

## LOCAL MEMBER OBJECTION, PETITION

COMMITTEE DATE:

APPLICATION No. **19/00491/DCH** APPLICATION DATE: **01/03/2019**

ED: **TROWBRIDGE**

APP: TYPE: Householder Planning Permission

APPLICANT: ACTION FOR CHILDREN  
LOCATION: 6 CLOS ELPHAN, ST MELLONS, CARDIFF, CF3 2AE  
PROPOSAL: CONVERSION DOUBLE GARAGE INTO RESIDENTIAL  
ACCOMODATION PARKING PROVISION ADJUSTED  
EXTERNALLY

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

1. The development permitted shall be commenced before the expiration of five years from the date of this planning permission.  
Reason: In accordance with the provisions of Sec. 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following approved plans:
  - T2396/PA/02 – Proposed Block Plan
  - T2396/PA/05A – Proposed Plans
  - T2396/PA/06A – Proposed 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. The converted habitable space (i.e. 'hobby/IT' and 'staff bedroom'), hereby approved, shall only be utilised for purposes ancillary to the lawful use of the dwellinghouse.  
Reason: For the avoidance of doubt to the extent of the planning permission in the interests of the amenities of the area and neighbouring occupiers in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.
4. The 'parking spaces' shown on dwg. no. T2396/PA/02 shall be porous or permeable; or provided to direct run-off water from the surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and permanently maintained so that it continues to comply with these requirements.  
Reason: In the interests of water sensitive design to ensure the risks

and consequences of flooding are not increased in accordance with Policies EN10 and EN14 of the Cardiff Local Development Plan 2006-2026.

## **1. DESCRIPTION OF THE SITE AND AREA**

- 1.1 The application site comprises buildings and the curtilage of a large detached dwellinghouse situated in a suburban setting on the outskirts of the city. The dwellinghouse sits to the bottom side of the turning point to the head of the cul-de-sac.
- 1.2 The immediate area is characterised by large dwellings and whilst there is a variety of forms the dwellings share a fundamental design ethos. The houses were constructed as part of the same development in the early 2000's.
- 1.3 The dwellinghouse, subject to the application, is of two stories in height and finished with a pitched roof. The principal elevation benefits from a projecting gable bay and a projecting gable porch roof with mock Tudor detailing which constitute the main features of the dwelling. The remainder of the elevation comprises two garage doors with a mono pitch roof over with a single window above. The building is finished in brick.
- 1.4 The frontage is open, a characteristic feature of the area, bounded by low level hedging and shrubs. A driveway, with space for at least two vehicles, is located in front of the garage with lawned areas to either side. A large private garden is located to the east side and rear.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 Planning permission is sought for the conversion of the existing double garage to habitable accommodation consisting of a hobby/IT room and en-suite bedroom. To facilitate the internal use the existing garage doors will be replaced by windows.
- 2.2 It should be noted that internal alterations would not normally constitute development requiring planning permission. Similarly, the replacement of garage doors with windows would normally constitute 'permitted development' by virtue of the General Permitted Development Order and not require planning permission from the Local Planning Authority. In this case, however, a condition was imposed upon the original planning permission, for the residential housing estate, removing the right to make external alterations to the garage and restricting their use to the parking of vehicles. The reason for imposition of the condition was to ensure that parking provision was retained for the benefit of highway safety at the ratio considered appropriate based upon policy and guidance which was extant at the time of granting planning permission.
- 2.3 Ancillary works comprising the provision of four car parking spaces upon the lawned areas to either side of the driveway are also proposed. The spaces would be provided through the laying of gravel chippings, a permeable surface, and it should be noted that provision of these surfaces constitute

'permitted development' not requiring planning permission from the Local Planning Authority.

### **3. PLANNING HISTORY OF RELEVANCE**

- 3.1 99/00174/R - RESIDENTIAL DEVELOPMENT (30 HOUSES) INCLUDING NEW ACCESS, LANDSCAPING AND HIGHWAY IMPROVEMENTS AND OFF SITE DRAINAGE – PER – 03/11/1999
- 3.2 01/01757/R - PROPOSED CONSTRUCTION OF 3NO. DETACHED DWELLING AND ASSOCIATED DRAINAGE – PER – 12/10/2001
- 3.3 19/00469/DCH - RESIDENTIAL CARE HOME FOR UP TO 4 YOUNG PEOPLE - UNDECIDED

### **4. POLICY FRAMEWORK**

- 4.1 National Planning Policy
- Planning Policy Wales (10<sup>th</sup> Ed, 2018)
  - Technical Advice Note 12: Design (2016)
- 4.2 Cardiff Local Development Plan 2006-2026
- Policy KP5 (Good Quality and Sustainable Design)
  - Policy KP8 (Sustainable Transport)
  - Policy EN10 (Water Sensitive Design)
  - Policy EN14 (Flood Risk)
  - Policy T5 (Managing Transport Impacts)
  - Policy T6 (Impact on Transport Networks and Services)
- 4.3 Supplementary Planning Guidance
- Managing Transportation Impacts (July 2018)

### **5. INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager (Traffic and Transportation) raises no objection to the proposal. It is confirmed that on the basis of current policy and guidance a maximum of 2 no. car parking spaces should be provided for a property of this size, however, given that there will be no net increase in car parking an objection could not be justified, on sustainability grounds, in this case. It is considered the loss of the garage could deprive the property of cycle parking facilities which exist to the detriment of the promotion of this sustainable mode of transport.

### **6. EXTERNAL CONSULTEE RESPONSES**

- 6.1 None

### **7. REPRESENTATIONS**

- 7.1 The application was advertised by way of neighbour consultation letters.

7.2 A Petition of 56 signatories has been received objecting to the proposal. The petition details that they have not seen the application and, therefore, must reserve full objections but that the proposal is strongly opposed.

7.3 Letters of representation, objecting to the proposal, have been received from:

- 1, 2, 3, 4, 5, 7, 8, 9, 10 & 11 Clos Elphan
- 7, 10 & 12 Ffordd Ffagan
- 4 & 6 Clos Medwy
- 2 Clos Padrig
- 2 Vaendre Lane
- Acuity Law on behalf of several local residents
- Amity Planning Consultants on behalf of local residents

The letters of objection largely relate to both the application under consideration and a further application for a Certificate of Lawful Development (ref: 19/00469/MNR) and suggest a material change of use is to occur. The separate application and suggestions a change of use would occur are not material to the consideration of this current application and, therefore, only a summary of the objections which are pertinent are summarised below:

- The alterations to the property are uncharacteristic of the area and detrimental to local amenity and the visual quality of the streetscene;
- The proposal will destroy outlook;
- Loss of soft landscaping would be detrimental to the area;
- The proposed hardstanding would damage a mature Oak tree;
- The increased parking is out of character and would cause congestion, disturbance and safety issues;
- Property prices would be reduced;
- The proposal conflicts with Restrictive Covenants.

7.4 Local Ward Members Cllrs Lay, Bowen-Thomson and Michael object to the proposal for reason that the proposal would:

- change the landscape of the front garden such that its design, materials and use is out of character with the area;
- increase car parking to a level which does not accord with current guidance;
- favours the car over more sustainable modes of transport;
- constitute a change of use;
- does not provide refuse storage facilities;
- result in the loss of planting and potentially damage a tree.

## **8. ANALYSIS**

### **8.1 Introduction**

8.1.1 The requirement for planning permission in this case, as detailed at para. 2.2,

is due to a restrictive condition imposed to ensure that adequate parking is retained. The principal consideration in respect of the application, therefore, is whether the proposal would have any adverse transport impact. The secondary consideration is whether there would be any adverse impact upon the character of the area.

- 8.1.2 It should be noted that a separate application (ref: 19/00469/DCH) has been submitted and is currently under consideration. This application seeks to determine whether the use of the existing dwellinghouse as a Residential Care Home, providing a home for 4 children, would be lawful or whether it would constitute a material change of use requiring planning permission. The application being considered, however, constitutes a householder application for alterations to a dwellinghouse and the application must be given due consideration upon this basis. The concerns of Local Members and neighbouring occupiers with regards to the separate application and their contentions that the use of the property as a Children's Home would constitute a material change of use and related comments are not relevant to the determination of this application.

## 8.2 Transport Impact

- 8.2.1 Policy KP8 seeks to achieve a 50:50 modal split between journeys by car and other more sustainable means and, therefore, seeks to reduce reliance on the private car as a means of transport in favour of more sustainable methods. Policy T5, supports this key policy, by seeking to ensure *'that all new developments properly address the demand for travel and its impacts, contributes to reducing reliance on the private car and avoids unacceptable harm to safe and efficient operation of the road, public transport and other movement network and routes'*. Whilst Policy T6 states *'development will not be permitted which would cause unacceptable harm to the safe and efficient operation of the highway'*.
- 8.2.2 A total of 4 no. of existing vehicle spaces are provided at the property and whilst, based upon current policy, spaces within garages would not be included within the total car parking provision, however, given that the garage spaces are explicitly required to be used for such purpose by the original grant of planning permission it is considered appropriate in this case that they are included.
- 8.2.3 The loss of the garages as parking spaces would reduce the number of existing spaces remaining to two. Such provision would accord with current standards in respect of parking which allows a maximum of two spaces to be provided. The loss of the garage spaces would not, therefore, be contrary to current policy and is considered to be acceptable in principle.
- 8.2.4 Four car parking spaces are proposed to be provided within the curtilage of the property and whilst this would exceed the maximum allowable by current policy there would be no increase in spaces serving the property. Furthermore it should be noted, as detailed at para. 2.3, the hard surfaces proposed to be provided would benefit from being 'permitted development' and do not in

themselves require planning permission from the Local Planning Authority. An objection upon this basis, therefore, is considered unjustifiable.

8.2.5 The property is of a considerable size and benefits from substantial grounds and it is considered that occupiers could provide adequate cycle parking provision should they chose to utilise this sustainable mode of transport.

8.2.6 Accordingly, it is considered that the loss of the garage parking would not result in any adverse transport impact contrary to Policy T6 and whilst the maximum provision for parking of vehicles is exceeded contrary to Policies KP8 and T5 given the circumstances, an objection could not be justified.

### **8.3 Impact Upon the Character of the Area**

8.3.1 Policy KP5 requires that all new development should respond *‘to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals’*.

8.3.2 The replacement of solid garage doors with windows is an alteration that would respond to the design of the existing dwellinghouse, which understandably benefits from similar features, and it would not, therefore, detrimentally harm the character of the area. Whilst it is recognised that large garages are a feature of houses within the immediate area the garage doors are not so intrinsic to the design of properties or the character of the area that their replacement with windows would fundamentally harm the character of the area.

8.3.3 As previously detailed the alterations to the frontage of the property to form car parking spaces would not in themselves require the benefit of planning permission from the Local Planning Authority nor are the works requiring planning permission reliant upon the provision of these spaces. Also, the planting within the area, including the mature Oak tree, benefits from no form of protection. It is recognised that the loss of lawn creating a car dominated frontage would have some adverse affect upon visual amenity, which would be exasperated by the removal of planting. To attempt to control matters, however, which cannot be effectively controlled would be Ultra Vires. In actuality the pleasing frontage from which the property currently benefits from results from both the choices and maintenance of current/former occupiers of the dwelling rather than being a controllable matter and is not, therefore, inherent of the character of the area notwithstanding that the majority of properties appear to be afforded a similar level of care by owners.

8.3.4 Accordingly, it is considered, with regard to the development which may be controlled, that there would be no detrimental harm to the character of the area and the proposal conforms with the principles of Policy KP5.

### **8.4 Other Matters**

8.4.1 Concerns that the proposed alterations would facilitate the change of use of

the property are not relevant to the consideration of this application which must be considered upon its own merits. Should an application be made for a material change of use then consideration of the principle of such development must be considered upon its merits at that time. Should a material change of use of the property occur, in the absence of planning permission, this would constitute a breach of planning control and statutory controls exist in respect of such matters. A condition, however, is recommended, for the avoidance of doubt in order to protect the amenities of the area and neighbouring occupiers, that the converted garage should only be utilised for purposes ancillary to the existing dwellinghouse.

8.4.2 Property values and Restrictive Covenants are not material planning considerations and, therefore, are not relevant to the determination of this application. Independent advice should be taken by interested parties in respect of such matters.

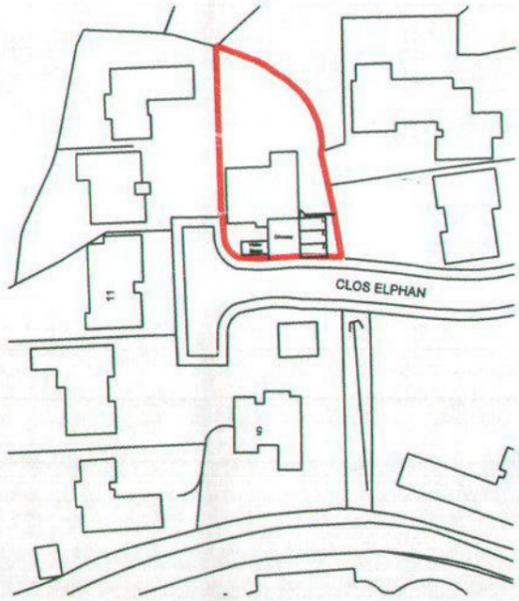
8.4.3 Crime and Disorder Act 1998 - section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and 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.

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

8.4.5 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.

## 8.5 **Conclusion**

8.5.1 Having regard to the policy context above, the proposal is considered acceptable and it is recommended, subject to conditions, that planning permission be granted.



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19 / 00491

T2396 / PA / 01

LOCATION PLAN

1: 1250@A3

1 x Visitor Space  
in 10 - 20mm mix  
gravel chippings

Visitor  
Space

Driveway

- 1.
- 2.
- 3.

3 x Parking Spaces  
in 10 -20 mm mix  
gravel chippings

CLOS ELPHAN

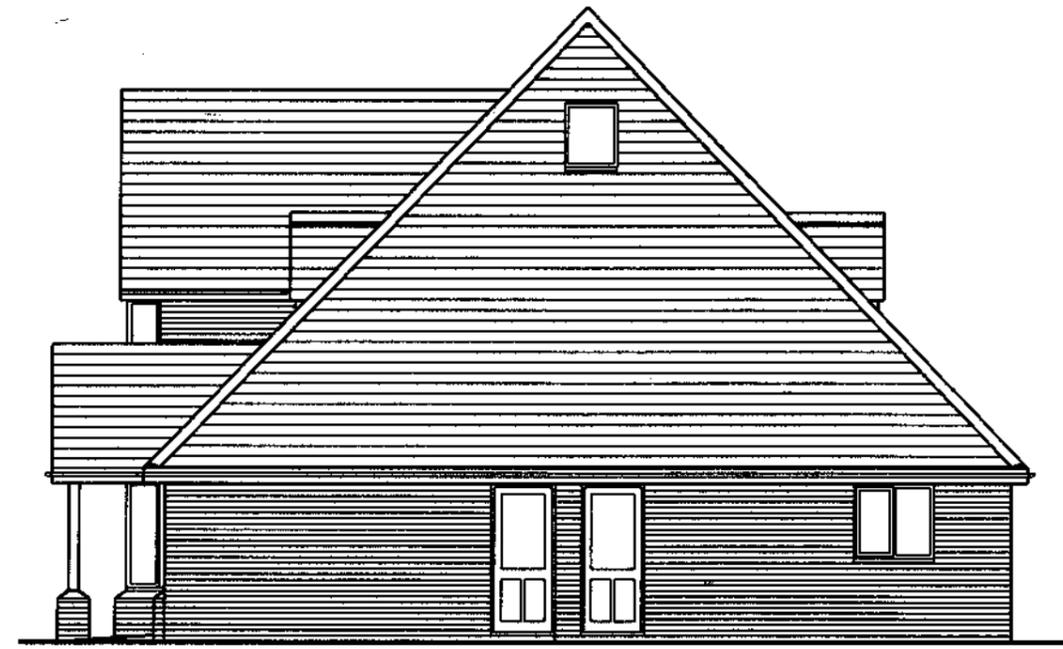
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PROPOSED BLOCK PLAN 1: 500@A3



SOUTH



EAST

19-00491

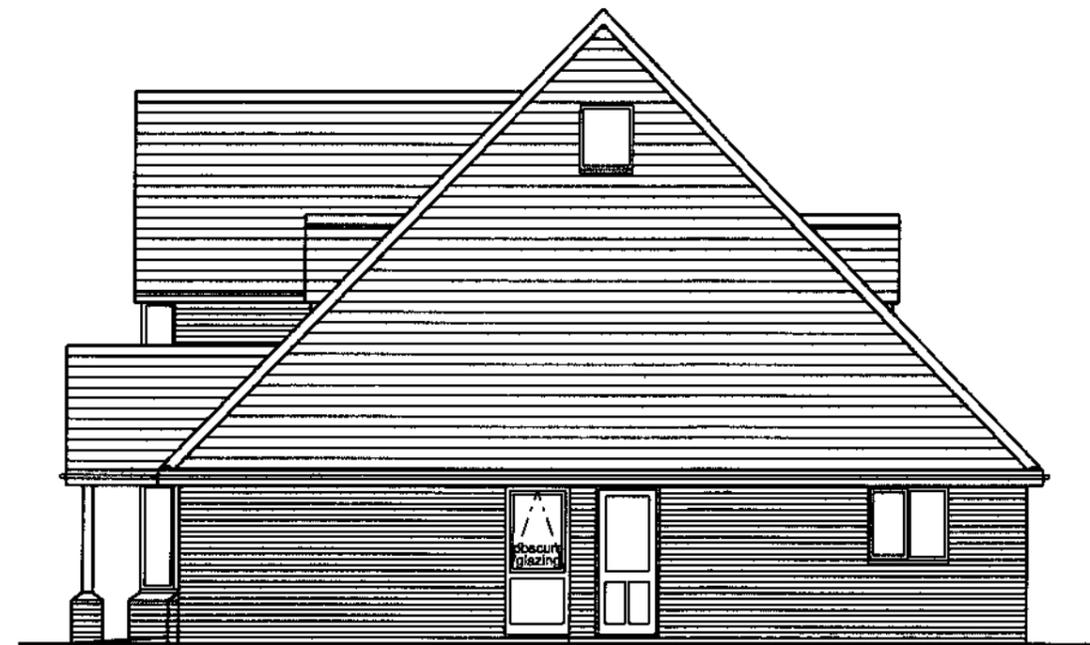
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EXISTING ELEVATIONS

1: 100@A3



SOUTH



EAST

18-00491

T2396 / PA / 06A

1: 100@A3

PROPOSED ELEVATIONS