

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 10/06/2018

APPLICATION No. 13/00979/DCH DATE RECEIVED: 03/05/2018

ED: CATHAYS

APP: TYPE: Full Planning Permission

APPLICANT: Mrs Jones

LOCATION: 42 Treherbert Street, Cathays, Cardiff

PROPOSAL: ENLARGEMENT OF REAR ANNEX AT GROUND FLOOR,
EXTENSION AT FIRST FLOOR AND REAR DORMER

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 03C and 04B.
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 external surfaces of the dormer shall be finished in materials which as far as is practicable match the appearance of the materials used in the equivalent element of the existing building.
Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Local Development Plan.
- 4 The first floor window in the west elevation 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.

RECOMMENDATION 2: The applicant must make an application to Housing Enforcement (029 2087 1762) for a variation of their HMO licence.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks planning permission to erect single storey, first floor and rear dormer extensions to a dwelling house.

- 1.2 An existing single storey extension would be demolished and replaced with a structure up to 8m long and 4m wide with a flat roof 2.6m high, finished in render. The rear 2m would be angled away from the west side boundary.
- 1.3 A 3.5m long 2.7m wide two storey extension is proposed with a lean-to pitched roof 4.6m high at eaves and 5.5m at maximum height, finished in render.
- 1.4 A flat roofed dormer would project from the main roof by up to 3.1m at a width of 4.2m, finished in artificial slate.
- 1.5 The application originally proposed a longer ground floor extension adjacent to the boundary with no. 44 Treherbert Street. However the architect was advised that it would be likely to have an overbearing impact upon no. 44 Treherbert Street. The extension was subsequently reduced in length adjacent to the west side boundary.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a two storey terraced dwelling, which is used as a House in Multiple occupation falling within use class C4 as specified by the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016.

3. **SITE HISTORY**

- 3.1 None.

- 3.2 Related History:

10/00731/C - planning permission granted for ground and first floor extension and rear dormer to 34 Treherbert Street and first floor extension and rear dormer to 32 Treherbert Street.

4. **POLICY FRAMEWORK**

- 4.1 Relevant National Planning Guidance:

Planning Policy Wales (Edition 9, 2016)
Technical Advice Note 12: Design

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

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

- 4.3 Relevant Supplementary Planning Guidance

Residential Extensions & Alterations (2017).

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Private Sector Housing – This property was licensed by Housing Enforcement on 28/05/14 for a maximum of 3 occupants. The second floor bedrooms will be of sufficient size provided that the floor area where the ceiling is 1.5 metres high or above is 6.5 square metres. The property will have sufficient bathroom facilities for 6 persons. The landlord should be advised that they must make an application to Housing Enforcement for a variation of the licence. For a property with 6 occupants, the kitchen facilities will need to include: Two full size cookers or one full size cooker and one convector microwave oven; Two kitchen sinks or one sink & a dishwasher; Two average fridge freezers; Additional work surface & kitchen storage.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 None.

7. **REPRESENTATIONS**

- 7.1 The application was publicised by neighbour letter, no representations were received.
- 7.2 Cllrs Merry, Weaver & Mackie object to the application as follows:

We believe it breaches our Supplementary guidance Cardiff Residential Extensions and Alterations on the following grounds: 7:2 As the extension is the full width of the plot it is not subservient to the original dwelling. Neither is it set in from the gable end as advised in 7:3. It is overbearing to the neighbouring property as referred to in 7:15. In fact it has a remarkable resemblance to the side extension that is used as an example of what a side extension should not be in our guidelines, except for the fact that the extension is to the rear as well as the side and thus even more overbearing in 7:17, with a flat roof. 7:26 states "Extensions should not be overbearing to your neighbours or result in an unacceptable loss of daylight or sunlight to neighbouring properties" Due to the proximity to the boundary, the size of the extension and the fact there is a first floor extension we believe this development to be both overbearing and resulting in an unacceptable loss of light. 7:27 continues "As a general rule, two-storey extensions should not be positioned very close to the boundary adjacent to the garden of a neighbour's property. Generally, two storey rear extensions should not come nearer than 2 metres of a boundary that forms a party wall between terraced and semi-detached properties and 1 metre of other boundaries." This is a two storey extension that will be within that boundary. We also believe that it will break the 45 degree rule laid down in 7.37-7.40 although without a plan of the neighbouring properties we cannot confirm that. The dormer also is overly large and top heavy breaching our guidance laid down in 7.79, 7.80 & 7.81 as it is not set in sufficiently. We are very concerned about the principle of the lightwell left for the rear ground floor bedroom. By definition this will lead to a poor outlook for this room as it will be almost immediately faced by a wall, in fact it will be surrounded by walls and make the room dark. We also worry

about the potential for this area to become a collection point for rubbish with resulting hygiene issues with poor drainage. It breaches the principles of KP5 of our LDP in terms of good design: we believe this to be the case for the application as a whole. We note that the application refers to extensions at the neighbouring properties but we cannot see that there have been applications for extensions at the neighbouring properties. We would like to know when such extensions were built and permission granted. In any case it is clear that due to the size of this extension a “tunnelling effect” is inevitable for the adjoining properties unless they have full width extensions. We cannot tell from the application whether the amenity space would still meet our minimum requirements under our SPG for HMO’s after the extension is built. We would ask for confirmation of the remaining amenity space after the extension and we believe that it is important that this is considered when existing HMO’s put in planning applications for extensions.

8. **ANALYSIS**

8.1 **Design Considerations**

It is considered that the proposed extensions are acceptable in regards to their scale and design and will provide a subservient addition to the building and will not prejudice the general character of the area. The proposal is considered compliant with Policy KP5 (i) of the Local Development Plan and paragraph 7.2 of the Residential Extensions & Alterations SPG.

The scale of the first floor extension would be suitably subservient, of similar scale to the existing two storey rear annexe structures in this terrace and would have a shorter projection into the rear garden than the larger two storey rear annexe extensions that exist at other properties in this terrace.

The rear dormer roof extension is considered an acceptable addition to the property as it would be set back from the rear elevation (eaves) and finished in materials to match the existing building in accordance with the Residential Extensions & Alterations SPG. Whilst the structure will occupy much of the available roof slope it should be noted that the structure could be constructed without the formal permission of the Council under Class B of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 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 dwellinghouse.*

It is considered that the scale of the single storey extension would not be an overly dominant feature and be of an appropriate scale in proportion to the overall site, of similar scale to the existing single storey structures in this terrace including the single storey extensions approved within close proximity to this property. An adequate external amenity area of approximately 28 square metres would be retained beyond the single storey extension.

8.2 Residential Amenity Considerations

It is considered that the proposal would not be overbearing or generally un-neighbourly which would justify a reason for refusal. The proposal is considered compliant with Policy KP5 (x) of the Local Development Plan and paragraph 7.2 of the Residential Extensions & Alterations SPG.

The first floor extension should not have any unreasonable overbearing or un-neighbourly impact as it would be set off the boundary with no. 44 by 1.8m and directly adjoin an existing two storey annexe structure of identical length and height at no. 40. The existing pairs of two storey rear annexe structures in this terraced row of properties are set off the side boundary by the same distance (1.8m) as proposed in this instance.

It is noted that the first floor side facing window would be sited 1.8m from the side boundary of no. 44 which is less than the minimum of 10.5m specified by the Residential Extensions & Alterations SPG. Condition 4 is considered necessary to ensure this window is obscure glazed and non-opening below an internal height of 1.7m.

The single storey element of this proposal should not have any unreasonable impact on the neighbouring property. It should be noted that the rear most part of the extension would be angled away from the boundary with no. 44 such that its impact upon the outlook from the ground floor rear facing window at no. 44 would be reduced. Also, the single storey extension would have no adverse impact upon no. 40 as it would adjoin an existing structure of a similar length at no. 40.

8.3 Representations

The representation received from Cllrs Merry, Weaver & Mackie is noted. The issues raised are considered below within the context of the guidance as set out in the Residential Extensions & Alterations SPG. Paragraph 2.5 states that the design guidance '*sets out broad principles to guide and assess the most common forms of development*'.

- a) Extensions not subservient: The scale of the extensions and their relationship with the existing building and that of neighbouring properties is considered acceptable, having regard to the context of this particular terrace as detailed in the design analysis above. In this respect the proposal is considered to fully accord with the rear extension design principles set out in paragraph 7.2 of the Residential Extensions & Alterations SPG which states that '*a rear extension should be subordinate to the original dwelling*'. The advice referred to within paragraph 7.3 of the Residential Extensions & Alterations SPG references a two storey extension but it is important to note that the application site is a terraced dwelling, not a semi-detached/terraced dwelling with a gable end. It is not considered that the proposal closely resembles the example of an unacceptable flat roofed side extension referred to within paragraph 7.17 of the Residential Extensions & Alterations SPG, the example indicates a

taller structure in relation to the side boundary but it is important to note that the proposal is only 0.6m taller than a standard boundary wall. In this respect the proposal is considered to fully accord with the rear extension design principles set out in paragraph 7.14 of the Residential Extensions & Alterations SPG which states that '*a successful side return extension is dependent on the design proposed (scale, form, roof pitch and finish)*'. It should also be noted that whilst Supplementary Planning Guidance is a material consideration when making planning decisions site circumstances may also influence the decision making process.

- b) Overbearing impact of two storey extension: It is considered that the proposal would not result in any unreasonable loss of amenity to adjoining properties. There are other examples of two storey annexes within the terraced row and general area. It is not untypical for a first floor annexe to break the horizontal and vertical 45 degree rules referred to within the Residential Extensions & Alterations SPG. In this case the vertical 45 degree rule is only broken marginally and only at the maximum roof height not at eaves height. In this respect the proposal is considered to fully accord with the rear extension design principles set out in paragraph 7.2 of the Residential Extensions & Alterations SPG which states that '*a rear extension should avoid blocking natural light and outlook to habitable rooms in neighbouring properties*'. It should be noted that the Residential Extensions & Alterations SPG Supplementary Planning Guidance sets out broad principles to guide and assess the most common forms of development, and is not intended to be an exhaustive document. All applications are judged on their individual merits, particularly as the scenarios of residential extensions will vary substantially between terraced inner city dwellings and less dense semi-detached suburban dwellings.
- c) Dormer size: It is noted that the dormer extension is of a larger size than recommended by the Residential Extensions & Alterations SPG. However in this case it has to be recognised that the dormer extension constitutes 'permitted development' and would not require planning permission as detailed in the above report.
- d) Outlook from rear bedroom and rubbish in light well: It is not uncommon for natural light to be retained in such a manner and while not ideal it would be possible for this area to be 'filled in' through the ability to extend the property using permitted development rights. It should be noted however that the provision of natural light and ventilation to the bedroom would be controlled by Housing Enforcement under the HMO Licensing regulations, so in the event that this room is not licensed for use as a bedroom it could be used for another purpose such as a store room, dining room, kitchen or bathroom. With regard to rubbish potentially collecting in the 'light well' area, the plans indicate that a door will be provided in the rear elevation enabling access to this area.
- e) Extensions at adjoining property: Although there is no record of planning permissions for the extensions at no. 40 Treherbert Street, aerial photographs confirm that these structures have existed since at least

2004, therefore they are lawful in planning terms as they have existed for more than four years.

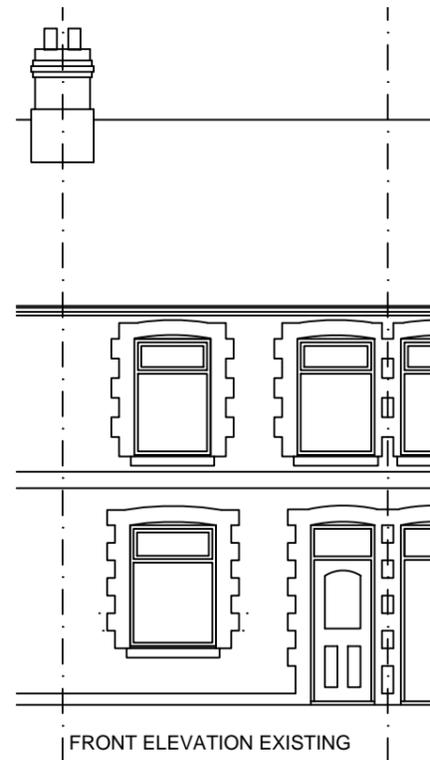
- f) Tunnelling effect to adjoining properties: It is considered that the extension would not have any unreasonable impact upon the outlook from the adjoining ground floor rear facing window at no. 44. It should be noted that the structure now applied for would be shorter adjacent to the boundary than the existing annexe/extension at no. 44 and the rear part would be angled away from the boundary, as indicated by the splayed dotted lines on the proposed floor plans. It is not considered that the extensions would have any impact upon no. 40 as it would adjoin the existing structures of similar length at no. 40. In this respect the proposal is considered to fully accord with the rear extension design principles set out in paragraphs 7.2 of the Residential Extensions & Alterations SPG which states that '*a rear extension should avoid blocking natural light and outlook to habitable rooms in neighbouring properties.*'
- g) Remaining amenity space: An external amenity area of approximately 28 square metres would be retained beyond the single storey extension. In this respect the proposal is considered to fully accord with paragraph 7.58 of the Residential Extensions & Alterations SPG which states that '*a minimum of 25 square metres of an appropriate shape and siting should be retained*'. This is applicable to class C3 dwellings and class C4 houses in multiple occupation.

8.4 Conclusion

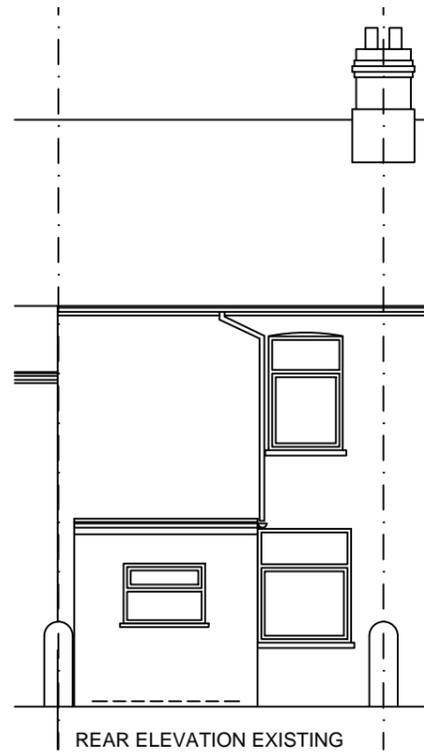
It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.

H.M. LAND REGISTRY		TITLE NUMBER		
		WA 147128		
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID	SECTION
	SOUTH GLAMORGAN		ST 1777	D
Scale: 1:1250	CARDIFF DISTRICT		© Crown Copyright 1968.	

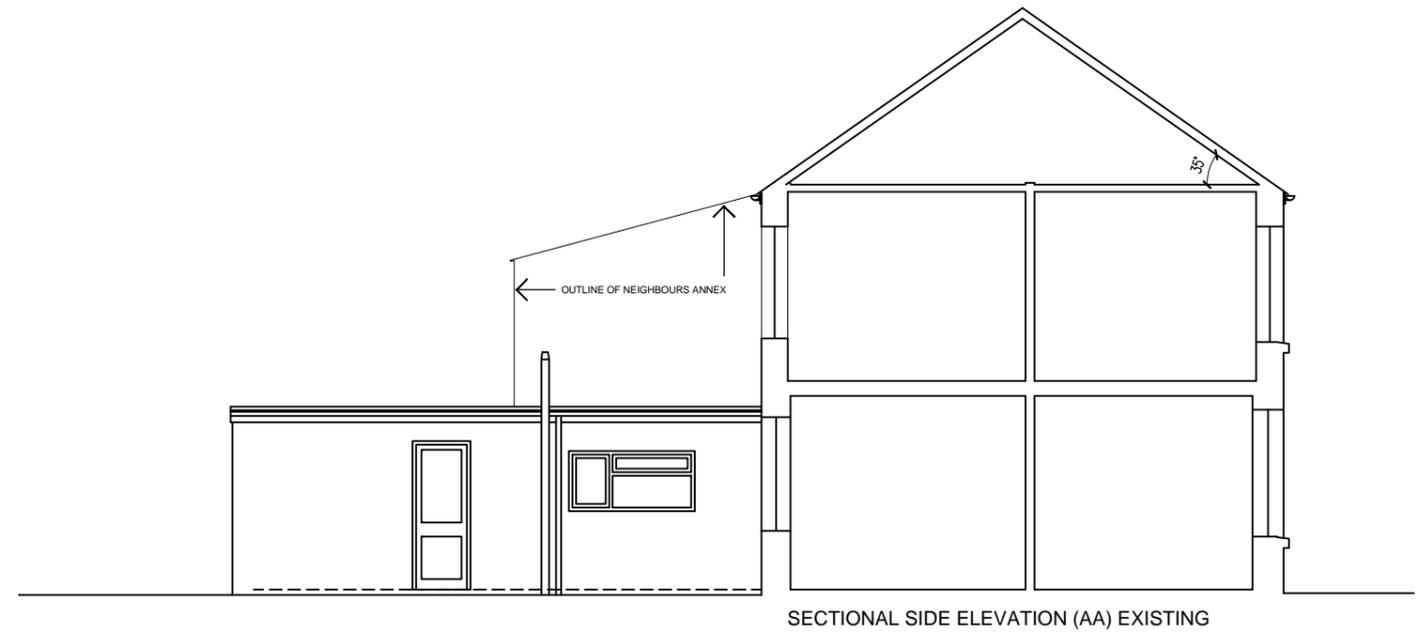




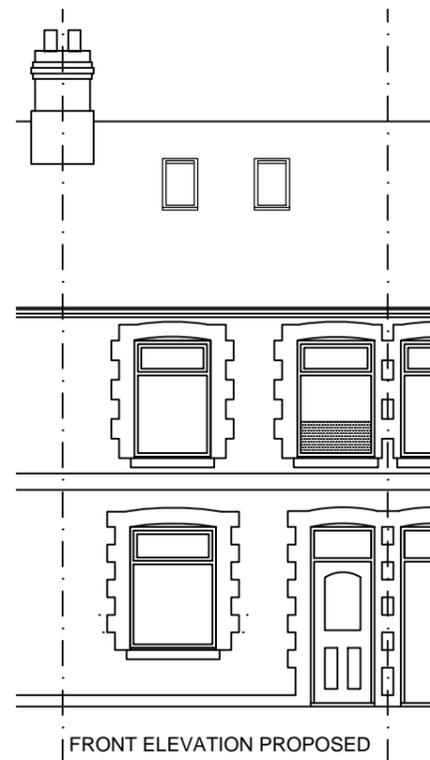
FRONT ELEVATION EXISTING



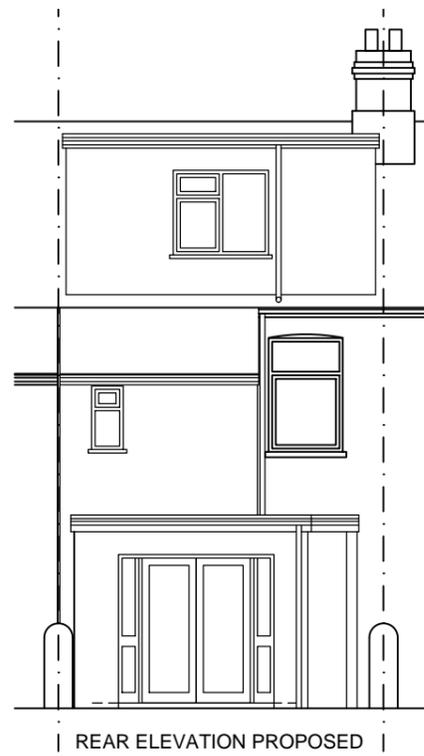
REAR ELEVATION EXISTING



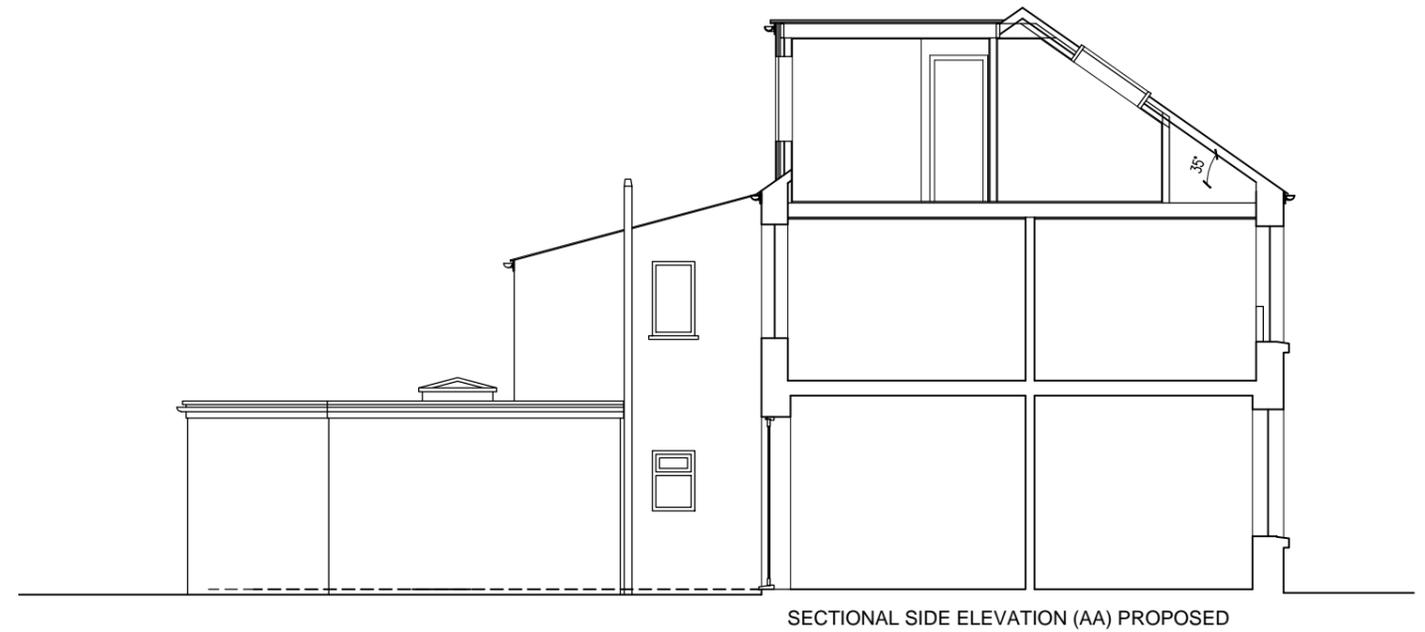
SECTIONAL SIDE ELEVATION (AA) EXISTING



FRONT ELEVATION PROPOSED



REAR ELEVATION PROPOSED



SECTIONAL SIDE ELEVATION (AA) PROPOSED

revisions
 A 02/05/18 Missing proposed kitchen side window added.
 B 17/05/18 Rear extension adjusted to suit planners requirements.

drawing description **42 TREHERBERT STREET, CARDIFF CF24 4JN**
ELEVATIONS EXISTING & PROPOSED

Job No
250

Drg No
04 B

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date Apr 2018

scale 1:100@A3



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DESIGN & ACCESS STATEMENT

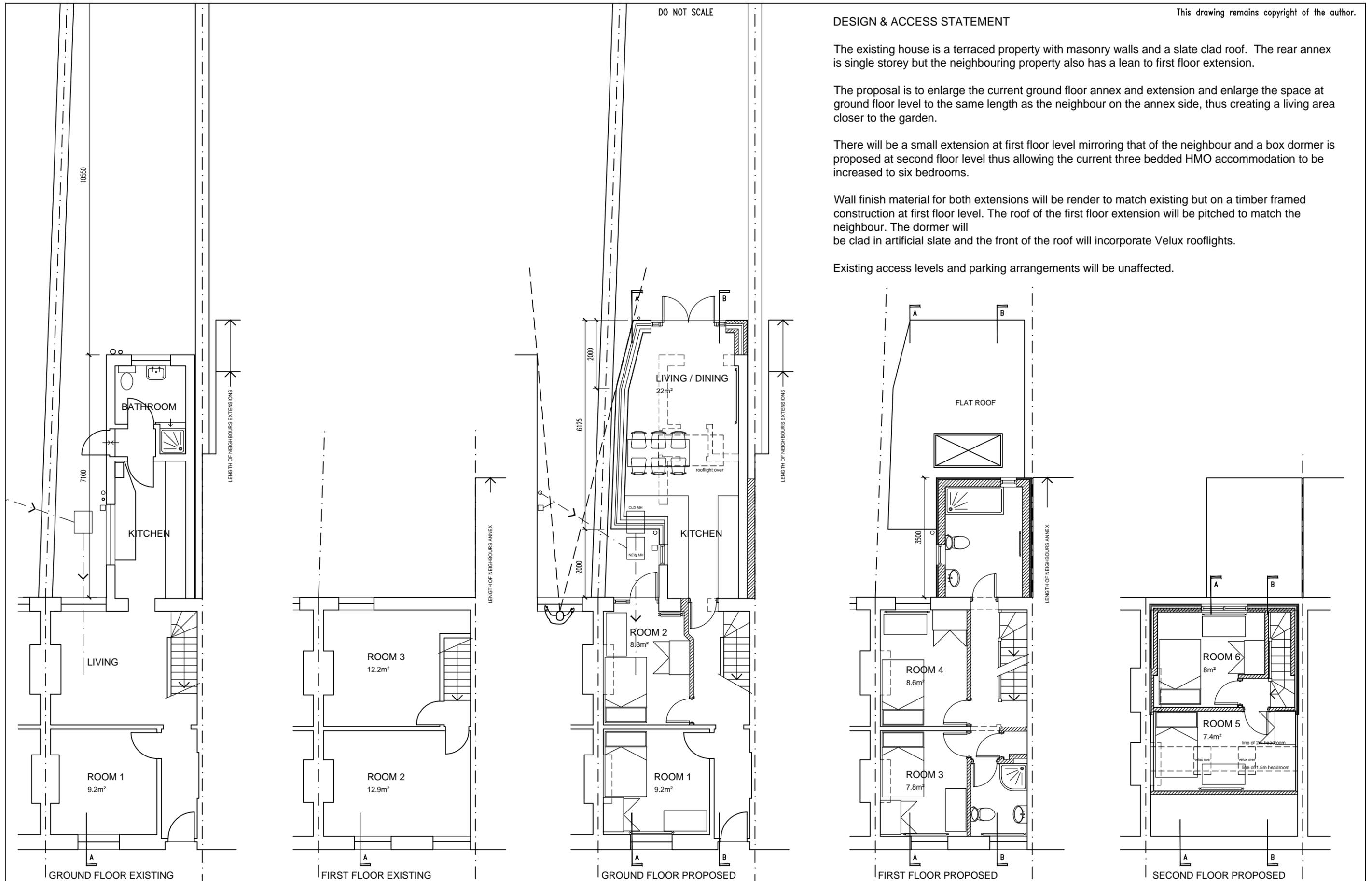
The existing house is a terraced property with masonry walls and a slate clad roof. The rear annex is single storey but the neighbouring property also has a lean to first floor extension.

The proposal is to enlarge the current ground floor annex and extension and enlarge the space at ground floor level to the same length as the neighbour on the annex side, thus creating a living area closer to the garden.

There will be a small extension at first floor level mirroring that of the neighbour and a box dormer is proposed at second floor level thus allowing the current three bedded HMO accommodation to be increased to six bedrooms.

Wall finish material for both extensions will be render to match existing but on a timber framed construction at first floor level. The roof of the first floor extension will be pitched to match the neighbour. The dormer will be clad in artificial slate and the front of the roof will incorporate Velux rooflights.

Existing access levels and parking arrangements will be unaffected.



- revisions
- A 17/05/18 Rear extension adjusted to suit planners requirements.
 - B 21/05/18 Drainage consequences highlighted.
 - C 21/05/18 Set back adjusted to maintain restriction on continuous wall line whilst maximising space in the extension.

drawing description	42 TREHERBERT STREET, CARDIFF CF24 4JN FLOOR PLANS EXISTING & PROPOSED		Job No	250	Drg No	03 C	
David Davis, BA, BArch, RIBA, Little Freestone, Whitehill, Cresselly, Pembrokeshire SA68 0TX tel 01646 651824 dai2arch@gmail.com	date	Apr 2018	scale	1:100@A3	Dai2a.co.uk		