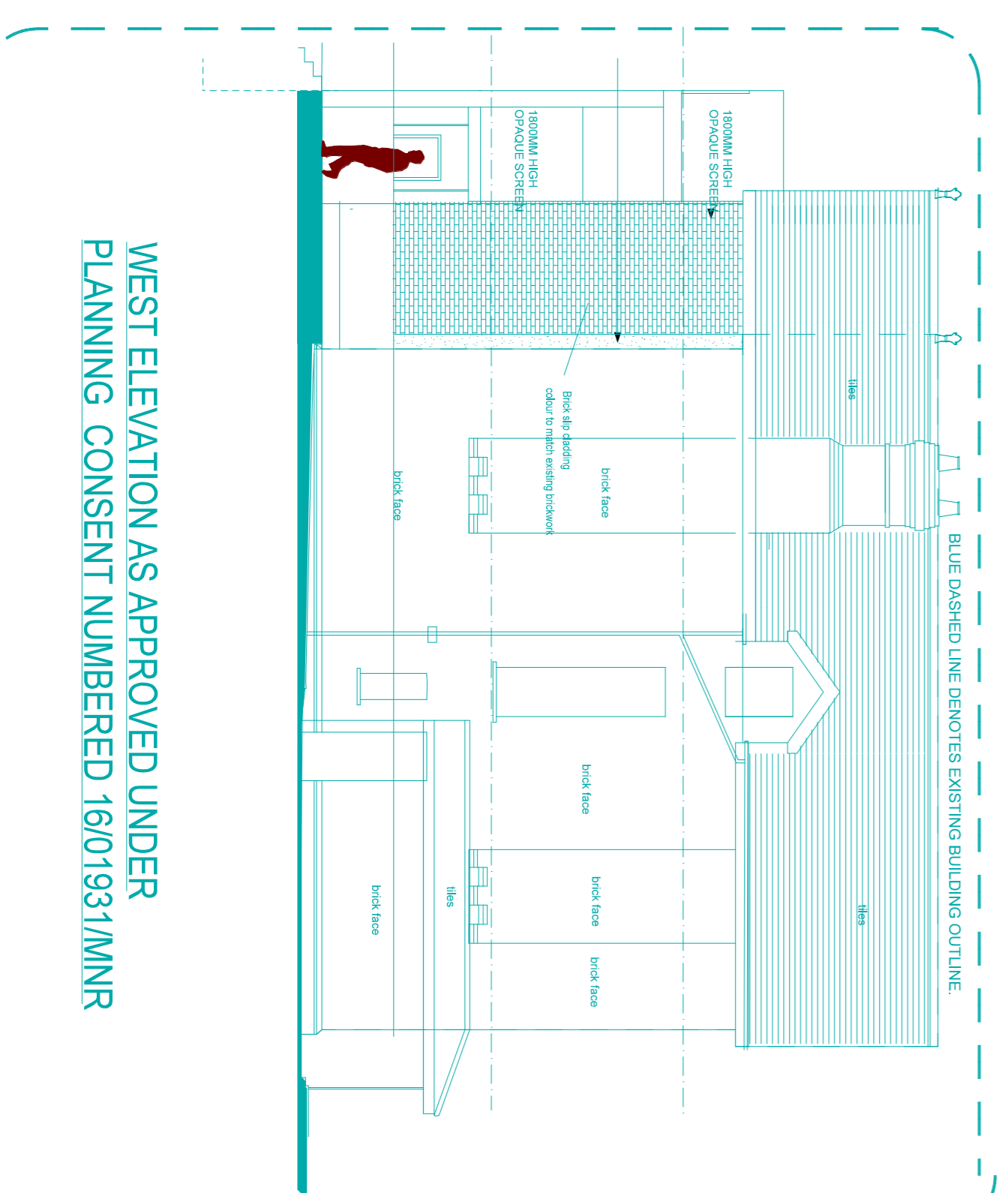
ELEVATION B - NORTH



ELEVATION D - SOUTH



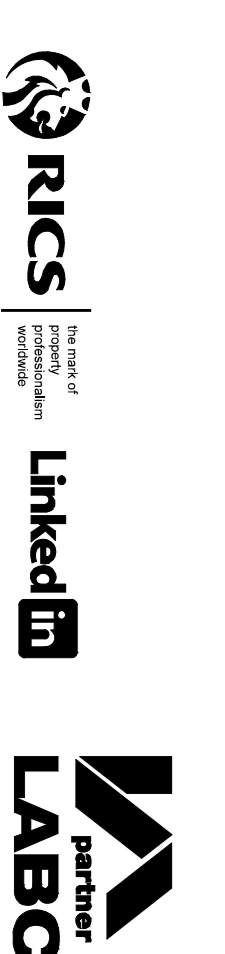
ELEVATION C - WEST



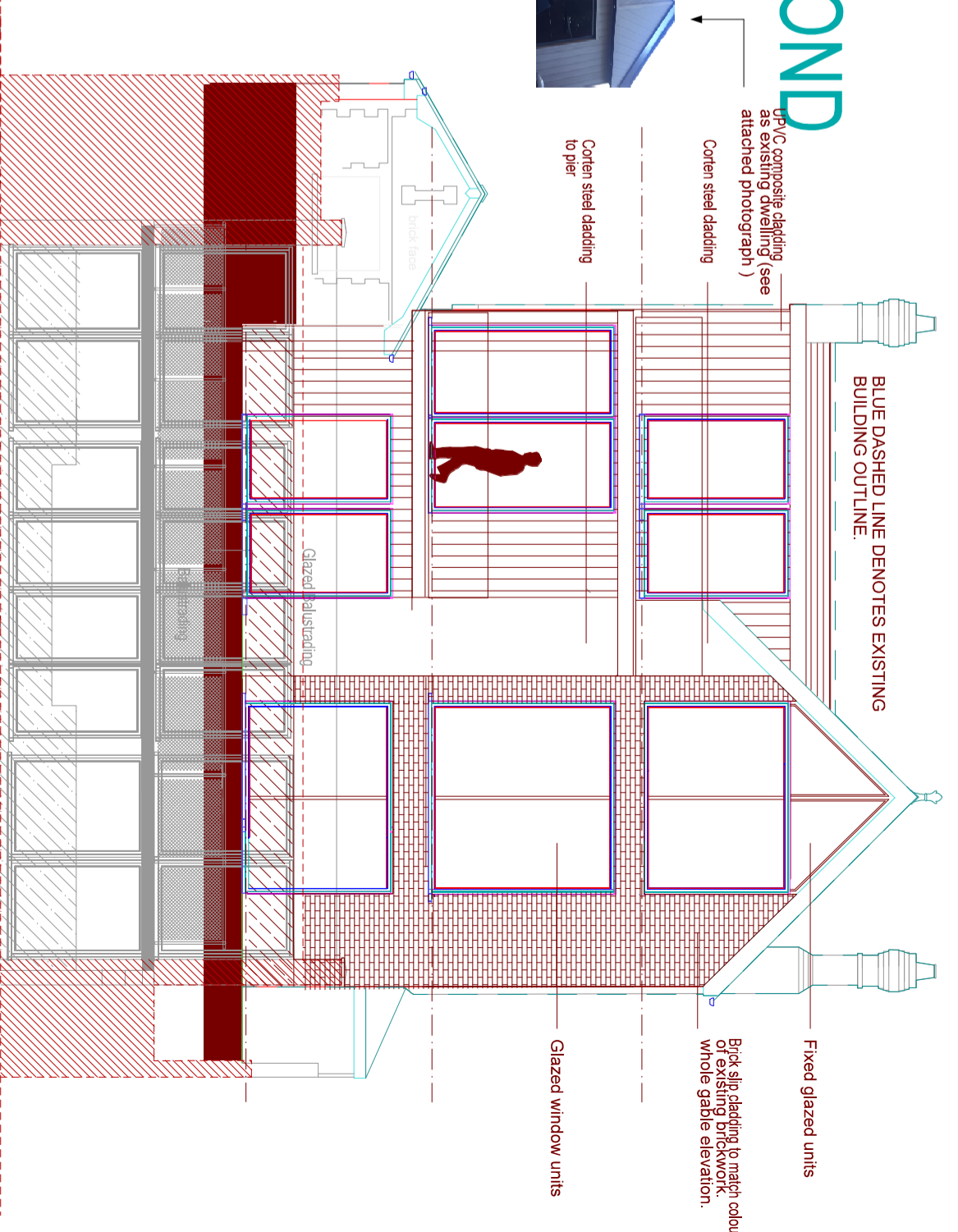
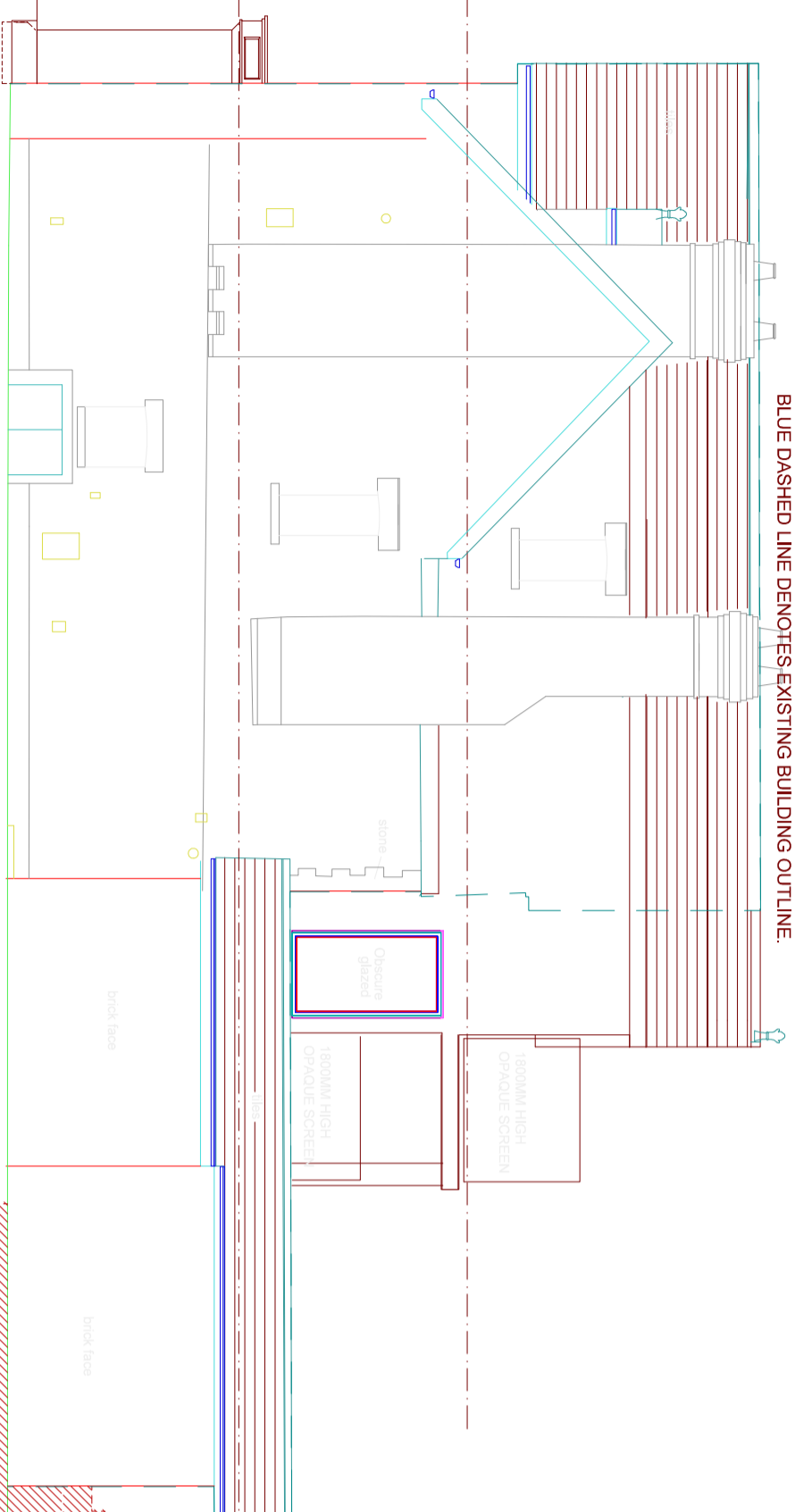
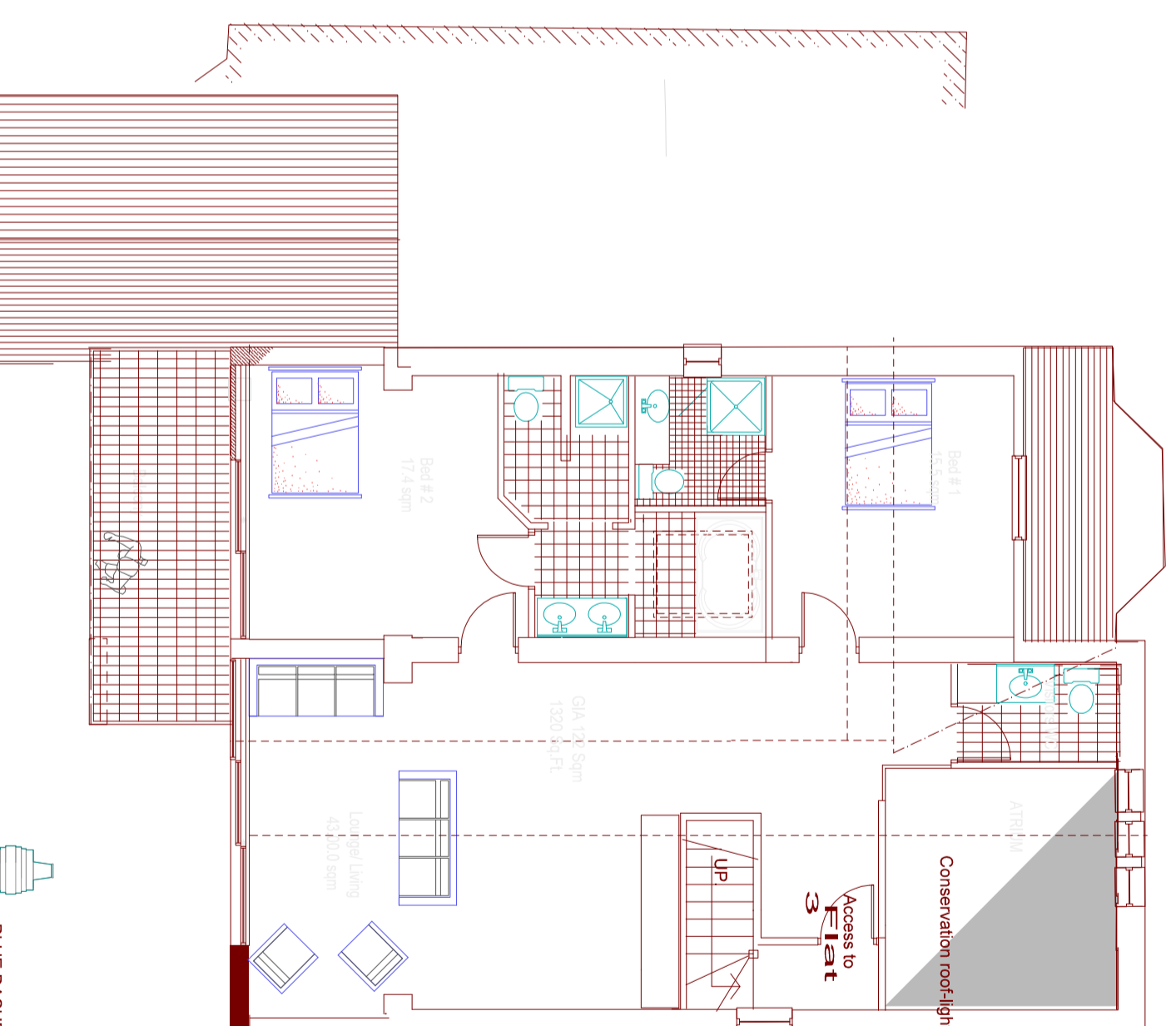
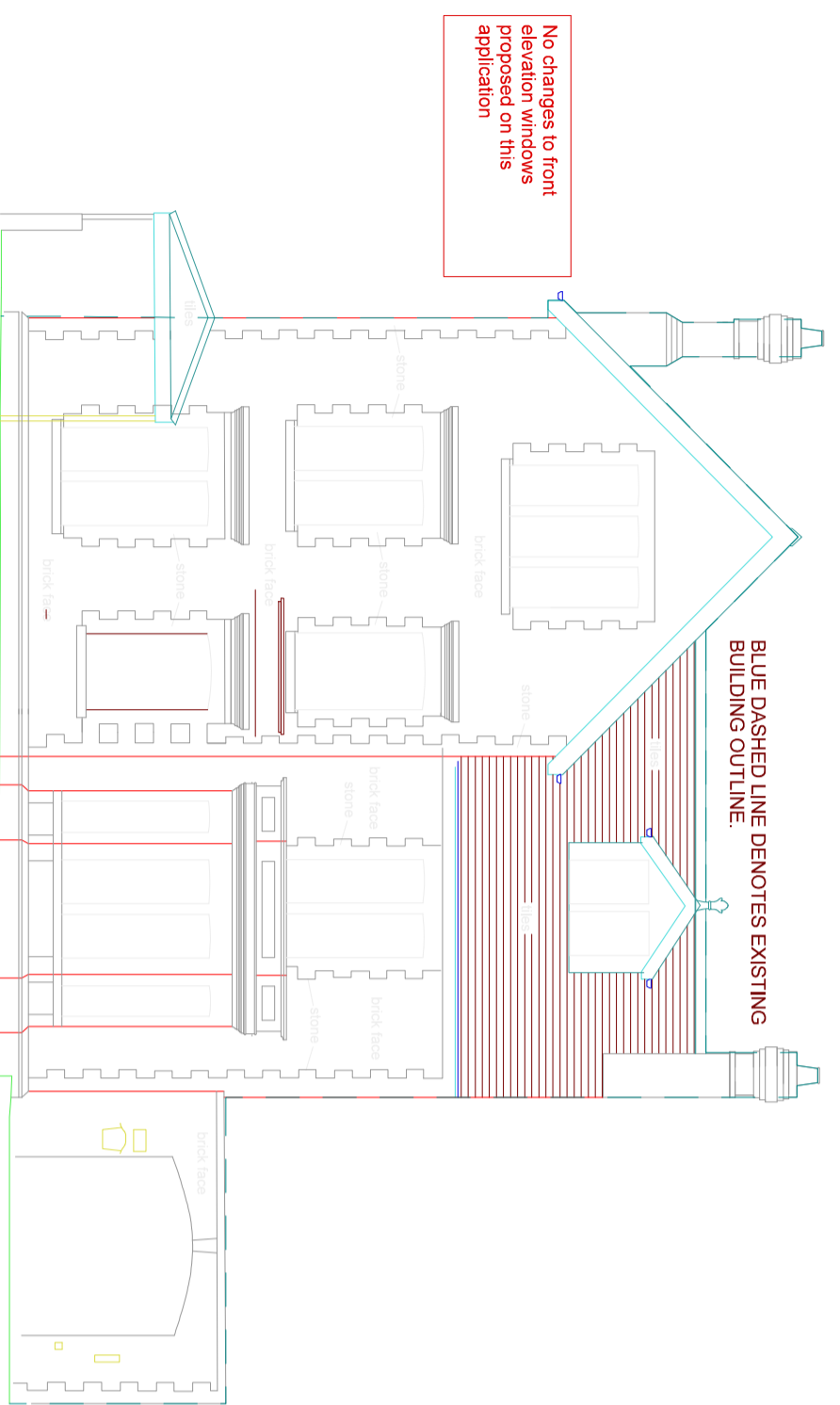
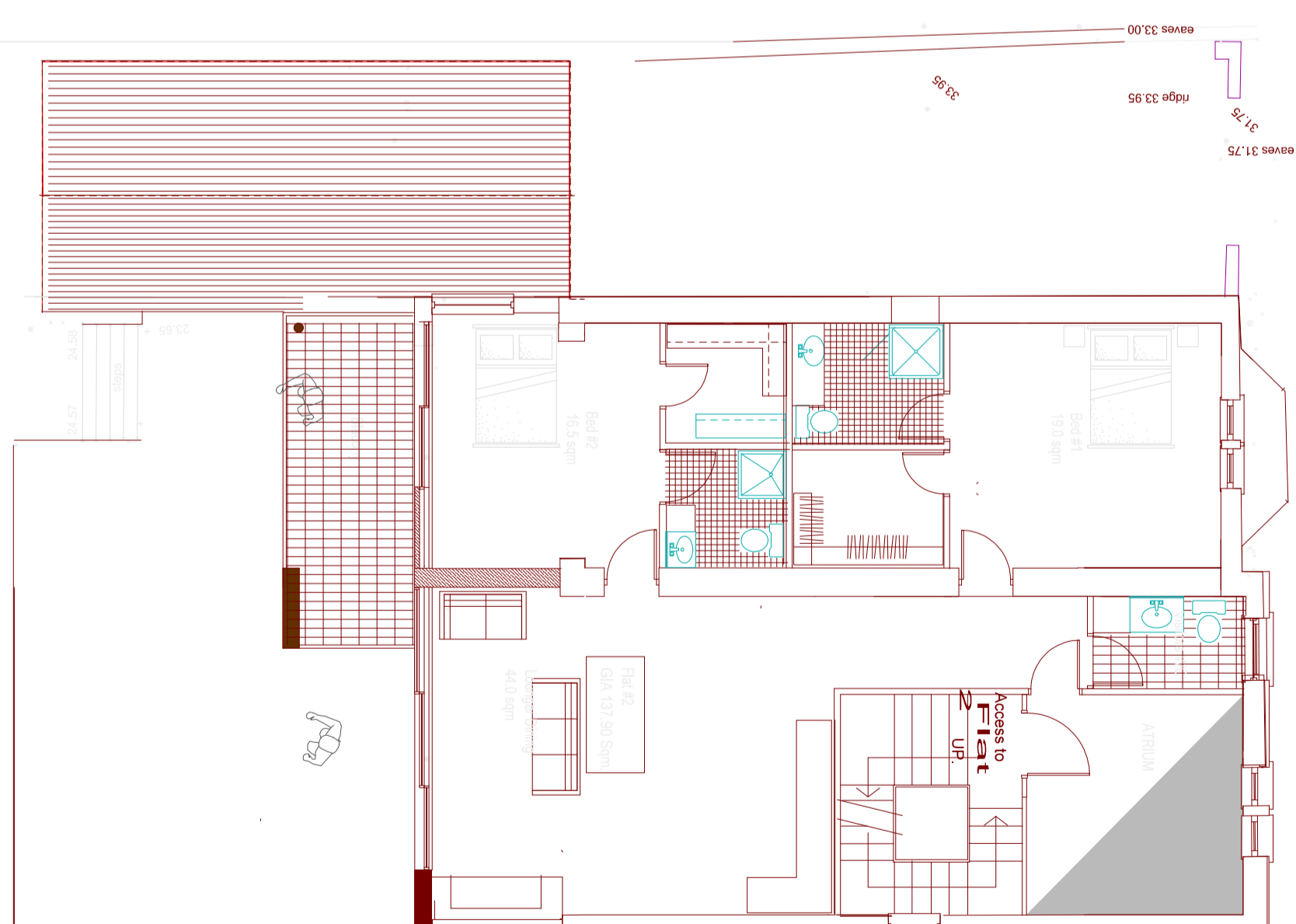
KEY PLAN

MR L. EDMUNDS  
73 CARDIFF ROAD, LANSLET, CARDIFF  
PLANNING DRAWINGS - PROPOSED ELEVATIONS  
VARCO - 1173  
O: 01982 550000  
M: 01982 550001  
A: 02036 0777

VARCO



DATE:	13/08/2017
SCALE:	1:100 (B.A.)
PROJECT:	73 CARDIFF ROAD, LANSLET, CARDIFF
DRAWING NO.:	A.104
SHEET NO.:	E
REVISIONS:	
1. ISSUE FOR APPROVAL	



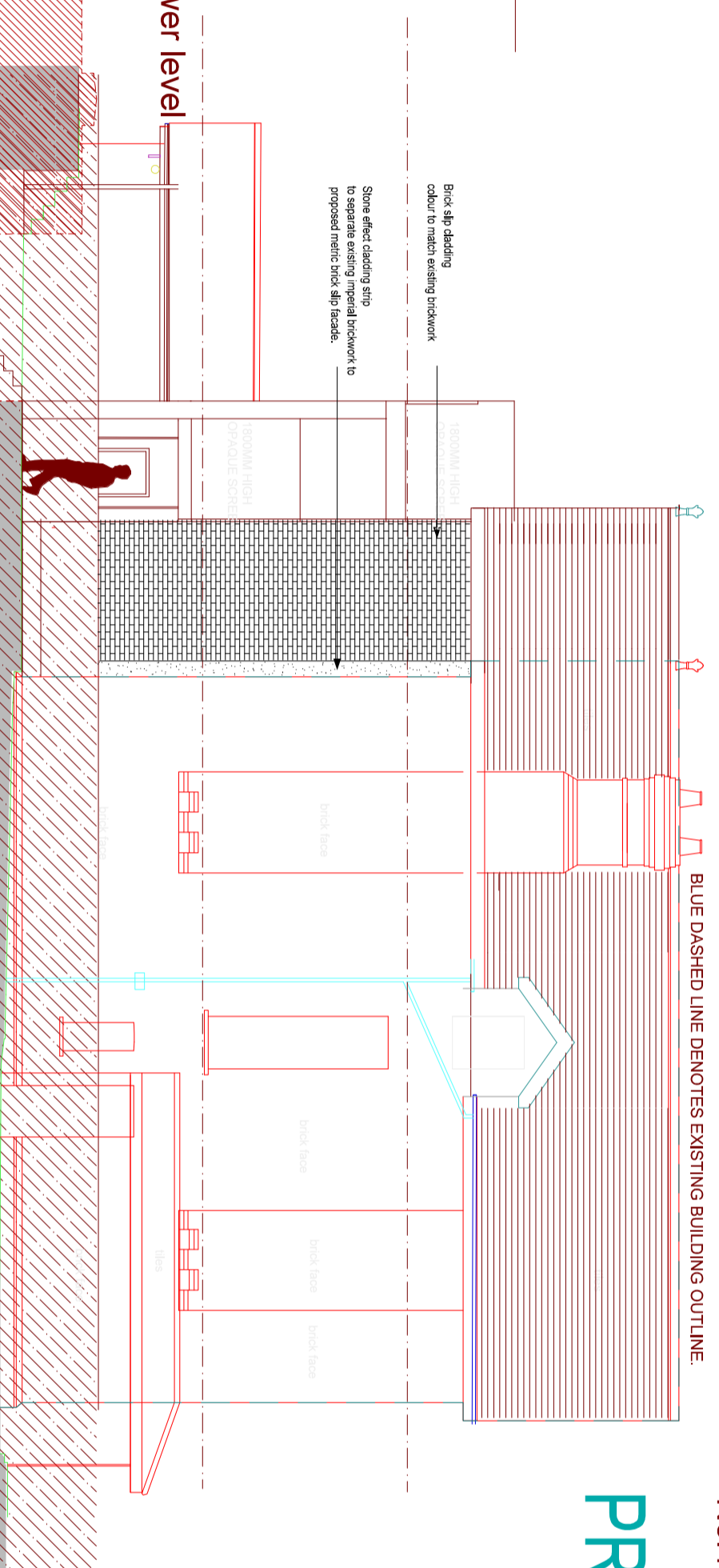
**PROPOSED SIDE ELEVATION D**

Lower Building outline  
As approved under application  
No. 15/02381/DCH

**PROPOSED SECOND FLOOR PLAN**

Section 1-1

Lower Building outline  
As approved under application  
No. 15/02381/DCH  
Cut back as shown to create new lower level patio area



**PROPOSED REAR ELEVATION B**

