

## LOCAL MEMBER OBJECTION

COMMITTEE DATE: 19/09/2018

APPLICATION No. **18/01114/MNR** APPLICATION DATE: 22/05/2018

ED: **PONTPRENNAU/ST MELLONS**

APP: TYPE: Full Planning Permission

APPLICANT: Mr & Mrs Smith

LOCATION: BRODAWEL, DRUIDSTONE ROAD, OLD ST MELLONS, CARDIFF, CF3 6XD

PROPOSAL: DEMOLITION OF EXISTING ATTACHED GARAGE TO BRO DAWEL AND ERECTION OF NEW DOUBLE GARAGE FOR BRO DAWEL. CONSTRUCTION OF NEW DETACHED DWELLING

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

1. C01 Statutory Time Limit
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - A101 Rev. G, A102 Rev D
  - Bat Survey Report dated 06/06/18

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

3. Prior to the construction of the building above foundation level, details of the external finishing materials shall be submitted to and approved in writing 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 in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

4. Notwithstanding the submitted plans, details of the means of site enclosure shall be 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: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff

Local Development Plan.

5. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, hard surfacing materials, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods) and an implementation programme. The landscaping shall be carried out in accordance with the approved design and implementation programme.  
Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
6. 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 further windows shall be inserted in the dwelling house hereby approved.  
Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.  
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.
8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation.

Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

9. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

10. Prior to the erection of the dwelling hereby approved, a scheme for the drainage of the site and any connection to the existing drainage system shall be submitted to and approved in writing to the local planning authority. Prior to the submission of the drainage details, ground permeability tests shall be undertaken to ascertain whether sustainable drainage techniques can be utilised and the results of the tests shall be incorporated in the submitted scheme. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To decrease the risk of flooding elsewhere and prevent hydraulic overload of the public sewerage system in accordance with Policy EN14: Flood Risk of the Cardiff Local Development Plan.

11. The car parking and manoeuvring 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, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

12. The first floor bathroom and en-suite windows on the rear elevation of the dwelling, shown on drawing reference A102 Rev D, shall be non-opening below a height of 1.7 metres above internal floor level, glazed with obscure glass and thereafter be so retained. The roof lights in the rear roof plane shall be installed such that their lower sill level is a minimum of 1.7 metres above the internal floor level of the bedroom and thereafter they shall be so retained.  
Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
13. Further details of the footway to be constructed along the site frontage, as shown on drawing A101 Rev G, shall be submitted to and approved by the Local Planning Authority. The footway shall be constructed in accordance with the approved details prior to the beneficial occupation of the dwelling and thereafter shall be retained at all times.  
Reason: In the interests of highway and pedestrian safety, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan

**RECOMMENDATION 2:** The applicant is informed that WelshWater/Dwr Cymru has advised the site is crossed by a public sewer and that no operational development should be carried out within 3.0 metres either side of its centre line. For further information please contact [developer.services@dwrwymru.com](mailto:developer.services@dwrwymru.com)

**RECOMMENDATION 3 :** 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 4 :** 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 5:** The applicant is advised to secure the consent of the Operational Manager, Asset Management (via 'highwaysnetworkmanagement@cardiff.gov.uk') prior to undertaking any works within the adopted highway in relation to the proposed development.

**RECOMMENDATION 6:** The applicant is advised that developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500.

**RECOMMENDATION 7:** Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment.

NRW can be contacted at:-  
Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP,  
0300 065 3000

Bat Conservation Trust can be contacted at:-  
5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845  
1300228'

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

- 1.1 This planning application relates to a dwelling house known as Brodowel, Druidstone Road where permission is sought to construct a two storey house in the side garden. The application also proposed a new replacement garage for the existing house.
- 1.2 Details of the siting and appearance of the proposed dwelling and garage are shown the plans submitted with the application. The dwelling comprises a two storey hipped roof structure with a single storey element attached to the side. It rises to a main ridge height of approximately 8.5 metres with the lower element rising to approximately 4.8 metres.
- 1.3 A separation distance of approximately 4.8 metres would be retained between both properties. To the rear, the site backs onto the large garden of a neighbouring property at Pwll Coch Uchaf. The rear elevation of the proposed dwelling is shown to be sited between 8.8 metres and 11.6 metres from the boundary with this property.
- 1.4 The side elevation of the proposed dwelling would be positioned between 6.2 metres and 6.7 metres from eastern boundary of the site. This boundary comprises a hedge which runs alongside the driveway serving Pwll Coch Uchaf and a single storey dwelling known as Ty Win. The front garden of Ty Win lies opposite the eastern boundary of the application site on the other side of the lane.
- 1.5 The proposed replacement garage for Brodowel would be sited to the front of the house, approximately 2.5 metres from the boundary with the front garden of the neighbouring property at Bron y Coed. The garage comprises a pitched roof structure measuring 6.6 metres by 6.6 metres in plan and rising to an eaves and ridge height of 2.1 metres and 4.9 metres respectively.
- 1.6 Vehicular access serving both houses would be provided from Druidstone Road, propositioned mid-way along the site frontage, as existing. A new footway would also be provided as part of the development. To facilitate the provision of the footway, the existing hedge would be removed and a new hedge planted in mitigation.
- 1.7 The subdivision of the plot, as proposed, would retain a side and rear garden of approximately 385 sq metres with the existing house and a rear garden of approximately 240 sq metres would be provided for the new dwelling.

- 1.8 The application is supported by a bat survey which states that no evidence of bats was found and that the potential impact of the development on bats is low.
- 1.9 A drainage strategy has also been included with the application which proposes a sustainable drainage solution for surface water (soakaway) with foul drainage proposed to be connected into the mains sewer.

## 2. **DESCRIPTION OF SITE**

- 2.1 Brodowel is a detached hipped roof property located on the south eastern side of Druidstone Road, approximately 600.0 metres from its junction with Tyr Winch Road.
- 2.2 Although Druidstone Road has the character of a rural lane, Brodowel lies within an established row of houses fronting this section of road. Planning permission has been granted on many occasions in recent years for the development of new houses in the gardens of existing properties at Druidstone Road and several of these developments have been carried out.
- 2.3 To the rear, the site backs onto the garden of a neighbouring property at Pwll Coch Uchaf. The eastern boundary of the site comprises a hedge which runs alongside the driveway serving Pwll Coch Uchaf and a single storey dwelling known as Ty Win. The front garden of Ty Win lies opposite the eastern boundary of the application site on the other side of the lane.
- 2.4 To the west, the site adjoins a large detached property known as Bron y Coed. The boundary with this neighbour is enclosed by a close boarded fence, approximately 1.8 metres in height.
- 2.5 The boundary of the site with Druidstone Road is enclosed by a hedge. The property is access from a point mid-way along this boundary. On the opposite side of the road lies another detached house known as The Cottage, with fields on either side.
- 2.5 At the time of the officer site visit it was noted that some ground clearance works had commenced, some vegetation/trees had been removed and that work was also underway on the refurbishment of the existing house. An attached garage had been removed.

## 3. **SITE HISTORY**

- 3.1 No recent planning applications.
- 3.2 There is an extant planning permission to demolish the bungalow at the neighbouring Ty Win and the construction of a new two storey house sited forward of its existing footprint (ref:14/00380/DCO).

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

4.1 The Cardiff Local Development Plan 2006-2026 provides the local planning policy framework. Relevant policies include:

KP3 (B): Settlement Boundaries  
KP5: Good Quality and Sustainable Design  
KP8: Sustainable Transport  
KP 15: Climate Change  
EN11: Water Sensitive Design  
EN13: Air, Noise, Light Pollution and Land Contamination  
T1: Walking and Cycling  
T5: Managing Transport Impacts  
EN1: Countryside Protection  
EN3: Landscape Protection  
EN7: Priority Habitats and Species  
EN8: Trees, Woodlands and Hedgerows

4.2 Supplementary Planning Guidance: Cardiff Infill Sites (2017);  
Supplementary Planning Guidance: Managing Transport Impacts (Incorporating Parking Standards )(2018);  
Supplementary Planning Guidance: Waste and Collection and Storage Facilities (2016);  
Supplementary Planning Guidance: Green Infrastructure (November, 2017);

4.5 *Planning Policy Wales Edition 9 (2016):*

1.2.5 Provided that a consideration is material in planning terms, it must be taken into account in dealing with a planning application even though other machinery may exist for its regulation. Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location. The grant of planning permission does not remove the need to obtain any other consent that may be necessary, nor does it imply that such consents will be forthcoming.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change by building resilience into the natural and built environment.
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods



4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car.

4.7.8 Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

5.2.9 Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote, inter alia, development that is easily accessible by public transport, cycling and walking.

9.2.22: Many parts of the countryside have isolated groups of dwellings. Sensitive infilling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.

9.3.3: Insensitive infilling or the cumulative effects of development or re-development should not be allowed to damage an area's character and amenity. This includes such impact on neighbouring dwellings such as serious loss of privacy or overshadowing.

9.3.6: New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.

## 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation has no objection to the application subject to appropriate conditions. An informative is also requested advising the

application of the need to secure the consent of the Operational Manager, Network Management prior to undertaking any works in adopted highway.

- 5.2 The Drainage Engineer has been consulted on the application. No representations have been received.
- 5.3 Pollution Control (Noise & Air): no observations.
- 5.4 Shared Regulatory Services (Contaminated Land) requests the inclusion of conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.
- 5.5 The Operational Manager, Waste Management has been notified of the application. No representations have been received.
- 5.8 The Council's Ecologist, noting the submitted bat report, raises no objections to the application but recommends the advisory note in respect of bats.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water/ Dwr Cymru advises that the site is crossed by a public sewer. The Company comments that under the Water Industry Act 1991, it has rights of access to its apparatus at all time. If the Council is minded to grant planning permission, the following condition is recommended:

*No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network*

## 7. **REPRESENTATIONS**

- 7.1 Councillor J Williams objects to the application and has requested that it be referred to Planning Committee for determination on the grounds of the policies KP3(B) and EN1 of the adopted Cardiff Local Development Plan.
- 7.2 Councillor D Rees also requests that the application be determined at Planning Committee.
- 7.3 Old St Mellons Community Council objects on the following grounds:

*The Community Council wish to place an objection to the application on the following grounds:*

- *There is a lack of connectivity, therefore traffic concerns.*
- *Lack of public transportation.*
- *Poor lighting and narrow road.*
- *The site is not included in the local development plan or considered.*
- *Overdevelopment.*
- *The application is outside the settlement boundary of the current Local Plan.*

- *The application is contrary to the plan in force.*

*Policy KP3 (B) – Settlement Boundaries*

*In order to strategically manage the spatial growth of Cardiff, settlement boundaries are proposed as shown on the Proposals Map. In all areas outside the defined settlement boundaries, otherwise referred to as countryside, there will be a corresponding presumption against inappropriate development.*

*Policy EN1: Countryside Protection*

*Development in the countryside, beyond the settlement boundaries identified on the Proposals Map, will only be permitted where the use is appropriate in the countryside, respects the landscape character and quality and biodiversity of the site and surrounding area and where it is appropriate in scale and design. A landscape assessment and landscaping scheme will be required for significant development proposals. Proposals for new housing, rural diversification and rural enterprise, will only be permitted where they comply with National Planning Policy.*

*The proposed dwelling is inappropriate development as it lies in the countryside outside of the defined settlement boundary. The principle of the proposal therefore conflicts with Policy KP3 (B) and EN1.*

- 7.4 An Occupier of Ty Win objects to the application for the following reasons (summary):

A Local Development Plan has been in force since January 2016 to prevent spurious building applications in this area. It appears that the applicant is of the opinion that consent has been granted as substantial works have already been carried out, including the demolition of the attached garage, the removal of established mature healthy trees, and heavy duty ground work in the proposed location of the development.

There are eight properties of this nature up for sale within a mile of the address.

As the existing property is located centrally to the plot, another building would create a visual imbalance. The Council is urged to refuse the application. If granted it is feared that it would create a precedent and result in many more requests to build and destroy gardens in this manner in the area.

- 7.5 The Occupier of The Cottage, Druidstone Road objects to the application for the following reasons (summary):

The proposed dwelling is inappropriate development as it lies in the countryside outside of the defined settlement boundary. The principle of the proposal therefore conflicts with policies KP3 (B) and EN1 and should be refused on this basis.

Notwithstanding the above in principle objection, it is also considered that the proposed dwelling would overlook The Cottage and garden adversely affecting the residential amenity that is currently enjoyed. The proposed siting of the

dwelling is such that it would look directly down the occupier's driveway and into the front windows of the house and could also look directly at the side garden patio dining area.

It would also be oppressive due to the difference in levels between the site and The Cottage house being on a lower level, coupled with the height, mass and scale of the proposed dwelling. The proposal would be at odds with the pattern of development in the area as there are no examples of two houses that close together along this part of Druidstone Lane.

It is of concern that the hedge would be lost which is a strong characteristic of the area.

7.6 An occupier of Pwll Coch House objects to the application for the following reasons (summary):

The proposed development is outside the settlement boundary in the Local Development Plan (LDP) adopted on 28<sup>th</sup> January, 2016. Prior to this date there were no major restrictions to building in the gardens of houses along Druidstone Road. However, any new dwellings were constructed in the gardens behind the original houses and are discreet and barely visible from the road. The current proposal is contrary to this. The garden of Bro Dawel is small in comparison to the gardens of the other properties where developments have taken place.

The gardens of properties where new builds have taken place have provided within their own curtilage a new boundary hedge and pavement. On the submitted plans, the pavement is to be created on the road because the plot is already too small to accommodate the proposed new dwelling, double garage and a new garage for the retained house.

Bro Dowel does not have historic planning permission to build, i.e., submitted and approved before the adoption of the Local Plan in 2016. The application is proposed on land protected by the LDP and no longer in the previous building zone.

The garden has been completely cleared of mature trees, two new driveways created using deep compressed hard-core and the proposed demolition of existing garage has already taken place.

The proposed development, if approved, would create a dangerous precedent.

Druidstone Road provides a leafy rural corridor that leads to open countryside. It is not only enjoyed by the residents but is greatly used for recreational purposes by people outside the area e.g. walkers, runners, cyclists. The proposal would create a permanent eyesore. The need to fulfil the quotas of house building has been mentioned. However at present there are house building projects for 5000 new homes to take place in the area nearby, so this infill is not desperately needed.

The occupier has requested that the determination of the application be made via the committee route.

7.7 The occupier of Chandos objects to the application stating that that the proposed dwelling is not in keeping with Druidstone Road and that the site lies outside the LDP settlement boundary. Approval would create an unacceptable precedent. It is considered that the dwelling is too near the road and that there is a sharp bend which will become a danger to traffic, walkers cyclists and horse riders.

7.8 The occupier of Bron y Coed objects for the following reasons (summary):

The occupier states that the applicant has already started to prepare the site by the felling of several mature trees, digging up the garden in preparation for the ground work thus destroying an established garden and has demolished the 'attached' garage.

The occupier states that it would appear the applicant is working under the assumption that planning has already been granted.

The occupier considers that the proposed dwelling is far too large for the plot and will dominate Bro Dawel creating an aesthetically unbalanced, unpleasing aspect. The occupier states that in January, 2016, a Local Development Plan was put in force to stop this type of development.

7.9 A further occupier of Pwll Coch Uchaf House objects to the application for the following reasons (summary):

- i) The proposed dwelling would be totally out of character the semi-rural character of the area
- ii) The proposed size of the dwelling is of concern. It would have an overbearing influence on the character and rural appearance within Druidstone Road.
- iii) If successful, it would set a precedent for allowing large detached houses on the main road frontage. Previous new builds along the road have been constructed at the rear of existing properties which ensures that the rural aspect of the area is maintained.
- iv) The proposed development lies outside the settlement boundary identified in the Local Development Plan.
- v) It is pointed out that the applicant has proceeded to demolish the attached garage to Brodawl prior to planning permission having been obtained and the site has also been cleared of established trees.

The occupier concludes that the site is not suitable for a development of this nature.

7.10 The occupier of The Conifers, Druidstone Road objects to the application for the following reasons:

The proposed development is outside the settlement boundary in Local Development Plan. The settlement boundary for the LDP on Druidstone Road is approximately ½ mile away from this proposed development.

The proposed dwelling is far too large for the plot and would be oppressive, completely dominating Bro Dawel.

This proposal would create a permanent eyesore on Druidstone Road, is not sympathetic infill and is completely out of character with the existing properties on Druidstone Road. If approved, it will set a very dangerous precedent for other such applications.

A pavement is to be created and the plot is already too small to accommodate this proposed new build. The build would also protrude beyond the building line.

As there are 5000 new homes currently being constructed nearby, this infill development is not needed. It is requested that the application is refused and that any decisions regarding the application are made via the committee route.

- 7.11 The occupier of The Evergreens, Druidstone Road objects to the application for the following reasons (summary):

The proposed dwelling is far too large for the plot and will dwarf Bro Dawel and is not in keeping with the properties that run along Druidstone Road .

On approaching Bro Dawel from either direction there is a nearby bend in the road that is becoming dangerous. It is considered that building yet another house particularly so close to this bend, with cars entering and leaving the property, is only adding to the likely hood of another road accident and perhaps more serious in nature.

The proposed property lies outside the LDP settlement boundary and will erode the surrounding countryside.

- 7.12 Neighbouring and nearby residents have been consulted on amended plans. The following additional representations have been received:

- 7.13 The occupier of Bron y Coed, Druidstone Road advises that her previous objections still stand (refer to paragraph 7.8).

## 8. **ANALYSIS**

- 8.1 Planning permission is sought to construct a detached dwelling in the side garden of Bro-dowel, Druidsrone Road and a replacement detached garage for the existing house.

- 8.2 The main planning issues relate to the acceptability of the proposed development on land use policy grounds having regard to the location of the site outside the settlement boundary, the effect of the proposed development

on the character and appearance of the area and the general amenities of neighbouring occupiers, the acceptability of the proposal on transportation and connectivity grounds, the effect on trees and nature conservation.

8.3 The site lies outside the settlement boundary as defined on the Proposals Map of the Cardiff Local Development Plan. Policy KP3 (B): Settlement Boundaries seeks to control inappropriate development in the countryside outside the identified settlement boundaries as shown on the Proposals Map

8.4 Policy EN1: Countryside Protection provides more guidance on the interpretation of this policy approach stating that: *there will be a presumption against development in the countryside, beyond the settlement boundaries identified of the Proposals Map, except where it can be justified for agricultural and forestry needs or it is essential for facilitating sustainable access to and enjoyment of the countryside including appropriate outdoor recreation and tourism uses.*

8.5 The aim of Policy EN1 is to ensure that development within the countryside is strictly controlled to protect and enhance Cardiff's natural heritage and setting.

8.6 Policy EN3 Landscape Protection states that: *development will not be permitted that would cause unacceptable harm to the character and quality of the landscape and setting of the City.*

8.7 National planning policy guidance is contained in Planning Policy Wales (PPW). Paragraph 4.7.8 relating to development in the countryside states that:

*Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.*

8.8 Paragraph 9.2.22 of PPW provides more advice in relation to infilling and states:

*Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.*

8.9 Notwithstanding the location of the application site some distance outside the settlement boundary, it comprises part of the garden of Bro Dowel. The proposed dwelling would be located within an established row of houses fronting this section of Druidstone Road. As a consequence, it would not add to

unacceptable ribbon development along the road and is considered, in principle, to comply with the guidance outlined in PPW in relation to sensitive filling of small gaps. Whilst Ty Win to the north east, currently comprises a relatively modest single storey dwelling, there is an extant planning permission to demolish the bungalow and construction a new two storey house sited forward of its existing footprint.

- 8.10 It should be noted that planning permission for 2 no. detached dwellings on land adjacent to Cefn Eirwg, Druidstone Road (located approximately 350.0 metres south west of the application site) was refused in August, 2017 on grounds relating to unacceptable development into the countryside (ref.17/01206/MNR). However, that application is considered to differ from the current proposal in that the site did not comprise previously developed land and was located along a section of Druidstone Road characterised by sporadic residential development separated by areas of open countryside. It was considered that the development would have consolidating existing sporadic ribbon development along Druidstone Road and would not have constituted sensitive infilling as referred to in Planning Policy Wales.
- 8.11 Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan states that... *all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by (inter alia):*
- (i) responding 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;*
  - (x) ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;*
- 8.12 Planning Policy Wales at paragraph 4.11.9 states that '*visual appearance, scale and relationship to surroundings and context are material planning considerations.*'
- 8.13 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance: *Cardiff Infill Sites (2017)*.
- 8.14 The SPG advises at paragraph 2.13 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.*

8.15 At paragraph 3.8 the SPG states that:

*Infill development needs to be sensitive to its 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 treatments (e.g. gates, railings, walls and hedges) complement the character of the surroundings.*

8.16 At paragraph 4.11 the SPG states that:

*To safeguard the amenity of existing residents, proposals must not result in unacceptable harm regarding the level of overbearing, overshadowing or overlooking of neighbouring properties.*

8.17 The proposed dwelling will be of traditional appearance with a hipped roof to match the roof design at Bro Dowel. Finished materials are to comprise roughcast render with brick detailing and a slate roof. Given the evident variety in house design in Druidstone Road, it is not considered that the appearance of proposed dwelling would cause unacceptable harm to the character of the area. Furthermore, amended plans have been submitted which reduce the scale of the dwelling. The original 1 ½ storey double garage with bedroom above has been replaced with a single storey garage of reduced width. The amended layout plan increases the distance between the structure and the eastern site boundary to between 6.2 metres and 6.7 metres.

8.18 A distance of approximately 4.8 metres would be retained between Bro Dowel and the proposed dwelling which is considered sufficient to ensure reasonable visual separation between them.

8.19 Although the existing boundary hedge would be removed to facilitate the frontage footway, a new replacement hedge is proposed in mitigation together with new tree planting. The proposed layout plan shows sufficient space to accommodate this new planting, the details of which are would be addressed by condition.

8.20 The proposed replacement garage for the existing house is to be sited forward of this property. However, a distance of approximately 11.0 metres would be retained between the structure and the front of the site which is considered sufficient to ensure that its siting would not appear incongruous in the street scene.

8.21 The subdivision of the plot, as proposed, would retain a side and rear garden of approximately 385 sq metres with the existing house and a rear garden of approximately 240 sq metres would be provided for the new dwelling. Consequently, the provision of private amenity areas significantly exceeds the Council's guidelines as set out in the Infill Sites SPG.

- 8.22 The likely effect of the proposed development on the living conditions of neighbouring occupiers has been carefully considered.
- 8.23 The application site backs onto the garden of the neighbouring property at Pwll Coch Uchaf. The rear elevation of the proposed dwelling is shown to be sited between 8.8 metres and 11.6 metres from the boundary with this property. Where first floor windows are proposed in this elevation which would fall below the privacy guideline of 10.5 metres, they are required to be obscurely glazed. The proposed dwelling is sited approximately 15.0 metres from the front boundary of The Cottage located on the opposite side of Druidstone Road and approximately 39.0 metres from its front elevation. Having regard to these distances, it is not considered that the amenity of the neighbouring occupier would be harmed to the extent that would justify refusal of the application on this ground.
- 8.24 Following the receipt of amended plans, the side elevation of the proposed dwelling would be positioned between 6.2 metres and 6.7 metres from eastern boundary of the site. This boundary comprises a hedge which runs alongside the driveway serving Pwll Coch Uchaf and a single storey dwelling known as Ty Win. The front garden of Ty Win lies opposite the eastern boundary of the application site on the other side of the lane. It is not considered that the proposed dwelling would have an unduly overbearing or dominating effect on this neighbouring property or would impact unacceptably on light to habitable rooms having regard to the distance between them and the Council's guidelines on these matters.
- 8.25 The proposed replacement garage for Brodowel would be sited forward of the house, approximately 2.5 metres from the boundary with the front garden of the neighbouring property at Bron y Coed. The boundary is enclosed with a 1.8 metre high close boarded fence. The garage comprises a pitched roof structure rising to an eaves and ridge height of 2.1 metres and 4.9 metres respectively. It is not considered that it would impact on the living conditions of the adjoining occupiers to the extent that it would constitute an unneighbourly form of development.
- 8.26 The Operational Manager, Transportation has raised no objections to the application on parking, highway safety subject to the provision of adequate off-street parking/manoeuvring and a 1.8 metre wide frontage footway.
- 8.27 It is acknowledged that connectivity of the site with existing neighbourhoods by means of travel other than the car would be restricted having regard to the distance from a regular bus service (stop) together with the standard of Druidstone Road, which has intermittent footpath provision. However, numerous planning permissions have been granted in recent years for dwellings within the large garden of properties along the road. Although Druidstone Road has limited footway provision, it is illuminated. In considering the transportation impact of such applications, the main highway consideration is that in the absence of footways, the visibility for vehicles emerging onto the road is often poor. The Operational Manager, Transportation has taken the view that, on balance, the benefit achieved in terms of highway safety, by

securing improved visibility for existing accesses outweighs the limited increase in the numbers of vehicle/pedestrian movements which would accrue from the new dwellings and that a further consequential benefit would be the incremental improvement that would be achieved to pedestrian facilities generally along the road.

- 8.28 The Council's ecologist has raised no objections to the application on nature conservation grounds recommending informative 7.
- 8.29 On balance, the application is considered acceptable and approval is recommended subject to the attached conditions.

## 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*

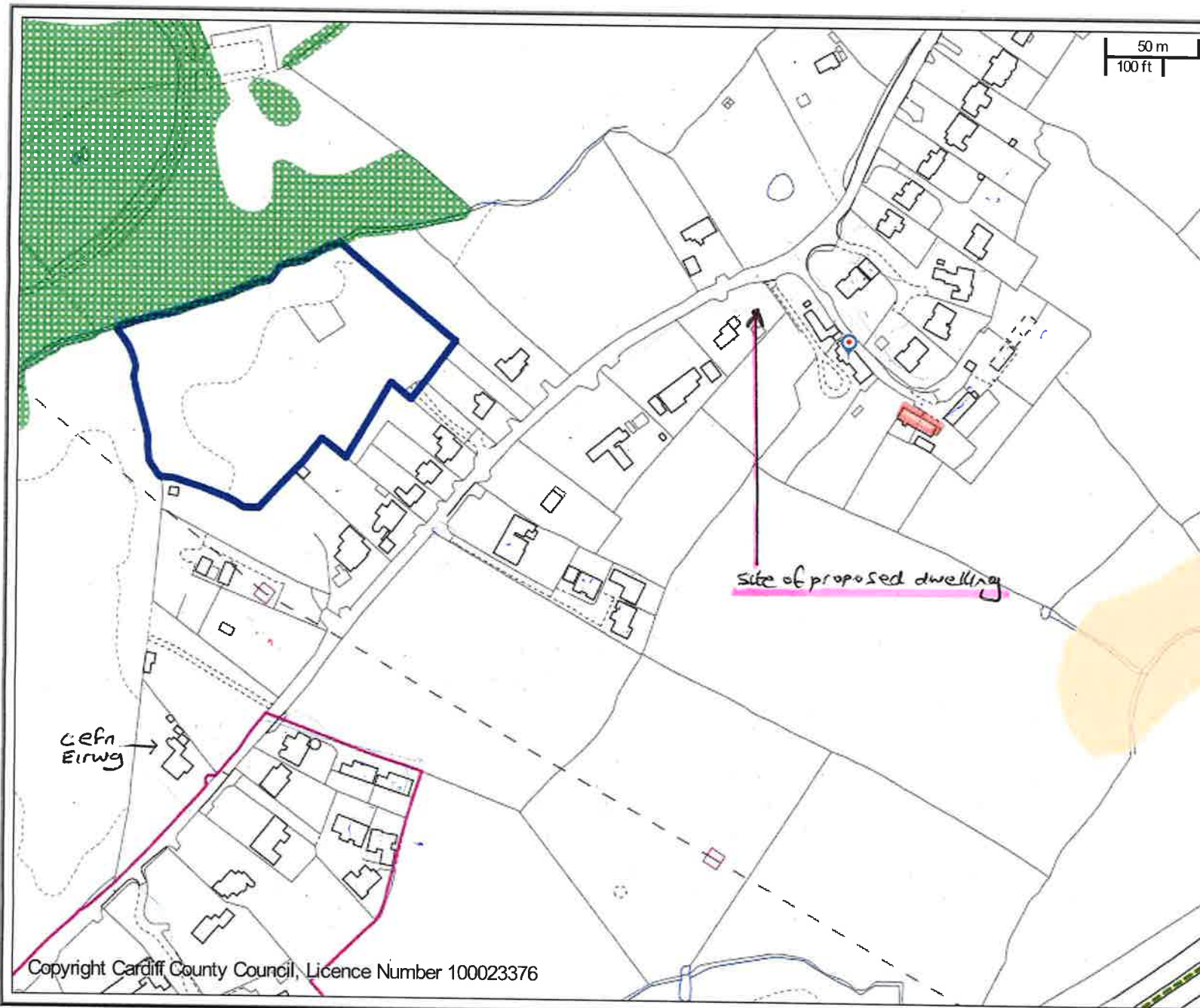
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in 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, over and above any other person.

### 9.3 *Well-being of Future Generations (Wales) Act 2015*

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

### 9.4 *Environment (Wales) Act 2016*

The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.



50 m  
100 ft



**City of Cardiff Council**  
**Cyngor Dinas Caerdydd**



CHIEF EXECUTIVE  
Paul Orders  
County Hall  
Atlantic Wharf  
Cardiff CF10 4UW  
Tel: 029 20872000

**Title**  
Scale: 1:3000  
Printed on: 24/5/2018 at  
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**Ordnance Survey 100023376 (2014).**

Site of proposed dwelling

Cefn Eirwg

**Key**

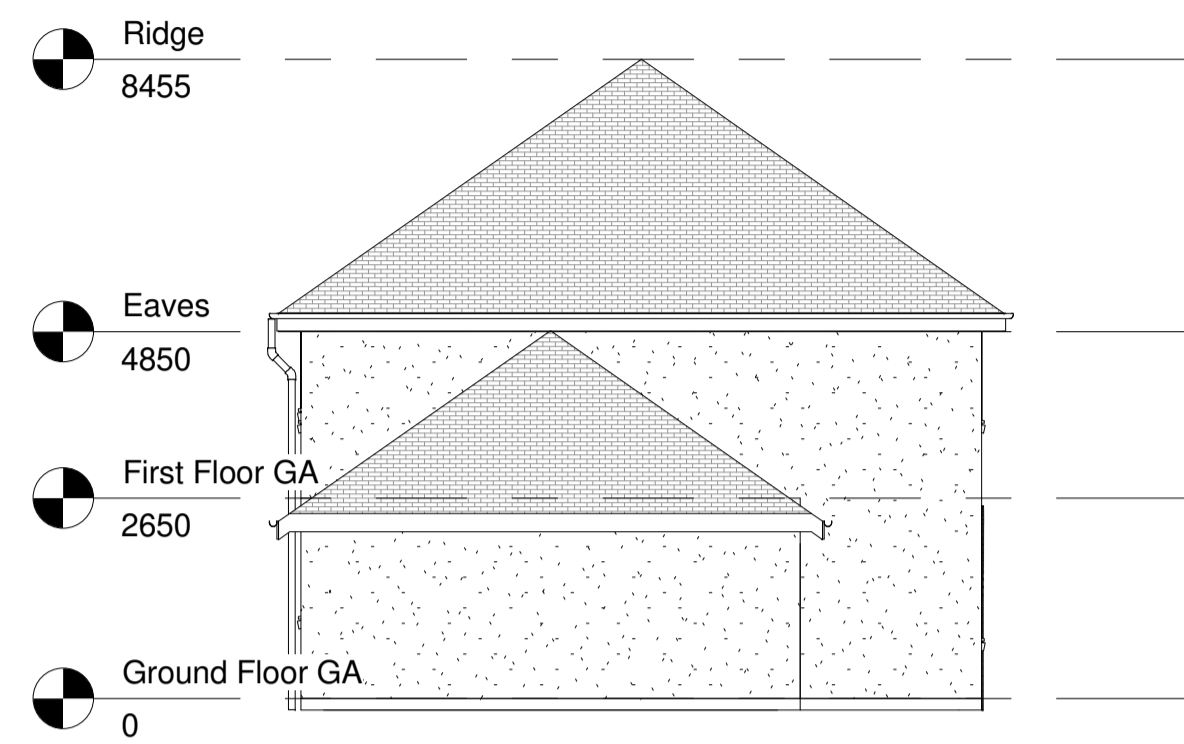
-  1.2m post and rail fence
-  1.8m close board fence
-  Timber gate
-  Paving slabs
-  Red pavans
-  Tarmac
-  Grass
-  Rendy Hedge - Lonicera nitida (thubby Honeysuckle) approx 1m - 1.2m tall
-  Quercus Bet Evergreen Oak Tree - Single Stem 6-10m girth and 2.5m - 3m tall



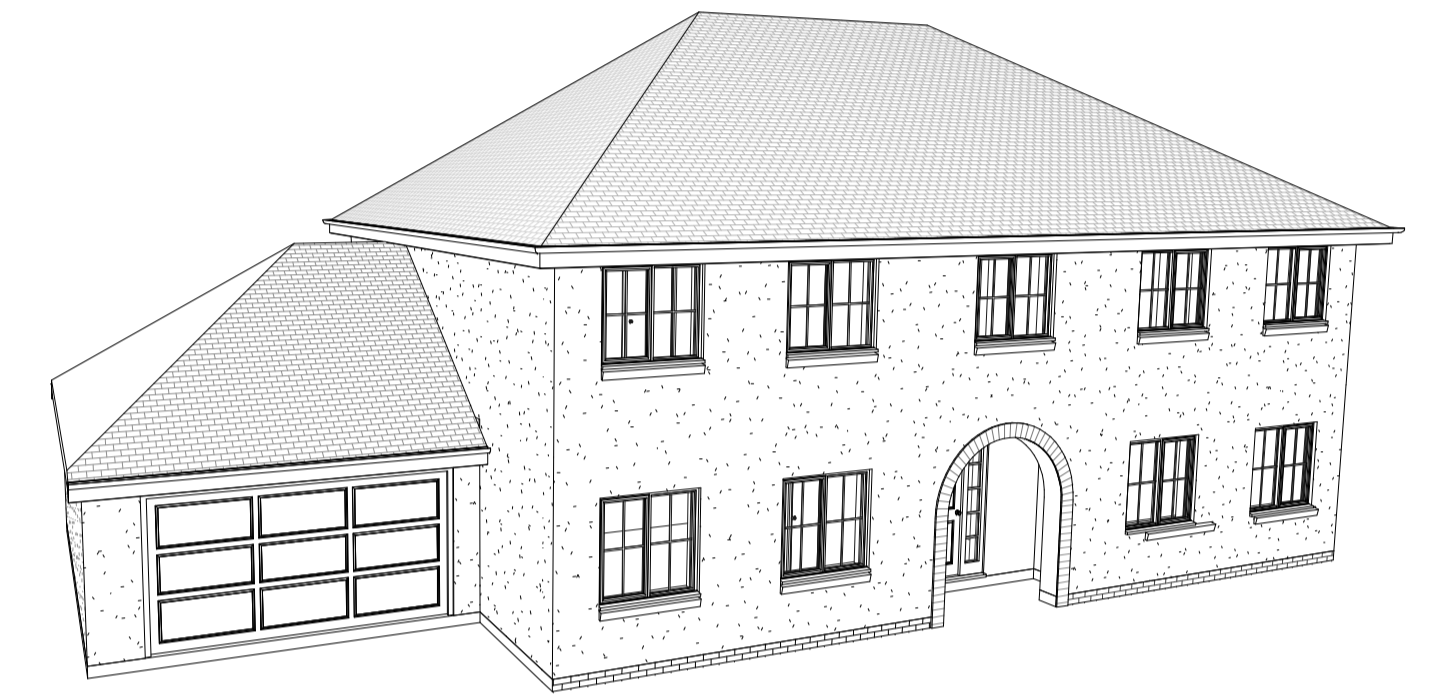
Client			
Gary & Steve Smith			
Project			
Bro Dawel Dowlstone Road OM St Mellons, CF3 6XD			
New Detached Dwelling			
Title			
Proposed Site Layout			
Date	Scale	Dwg No.	Rev
March 2018	1:200 @ A1	A101	G
<b>Rockfield Architecture</b>			
<small>Do not scale. All dimensions are in millimetres unless otherwise stated.</small>			



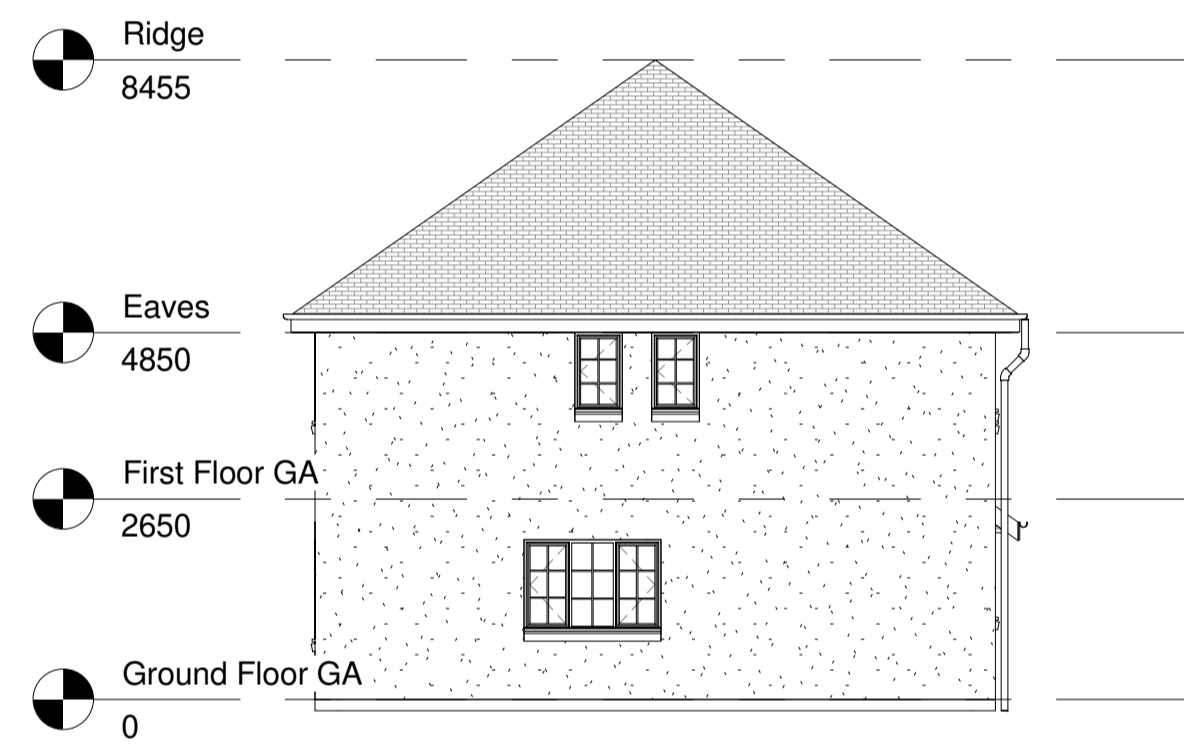
**Rear Elevation**  
1 : 100



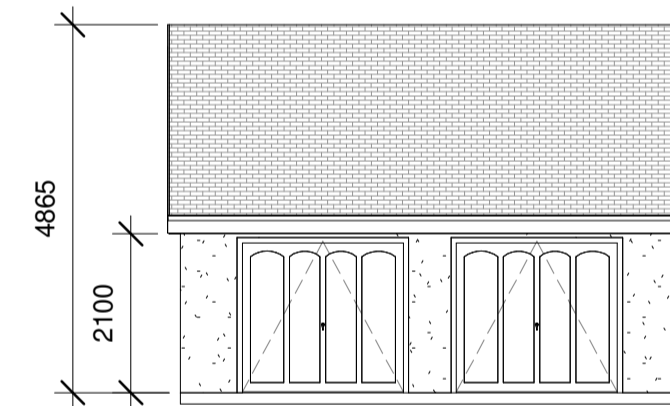
**Side Elevation 2**  
1 : 100



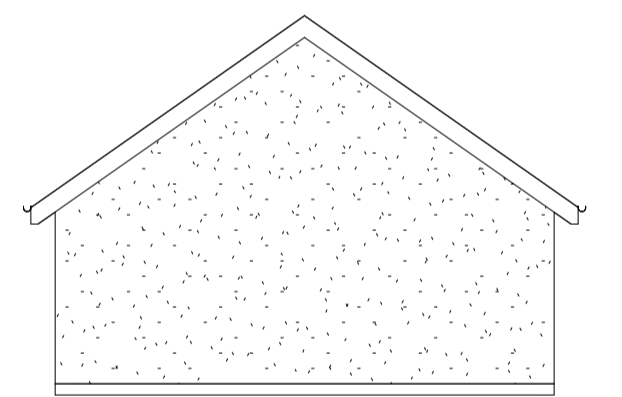
**Front Elevation**  
1 : 100



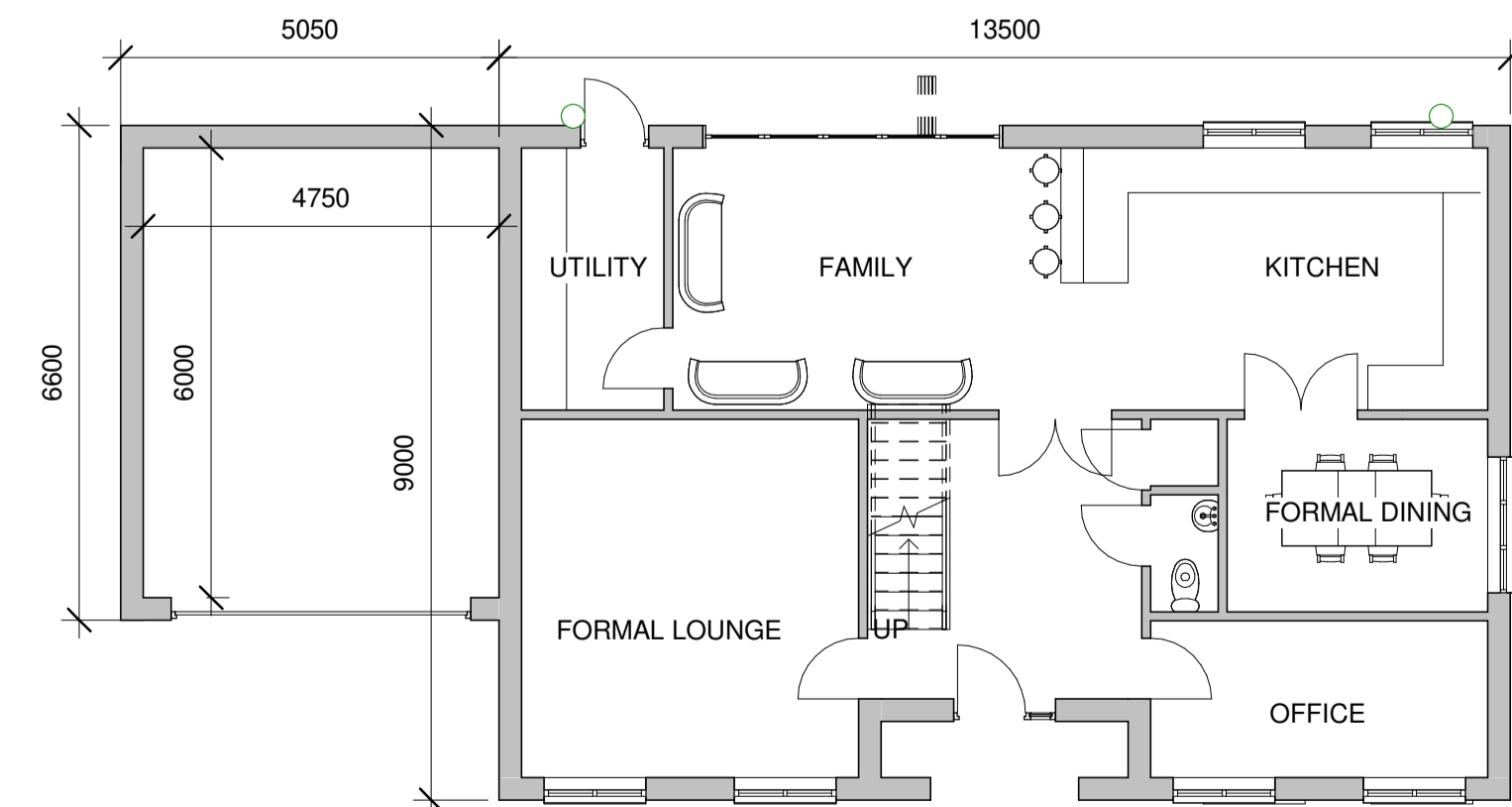
**Side Elevation 1**  
1 : 100



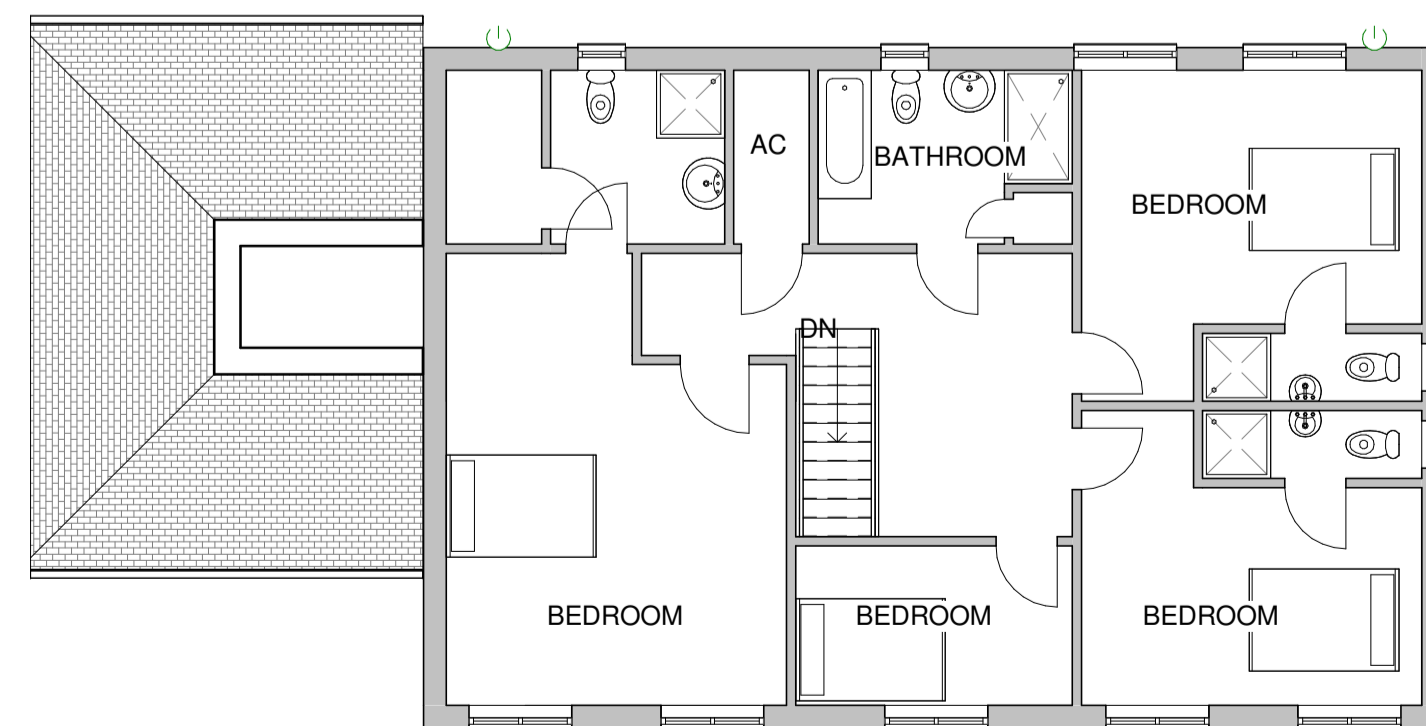
**Garage Front Elevation**  
1 : 100



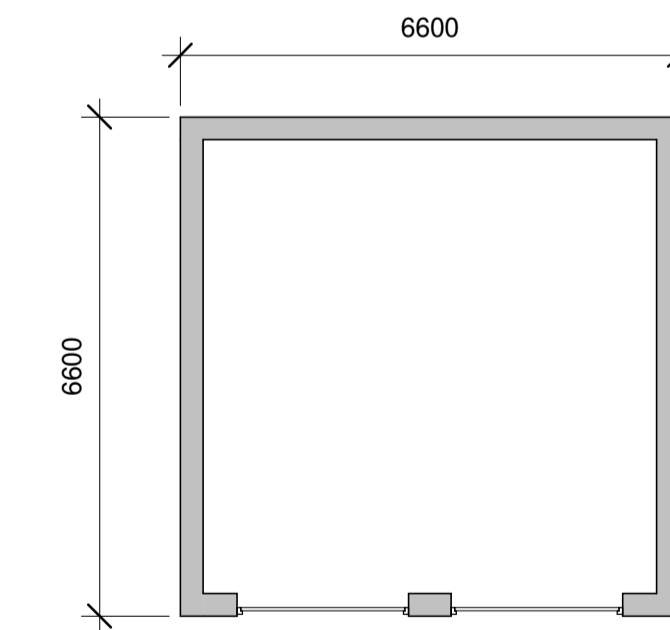
**Garage Side Elevation**  
1 : 100



**Ground Floor GA**  
1 : 100



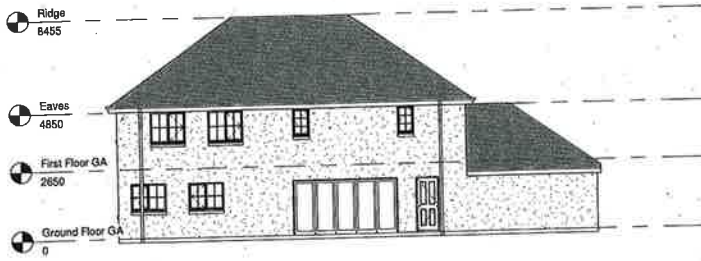
**First Floor GA**  
1 : 100



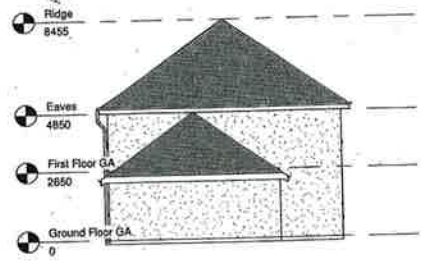
**Bro Dawel Garage**  
1 : 100

Client - Steve and Gary Smith		
Project - New Dwelling at Bro Dawel		
Title - Proposed Plans and Elevations		
Scale - A1 1 : 100	Drawing Number A102	Rev D
<b>Rockfield Architecture</b>		
<small>Do not scale. All Dimensions are in millimetres unless otherwise stated.</small>		

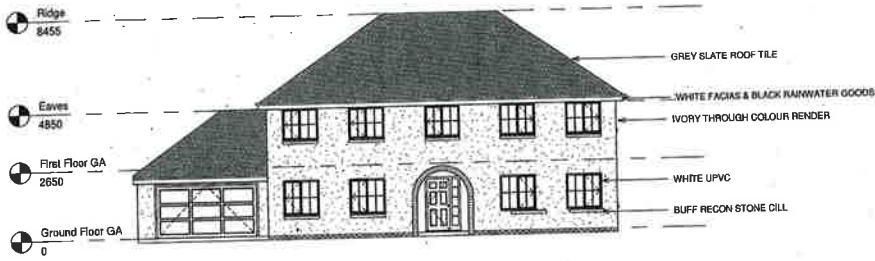
**PROPOSED ELEVATIONS**



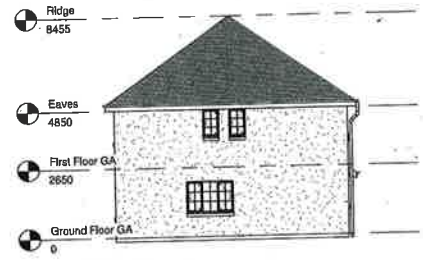
**Rear Elevation**  
1 : 100



**Side Elevation 2**  
1 : 100



**Front Elevation**  
1 : 100

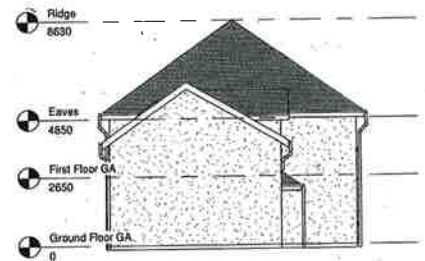


**Side Elevation 1**  
1 : 100

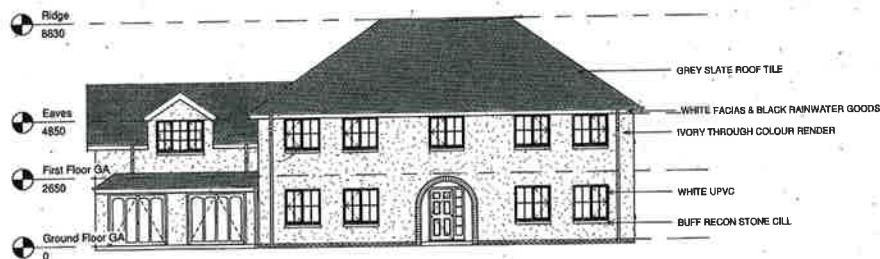
**ELEVATIONS BEFORE REVISION**



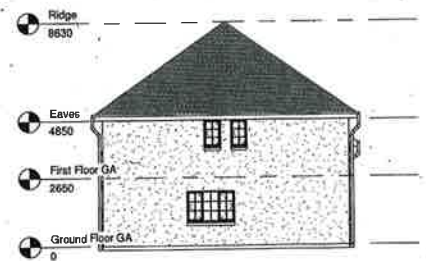
**Rear Elevation**  
1 : 100



**Side Elevation 2**  
1 : 100



**Front Elevation**  
1 : 100



**Side Elevation 1**  
1 : 100