

PETITION, MP OBJECTION, LOCAL MEMBER OBJECTION

COMMITTEE DATE: 17/10/2018

APPLICATION No. **18/01627/MNR** APPLICATION DATE: 09/07/2018

ED: **CYNCOED**

APP: TYPE: Full Planning Permission

APPLICANT: Dr M Asseley

LOCATION: 10 WINDERMERE AVENUE, ROATH PARK, CARDIFF,
CF23 5PQ

PROPOSAL: SINGLE STOREY REAR & SIDE EXTENSIONS WITH
CHANGE OF MAIN ROOF FROM PITCHED TO A GABLE
AND LOFT CONVERSION WITH REAR DORMER AND
CHANGES TO REAR OUT BUILDING. TO CONVERT THE
PROPERTY INTO TWO SELF CONTAINED FLATS.
INCLUDING EXTERNAL ALTERATIONS

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

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans:
 - 201 – Proposed Plans
 - 202 – Proposed Elevations
 - 203 – Existing and Proposed Garage Plan and Elevations

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

3. Prior to beneficial occupation of the development, hereby permitted, the cycle parking spaces shown on drawing no. 201 shall be provided and shall be covered by a structure not exceeding 2m in height.

Reason: To promote sustainable modes of transport in accordance with Policy T5 of the Cardiff Local Development Plan 2006-2026.

4. The materials to be used in the external finish of the development hereby approved shall, so far as is practicable, match those used on the equivalent element of the existing building.

Reason: In the interest of the general character of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

5. No development shall commence until details of surface water drainage, which shall include a viability study relating to the use of sustainable drainage techniques, has been approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure a water sensitive urban design solution is implemented in accordance with Policies EN10 & EN14 of the Cardiff Local Development Plan 2006-2026.

RECOMMENDATION 2: The developer be advised 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. Each flat will require the following for recycling and waste collections:

- 1 x 140 litre black bin for general waste
- 1 x 240 litre green bin for garden waste
- 1 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 140 litres)

The storage of which must be sensitively integrated into the design.

The kitchen should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste.

Waste must not be stored on the highway.

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

1. DESCRIPTION OF THE SITE

- 1.1 The application site is located on Windermere Avenue a residential street located in close proximity to Roath Park in the Lakeside area of the City.
- 1.2 The application property is an existing semi-detached house. The immediate

locality is defined by two storey predominantly semi-detached dwelling houses of a similar scale and design. The wider area consists of a range of dwelling types of differing designs and scales.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the conversion of the existing single dwellinghouse to two flats including single storey rear and side extensions, a hip to gable roof extension and rear dormer to provide habitable space within the existing roof space and alterations to the rear outbuilding.
- 2.2 The proposed single storey extensions consist of a wraparound extension commencing approximately at the mid-point of the side elevation, set approximately 4m back from the front elevation, with a width of approximately 1.2m that projects to the rear of the property approximately 4.9m beyond the original rear wall and spans the width of the rear of the dwellinghouse to its boundary with 12 Windermere Avenue. Completed by a hipped roof structure with an approximate height to eaves of 2.5m and to the ridge of 3.9m and finished in render and slate with uPVC windows to match the existing building. It should be noted that an extension of the scale and design proposed, if undertaken to the existing dwellinghouse, which projected beyond the rear wall of the original dwellinghouse by 4m, 0.9m less than proposed, would benefit from being 'permitted development' and would not require planning permission from the Local Planning Authority.
- 2.3 The proposed roof extensions would result in the height of the external side wall of the dwellinghouse being increased in a gable form to meet the ridge height and a dormer roof extension to the rear roof plane. The hip to gable extension would result in a height increase of approximately 3.5m. The dormer roof extension would measure approximately 5.6m (w) x 4m (d) with a cat slide roof at a height of approximately 2m to 2.5m would be centrally located within the roof set up from the eaves and off the boundaries of the property in excess of 0.5m. The roof extensions would be finished in materials to match the equivalent element of the existing building, would include a window within the side elevation, a small window and a full height window protected by a guard rail to the dormer and two rooflights to the front roof plane. It should be noted that the roof extensions and alterations as proposed, if undertaken to the existing dwellinghouse, would only marginally exceed, by virtue of 300mm in width of the dormer, what could be undertaken by virtue of 'permitted development' not requiring planning permission from the Local Planning Authority.
- 2.4 The proposed alterations to the existing outbuilding consist of a sideward and rearward extension of approximately 1.2m. The overall height would remain unaltered, an additional window would be provided to the side elevation and the finish of the building would be duplicated.
- 2.5 The ground floor would provide a three bedroom flat comprising an open plan living, dining and kitchen area, with a separate and en-suite bathroom with a gross internal floor space in excess of 90m².

- 2.6 The upper floors would provide a three bedroom flat comprising an open plan living, dining and kitchen area, bathroom and en-suite bedroom to the first floor with two bedrooms on the second floor with a gross internal floor area in excess of 85m².
- 2.7 A front courtyard would be provided with parking for a single vehicle and a shared rear amenity space, of approximately 70m², would be provided in addition to a garage the combined space will provide for car parking, if necessary, as well as cycle and refuse storage.

3. PLANNING HISTORY

- 3.1 There is no pertinent planning history relating to the application site.

4. POLICY FRAMEWORK

- 4.1 National Planning Policy
- Planning Policy Wales (9th Ed, 2016)
 - Technical Advice Note 12: Design (2014)
 - Technical Advice Note 15: Development and Flood Risk (2004)
- 4.2 Cardiff Local Development Plan 2006-2026
- Policy KP3(B) (Settlement Boundaries)
 - Policy KP5 (Good Quality and Sustainable Design)
 - Policy KP8 (Sustainable Transport)
 - Policy KP13 (Responding to Evidenced Social Needs)
 - Policy KP15 (Climate Change)
 - Policy KP16 (Green Infrastructure)
 - Policy H5 (Sub-division or Conversion of Residential Properties)
 - Policy EN8 (Trees, Woodlands and Hedgerows)
 - Policy EN10 (Water Sensitive Design)
 - Policy EN13 (Air, Noise, Light Pollution and Land Contamination)
 - Policy EN14 (Flood Risk)
 - Policy T5 (Managing Transport Impacts)
 - Policy W2 (Provision for Waste Management Facilities in Development)
- 4.3 Supplementary Planning Guidance
- Green Infrastructure (November 2017)
 - Managing Transport Impacts (July 2018)
 - Residential Extensions & Alterations (Nov 2017)
 - Waste Collection & Storage Facilities (October 2016)

5. INTERNAL CONSULTEE RESPONSES

- 5.1 The Operational Manager (Flood & Coastal Risk Management) advises that insufficient or conflicting detail relating to either flood risk or surface water drainage proposals have been received and requests a condition requiring further detail.

- 5.2 The Operational Manager (Traffic and Transportation) has been consulted, no representations have been received.
- 5.3 The Operational Manager (Waste Management) advises the storage area for waste and recycling is acceptable, advice is provided with regard to the required capacity for the proposed site.
- 5.4 The Operational Manger (Shared Regulatory Services – Pollution Control) raises no objection to the proposal. An advisory note relating to construction noise is requested.
- 5.5 The Councils Planner (Ecology) has been consulted, no representations have been received.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Welsh Water have been consulted, no representations have been received.
- 6.2 South Wales Police has been consulted, no representations have been received.

7. REPRESENTATIONS

- 7.1 The application was advertised by way of neighbour consultation letters.
- 7.2 A petition of 115 signatories has been received objecting to the proposal.
- 7.3 Letters of representation from 6, 8, 11, 12, 22, 23, 25 & 76 Windermere Avenue and 145 Risca Road, Rogerstone have been received objecting to the proposal. A summary of the objections is provided below:
- out of character and over development;
 - harm existing amenity by virtue of general disturbance, noise, loss of light and overlooking;
 - adversely affect parking and highway safety;
 - lack of amenity for future residents;
 - the potential occupancy;
 - pressure on schools;
 - a precedent would be set for the further development of flats;
 - the proposal stands astride the party wall.
- 7.4 Jo Stevens MP objects to the proposals on behalf of her constituents and reiterates concerns relating to the proposals being an over development which is out of character within the area and would result in parking problems.
- 7.5 Local Ward Member Cllr Molik has expressed concerns in respect of the proposals.

8. ANALYSIS

8.1 Introduction

8.1.1 The application site lies within the defined settlement boundary in an existing residential area. Policy KP13 details *that 'a key part of the successful progression of the city will be to develop sustainable neighbourhoods'* and defines that *'providing a range of dwelling sizes, types and affordability'* is a key factor in achieving such an aim. Furthermore, Policy H5 recognises that the subdivision of a residential building into smaller residential units, including flats, can be an important source of housing and should be permitted subject to consideration of other material factors. Accordingly the principle of the proposed development is considered to be acceptable.

8.1.2 The principal matters for consideration are:

- the effect of the proposal upon the character of the area;
- the effect of the proposal upon the amenity of neighbouring occupiers and the area;
- the level of amenity provided for future occupiers;
- the proposals Transport Impact;

8.2 Impact Upon the Character of the Area

8.2.1 Policy KP5 requires that all proposed development is of a high quality and sustainable design which responds *'to the local character and context of the build and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing, and impact upon the built and natural heritage are all addressed within development proposals'*. Furthermore, Policy H5 details that the cumulative impact of such conversions should not adversely affect the character of the area.

8.2.2 The proposed extensions to the building given their design and scale would not be prominent and would not have any detrimental impact upon the character of the area.

8.2.3 The proposed residential use of the building is characteristic being the predominant use within the area and the proposal would, therefore, complement the existing character.

8.2.4 Accordingly it is not considered that the proposal would have any detrimental impact upon the character of the area and accords with Policy KP5 and H5.

8.3 Impact Upon the Amenity of Neighbouring Occupiers and the Area

8.3.1 Policy KP5, as supported by H5, of LDP seeks to ensure that *'no undue effect on the amenity of neighbouring occupiers'* results from development. Whilst Policy H5 also details the cumulative impact of such conversions should not adversely affect the amenity of an area.

- 8.3.2 The proposed single storey extension given its height and siting would not have any overbearing impact upon neighbouring occupiers. Its height and roof design is such that it is considered that there would be no detrimental loss of light, the extension would not impose upon a 45 degree line measured from neighbouring windows.
- 8.3.3 The proposed roof extensions given their siting would have no overbearing impact upon neighbouring occupiers nor result in any detrimental loss of light.
- 8.3.4 The proposed alterations to the garage given their siting and scale are not considered to be detrimental to neighbouring occupiers.
- 8.3.5 No windows are proposed which would directly overlook habitable room windows or gardens of neighbouring properties at a distance that would be considered unacceptable. Whilst a second floor is being created with large windows and there may be a perception of greater overlooking it is considered that these windows would only provide oblique views to neighbouring gardens and are not in reality of greater detriment than existing first floor windows which allow a degree of mutual overlooking. It should also be noted that second floor windows could be introduced by virtue of 'permitted development'.
- 8.3.6 The reasonable use of the proposed residential properties would not cause any general disturbance or noise that would impact upon the amenity of neighbouring occupiers. The use of the building as two flats would not realistically result in any activities occurring within any part of the building which could not be undertaken within the existing single dwellinghouse.
- 8.3.7 The proposed level of amenity space around the building is adequate to provide facilities for the proposed use including waste storage and it is considered there would be no adverse impact upon the amenity of the area.
- 8.3.8 Accordingly it is not considered that the proposal would have any undue impact upon the general amenity or privacy of neighbouring occupiers or the amenity of the area and, therefore, accords with the principles of Policy KP5 and H5.

8.4 Amenity of Future Occupiers

- 8.4.1 Policy H5 states that the conversion of properties to flats will be permitted where *'the property is of a size whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers'*
- 8.4.2 The proposed conversions provide two flats of a substantial size with good sized double bedrooms and all facilities required for day to day living.
- 8.4.3 The proposed amenity space, equivalent to over 40m² per property, provides sufficient space for the occupiers of two properties of the proposed size.
- 8.4.4 Accordingly it is considered that the proposed development would provide an

adequate standard of amenity for future occupiers and accords with the principles of Policies KP5, H5 and W2.

8.5 Transport Impact

8.5.1 Policy T5 seeks 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.*

8.5.2 The proposal includes a car parking space to the front of the property and a rear garage which is accessible by a vehicle. Current adopted standards require no minimum parking provision for this development and detail that a maximum of 1 space per property is allowable. Given there is no minimum requirement for the proposed development and the maximum requirement does not appear to be exceeded then the proposal appears acceptable in this regard.

8.5.3 The application site is located within a sustainable location in close proximity to local facilities and public transport links and cycle parking spaces are proposed to encourage this sustainable mode of transport.

8.5.4 It is considered the proposal by virtue of its siting within a sustainable location is not reliant upon the private car as a mode of transport, therefore, would have minimal impact upon the road network and accords with the principles of Policy T5.

8.6 Additional Matters

8.6.1 Policy EN10 and EN14 seek to ensure development incorporates water sensitive design and protect development from the risks and consequences of flooding. Insufficient or conflicting detail in respect of drainage has been provided and the disposal of surface water to the mains sewer would not be the preferred method. Accordingly a condition requiring further detail in this regard is recommended.

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

- i. Land ownership is not a material matter in determining a planning application and the grant of permission conveys no right to build upon land which the developer has no legal right to. The Party Wall Act is relevant in respect of such matters and the Local planning Authority have no evidence to confirm that the appropriate application certificates have not been completed.
- ii. The proposed garage alterations appear to be within the boundary of the application site and parties would have no right to cross land not in their ownership to manoeuvre into the rear lane accessed garages.
- iii. There would be no policy basis for resisting such an application on school admissions basis. Nor would it be likely that the creation of one additional property would have an impact in this regard.

8.7 Other Considerations

8.7.1 *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.

8.7.2 *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

8.7.3 *Well-Being of Future Generations Act 2016* – In reaching this decision the Council has taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. It is considered that this decision is in accordance with the Act’s sustainable development principle, through its contribution towards the Welsh Ministers’ well-being objective of supporting safe, cohesive and resilient communities.

8.8 Conclusion

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

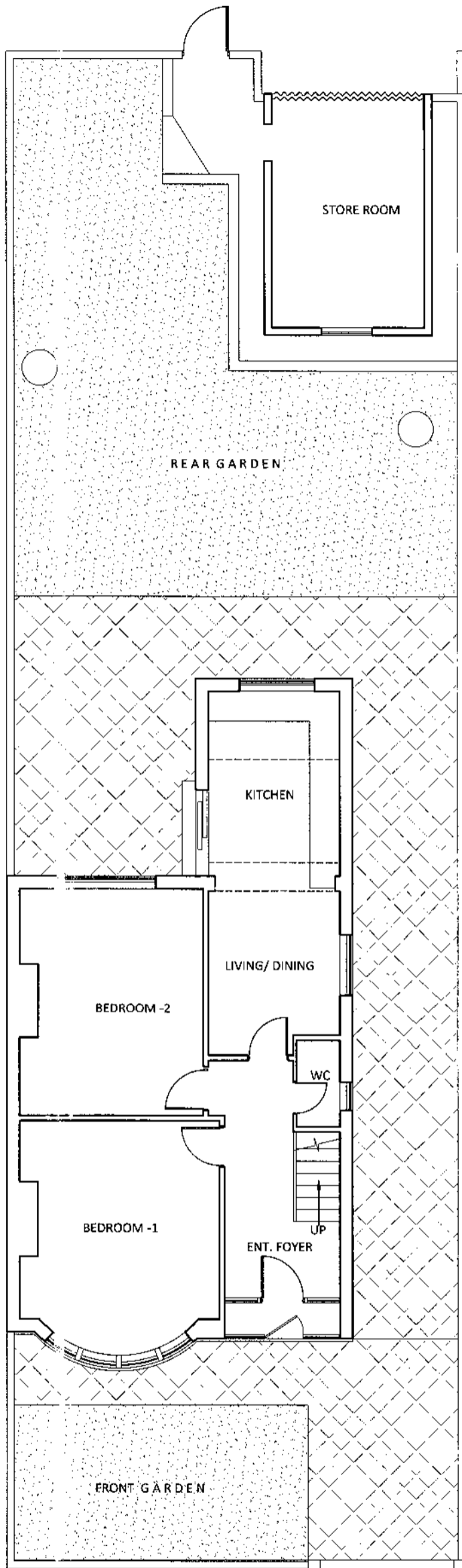


Site Plan 1:1250

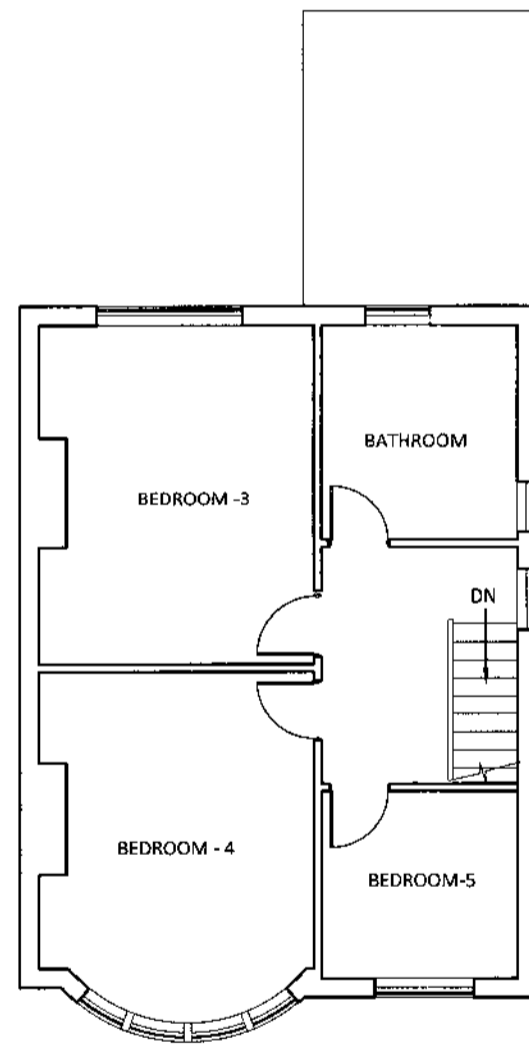
18/01627




LOCATION PLAN
10 WINDERMERE AVENUE
CAR BAY

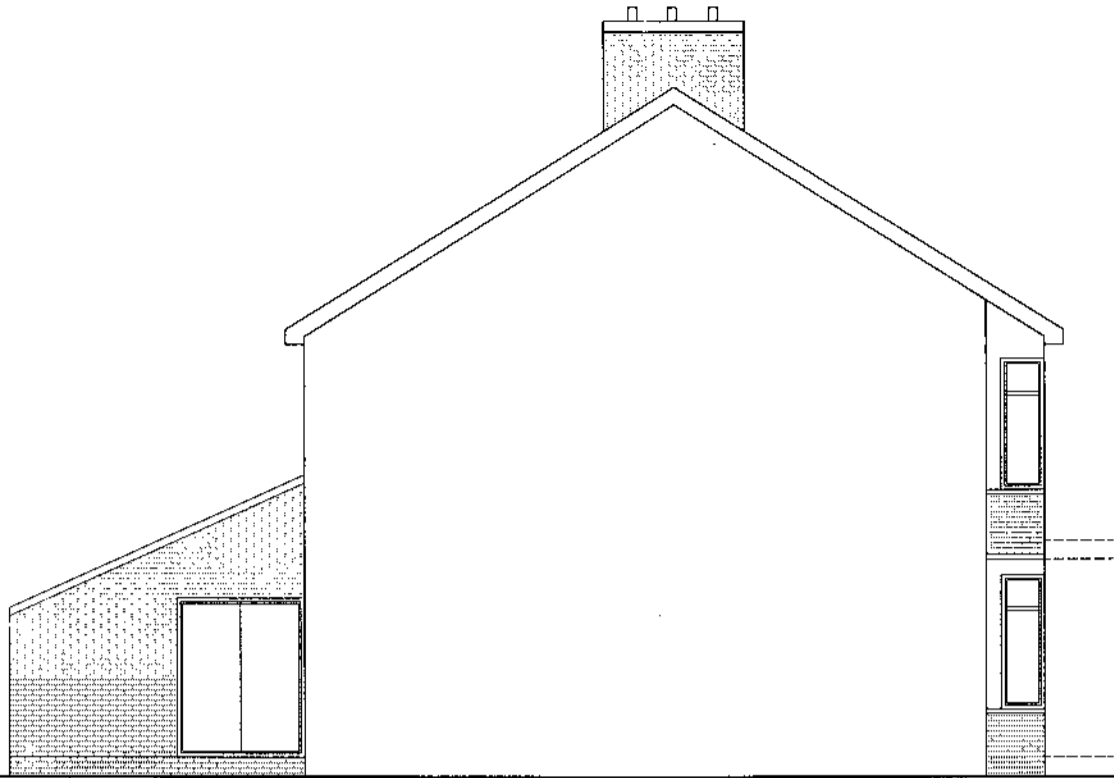


EXISTING SITE PLAN



EXISTING FIRST FLOOR PLAN

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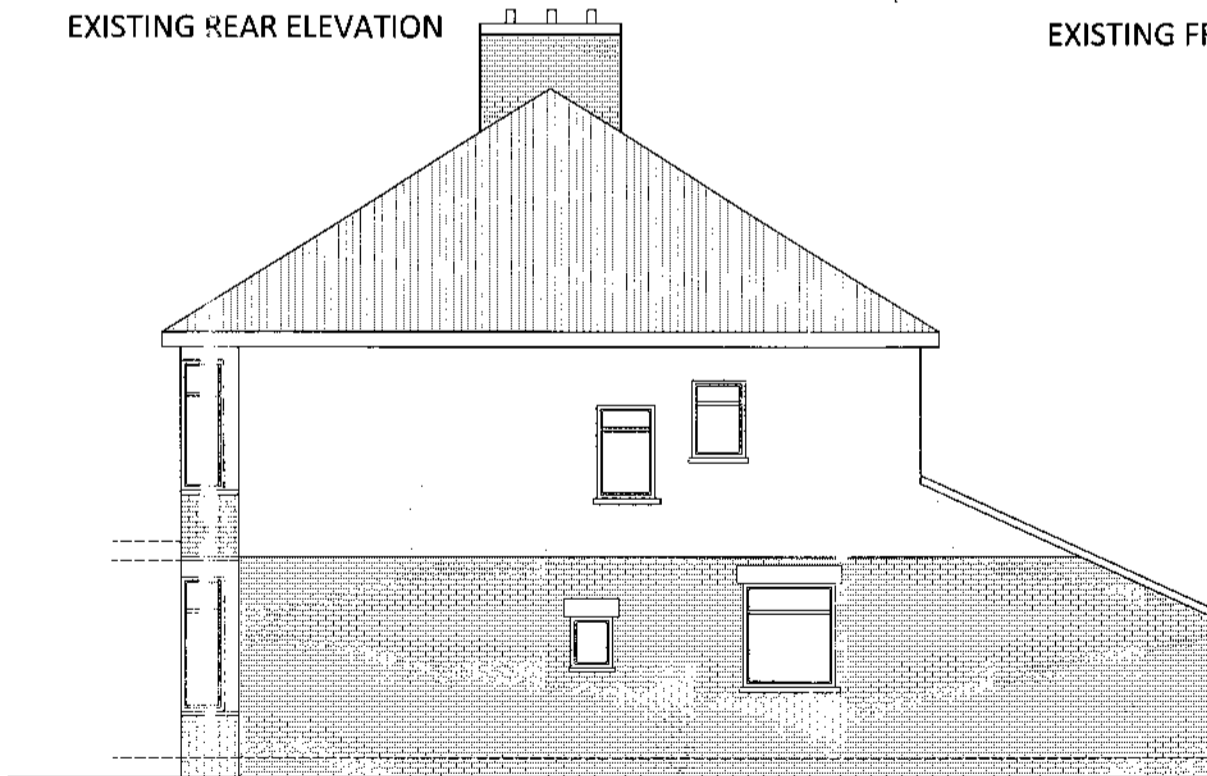


EXISTING SIDE ELEVATION A




EXISTING REAR ELEVATION

EXISTING FRONT ELEVATION

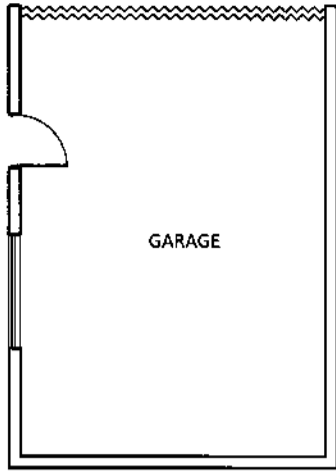


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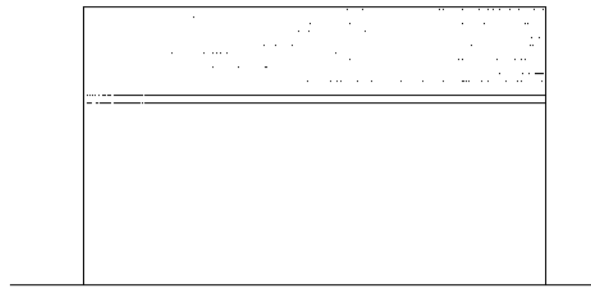
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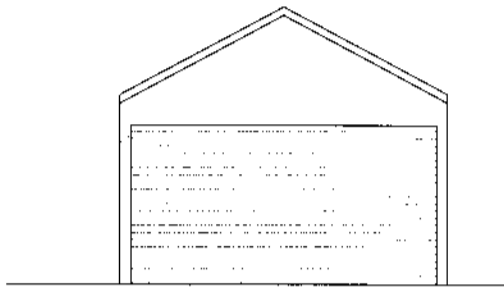
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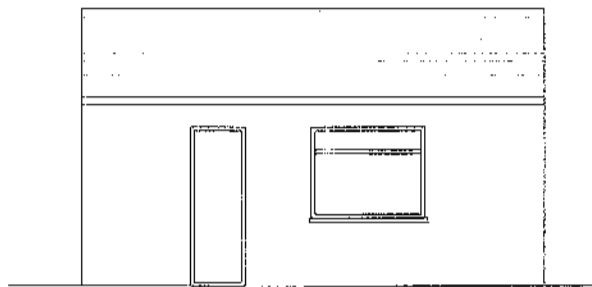
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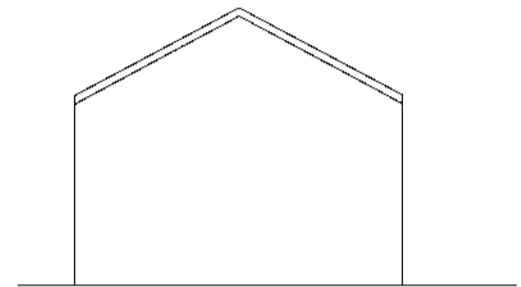
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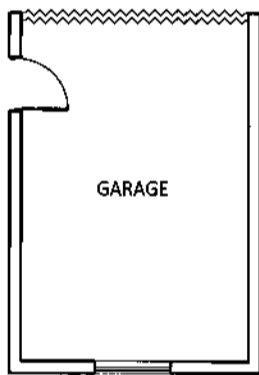
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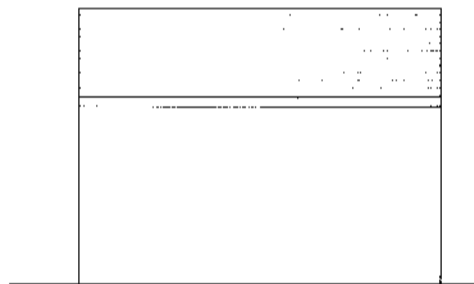
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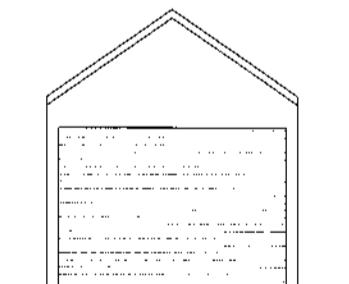
PROPOSED FRONT ELEVATION



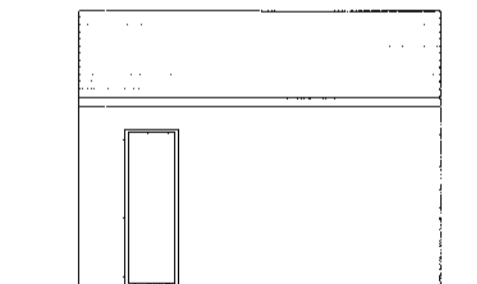
EXISTING GARAGE PLAN



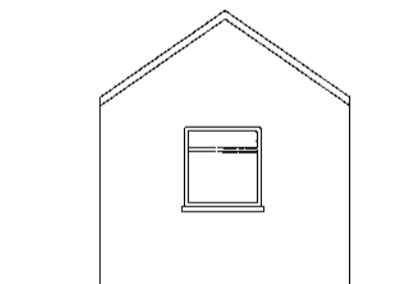
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EXISTING REAR ELEVATION



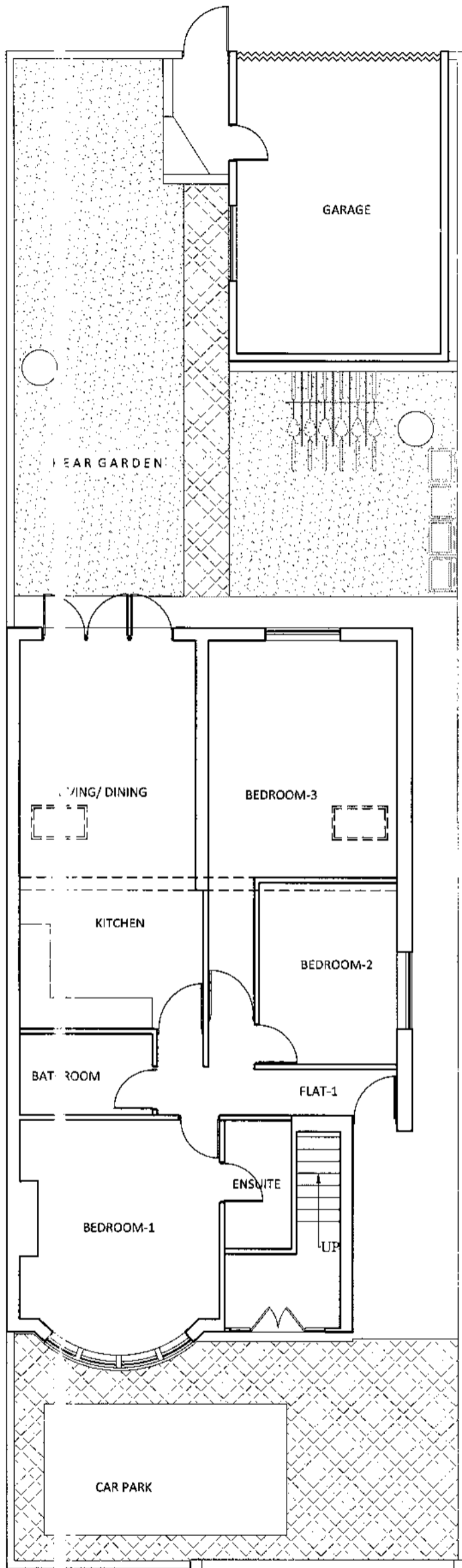
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EXISTING FRONT ELEVATION

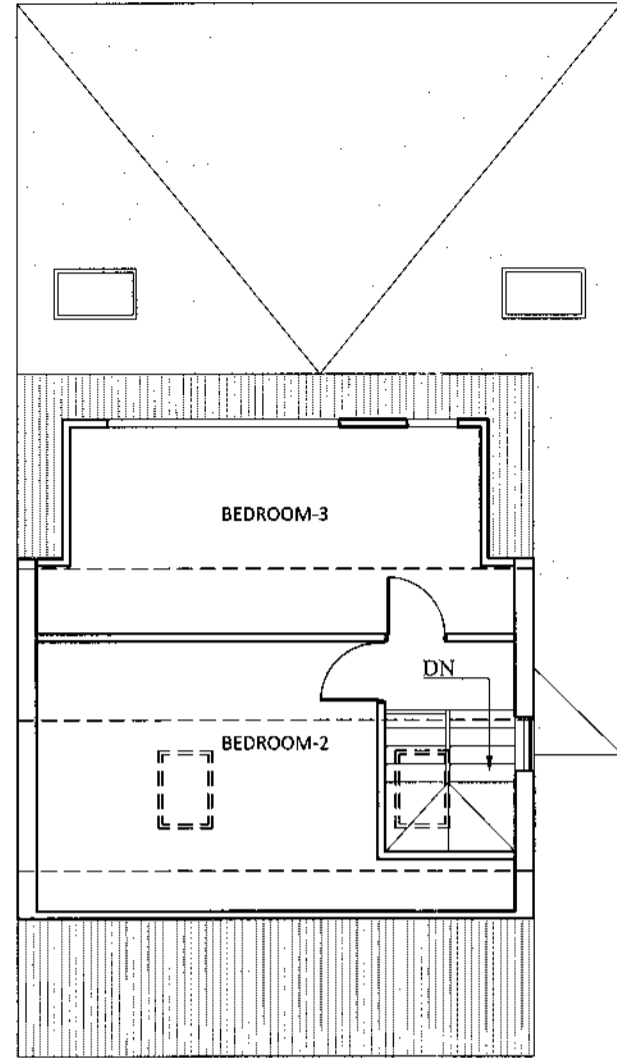
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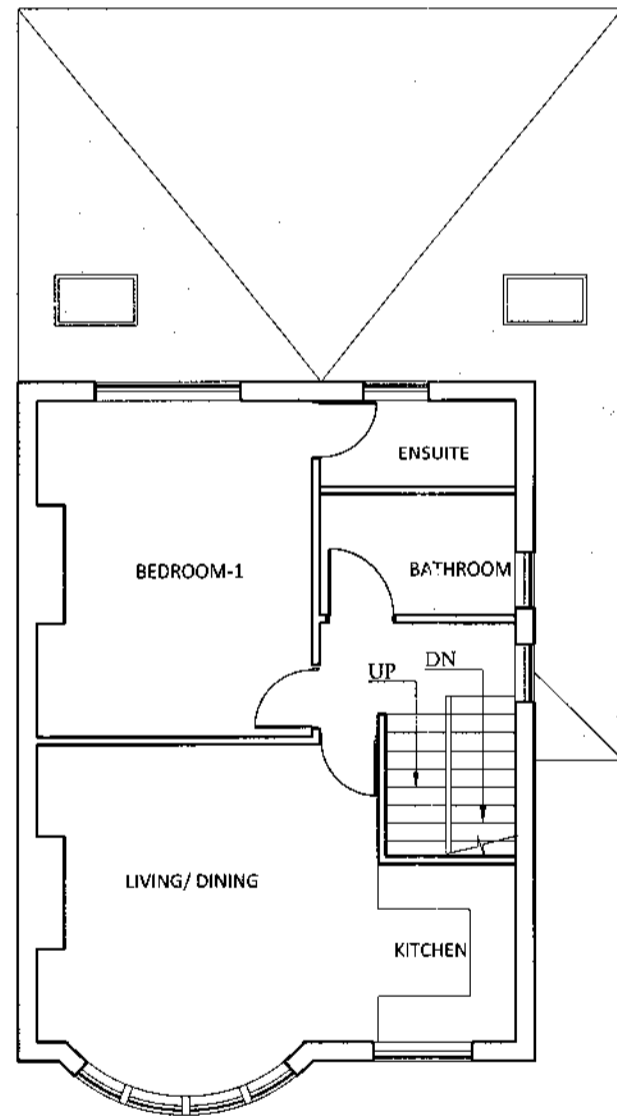


PROPOSED SITE PLAN

EXISTING -5 BED HOUSE
 PROPOSED-2 THREE BED SELF CONTAINED FLATS




PROPOSED LOFT PLAN



PROPOSED FIRST FLOOR PLAN

187 17

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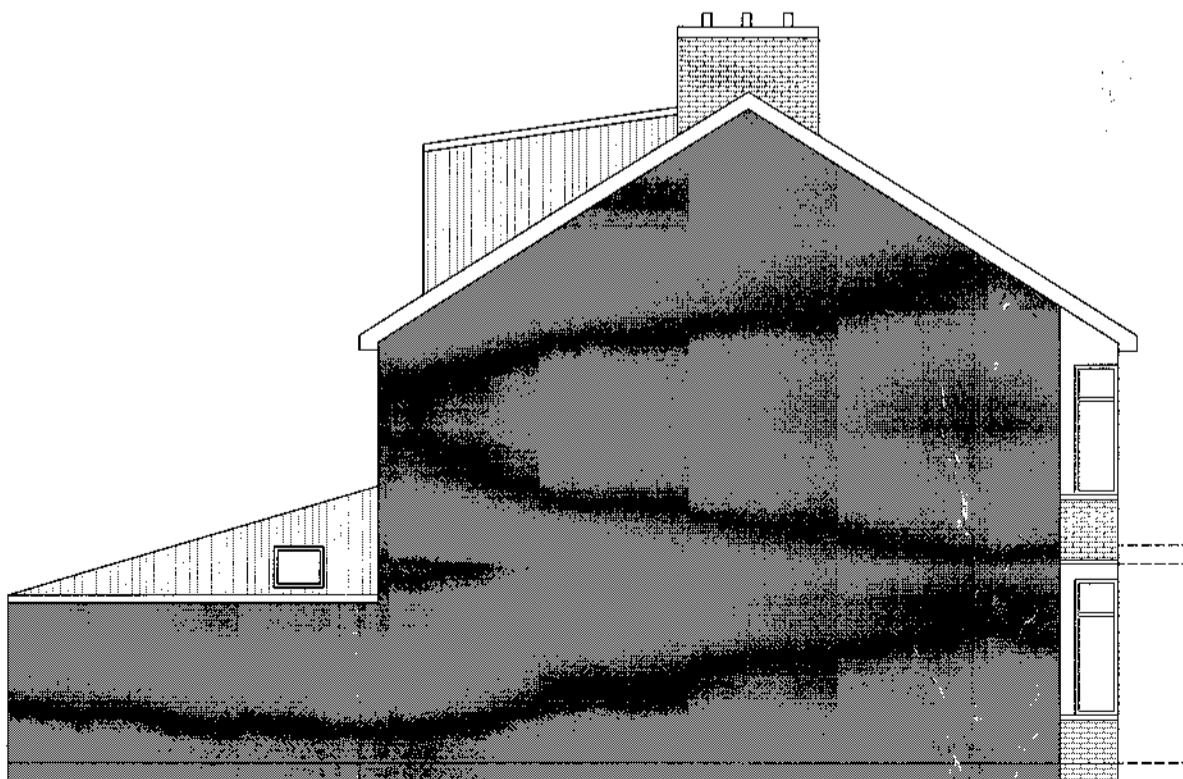
PROPOSED SIDE ELEVATION B




PROPOSED REAR ELEVATION



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION A

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