

PETITION & AM OBJECTION

COMMITTEE DATE: 20/03/2019

APPLICATION No. **18/02699/DCH** APPLICATION DATE: 22/11/2018

ED: **LLANDAFF NORTH**

APP: TYPE: Householder Planning Permission

APPLICANT: Mr Powell

LOCATION: SYCAMORE LODGE, GABALFA ROAD, LLANDAFF NORTH, CARDIFF, CF14 2JJ

PROPOSAL: RETENTION OF TWO STOREY EXTENSION AS BUILT

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

1. The extension, by virtue of its scale and siting is considered to have an unduly overbearing and dominating effect on the occupiers of 8 – 12 Copleston Road, contrary to Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks planning permission to retain a two storey extension that is in the process of being constructed to the side of an existing detached residential dwelling known as Sycamore Lodge. Works have been put on hold pending the outcome of this planning application.
- 1.2 The extension will provide an extended living room/kitchen and utility room on the ground floor and two bedrooms and a bathroom on the first floor.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a two storey detached building located within the Llandaff North Ward of Cardiff. Access is via a lane between 39 and 41 Gabalfa Road, Llandaff North, Cardiff.

3. **SITE HISTORY**

17/2612DCH - Two storey extension. Approved 18th December 2017

18/928DCH – Discharge of Condition 4 of Application 17/2612DCH. Condition discharged 23rd May 2018

4. **POLICY FRAMEWORK**

- 4.1 The site lies within a residential area as defined by the proposals map of the Cardiff Local Development Plan 2016.

4.2 Relevant National Planning Guidance:

Planning Policy Wales (Edition 10, 2018)
Planning Policy Wales TAN 12: Design
Planning Policy Wales TAN 21: Waste

4.3 Relevant Cardiff Local Development Plan Policies:

Policy KP5 : Good Quality and Sustainable Design
Policy W2 : Provision for Waste Management Facilities in Development

4.5 Relevant Supplementary Planning Guidance:

Waste Collection and Storage Facilities (2016)
Residential Extensions & Alterations (June 2015)

5. **REPRESENTATIONS**

5.1 Neighbours have been notified and 8 objections have been received from neighbouring occupiers and residents living in Copleston Road and Gabalfa Road. A petition of 52 signatures has also been submitted in respect of the application. A summary of the objections are as follows:

1. Loss of privacy as a result of windows in the extension;
2. Overbearing effect of the extension upon the rear gardens of residents in Copleston Road;
3. Overdevelopment of the site
4. Loss of sunlight and overshadowing;
5. The extension is not subservient to the main dwelling

5.2. Julie Morgan AM has written to support the local residents objection to the application and trusts that the application will be presented to Planning Committee for consideration.

6. **ANALYSIS**

6.1 This application has been submitted as a result of an enforcement investigation. Complaints were made in respect of an extension being undertaken to the property. Whilst planning permission had been granted for the erection of a two storey extension to the property upon examination of the development taking place it was found that the extension was not being built in accordance with the approved plans as the footprint was slightly larger than approved and that the siting of the extension was closer to the rear boundary of the site. As a consequence of the deviations the owner was advised that the matter could not be dealt with as an amendment to the original planning permission and that a new planning application would be required. This application has therefore been submitted in an attempt to regularise the matter and seeks to retain the extension as built.

6.2 To provide background to this application it should be noted that in August 2017 a Pre Application Enquiry was submitted to the Council seeking its views on the erection of a two storey extension to the side of the existing dwelling. Following consideration of the scheme the applicant was advised, amongst other issues, that any such submission should consider the introduction of a hipped roof design along the

boundary with Copleston Road and that it would need to be set off the boundary with 10 and 12 Copleston Road by a minimum of 2.5m. It should also be noted that Pre Application advice is provided without prejudice to the consideration of a formal planning application and is not legally binding on the Council.

- 6.3 On 31st October 2017 (and following the advice provided) a planning application was submitted which sought planning permission for a two storey extension. The submitted plans showed a two storey extension to the side of the original dwelling measuring approximately 5.6m at first floor level on the boundary with 10 and 12 Copleston Road approximately 9.m long. It contained a hipped roof design and was sited 2.5m off the boundary with 10 and 12 Copleston Road. Planning permission was subsequently granted on 18th December 2017, subject to conditions.
- 6.4 When it became apparent that the extension was not proceeding in accordance with the approved plans all works on site ceased and this planning application was submitted in an attempt to regularise the current breach of planning control and retain the extension as built.
- 6.5 The key issues are the effect of the extension as built upon the character and appearance of the area and on the living conditions of neighbours. The main differences between the extension approved under planning application 17/2612DCH and the extension as built relate to the siting of the extension. The extension as built is 150mm narrower, 200mm longer and sited 1.75m off the rear boundary with the properties on Copleston Road.
- 6.6 In respect of the erection of an extension to the property Policy KP5 of the adopted LDP is considered relevant. Further guidance can also be found in the adopted Cardiff Residential Extensions & Alterations Supplementary Planning Guidance.
- 6.7 Policy KP5 of the LDP advises that to help support the development of Cardiff as a world-class European Capital City, 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. This is a prescriptive policy whereby as long as relevant criteria is met there is unlikely to be any objection to such proposals. In this respect the following criteria is considered relevant:
- x) Ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;*
- 6.8 The approved Supplementary Planning Guidance on Residential Extensions and Alterations further expands on this Policy and aims to provide a rationale for how the Council will assess applications for extensions and alterations to residential properties. Of relevance to the planning application the subject of this planning application would be Paragraphs 7.25 to 7.40.
- 6.9 Paragraph 7.25 of the SPG advises that *“Extensions should not result in adverse loss of privacy to your neighbours. Windows in an extension must therefore be positioned carefully. First floor side windows, which look directly across to your neighbour’s property or garden, should generally be avoided or be obscurely glazed and non-opening. If this is the only window in the room it should only sensibly serve a landing or bathroom.”* The concerns with respect to loss of privacy are noted however the only window which directly overlooks adjoining rear gardens is the rooflight in the rear elevation of the extension. As

this is a high level window with a cill height over 1.7m above internal floor level it is not considered that this window would cause any loss of privacy to adjoining neighbours.

- 6.10 Paragraphs 7.26 and 7.27 advise that “*Extensions should not be overbearing to your neighbours or result in an unacceptable loss of daylight or sunlight to neighbouring properties.*” and “*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. Two storey extensions if appropriate should be subservient to the main dwelling and be limited in depth, width and height so as to avoid an overbearing appearance, significant overshadowing and loss of privacy.*” In respect of loss of sunlight and daylight this is covered in paragraphs 6.11 – 6.13 of this report. With respect to the extension having an overbearing effect on the neighbouring properties in Copleston Road it should be noted that the design of the extension is almost identical to that which had received planning permission and is therefore considered to be subservient to the main host dwelling. However due to the siting of the extension being only 1.75m off the rear boundary with 8-12 Copleston Road it is felt that the extension now has an unduly overbearing and dominating effect on the occupiers of these properties.
- 6.11 Paragraphs 7.28 - 7.40 take into consideration the 25 and 45 degree rules. These relate to the assessment of sunlight and daylight based on the BRE guidance in Site Planning for Daylight and Sunlight - a guide to good practice. The SPG advises that developments which do not meet these standards will be resisted without further justification or other reasonable measures being in place to provide adequate light. The standards apply equally to impacts on both new and existing buildings, and should be assessed accordingly. The standards will not apply to affects resulting from the height of minor gables. Where the standards are not being met, ways to improve the situation to the required standard will be sought.
- 6.12 In respect of the 25 degree rule this relates to windows facing other buildings or relevant structures. A significant building or structure will be obstructing reasonable light to a relevant window if it breaks a line projecting up from the centre of the relevant window 25 degrees from the horizontal. If obstruction occurs, applicants will be required to provide proof that windows will not be adversely affected by this structure by quantifying the daylight using the Skylight Indicator or Waldram assessments set out in the BRE publication. The measure of daylight reaching a window should not fall below 27%. Software applications exist to help with such an assessment. Having undertaken an assessment of the extension as built the 25 degree rule is not breached.
- 6.13 With respect to the 45 degree rule this second assessment relates to any extensions from an existing building line, and windows affected by this extension. As Sycamore Lodge is a detached stand-alone development then this rule is not applicable in this instance.

7. **CONCLUSION**

- 7.1 In summary the main differences between the development approved under planning application reference number 17/02612DCH and the extension the subject of this planning application relate to the siting of the extension and the subsequent impact it has upon the occupiers of 8 to 12 Copleston Road. Whilst it is noted that the extension is only approximately 0.8m closer to the common boundary shared with the neighbouring properties, in light of the previous pre-application advice given and policy/guidance contained within both the Cardiff Local Development Plan and the Cardiff Residential Extensions and Alterations Supplementary Planning Guidance it is considered that the extension, as built, has an unduly overbearing and dominating effect upon the occupiers of the properties situated to the rear in Copleston Road. As a consequence the Council is unable to support the current application.

8. **OTHER CONSIDERATIONS**

- 8.1 Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes 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.
- 8.2 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.
- 8.3 Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

9. **RECOMMENDATION**

- 9.1 Having taken all of the relevant factors into consideration it is concluded that in this particular instance there are sufficient grounds to refuse this application. It is therefore recommended that planning permission be refused.

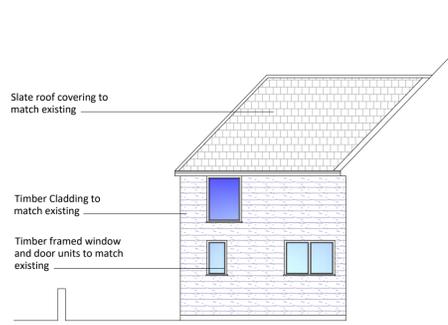


- existing house —
- existing out building (demolished) —
- approved two storey extension - - -
- as built extension —
- as built out building —

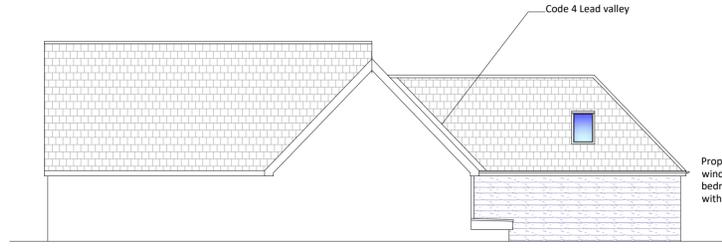
BLOCK PLAN
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Proposed Two Storey Extension
at
Sycamore Lodge
Gabalfa Road.
Llandaff North
CF14 2JJ

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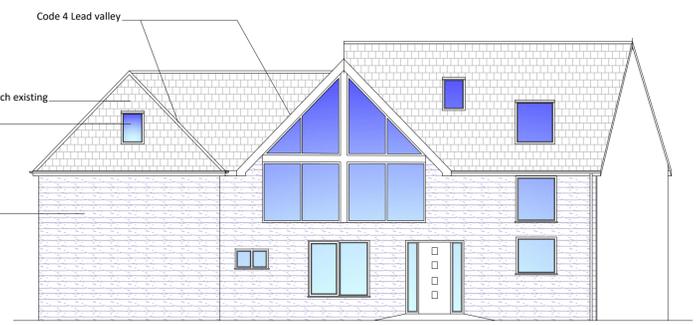
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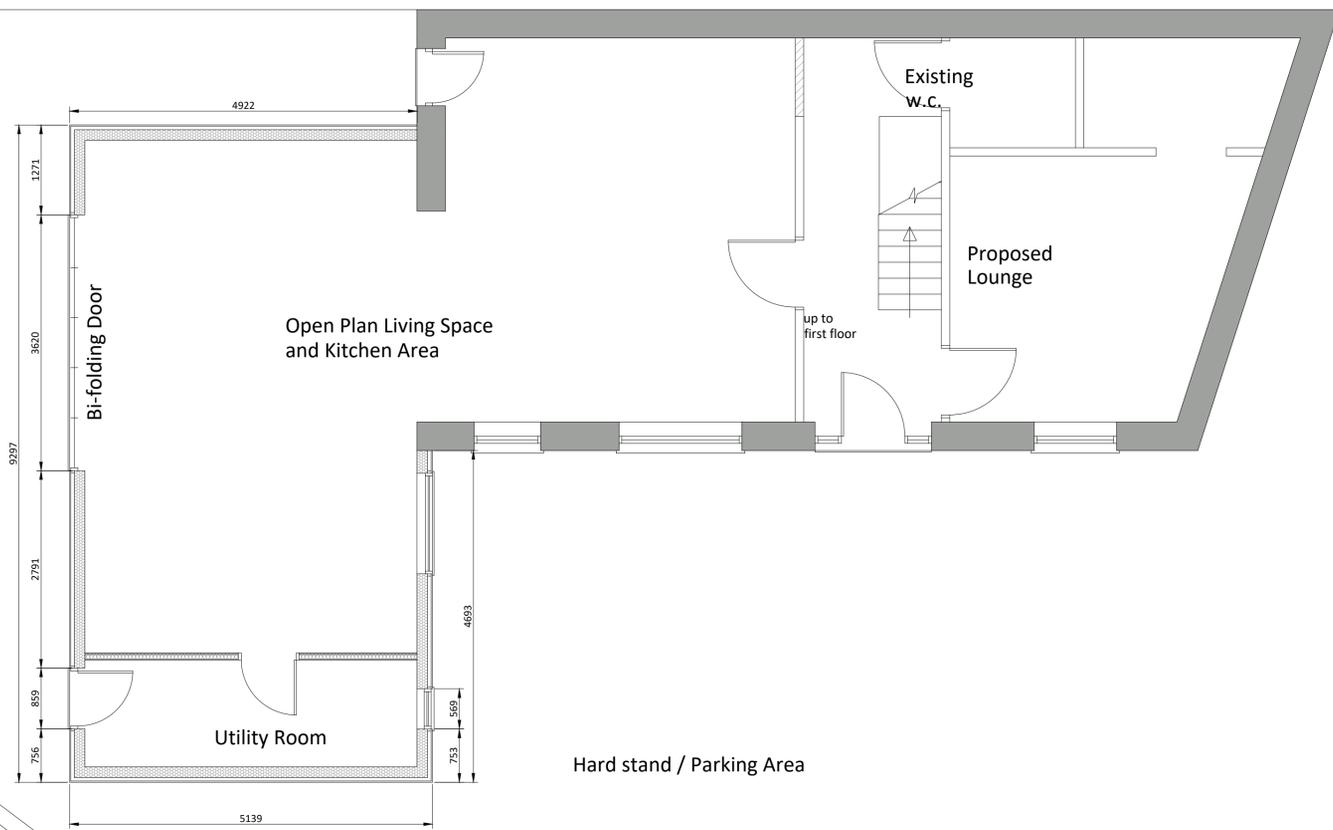
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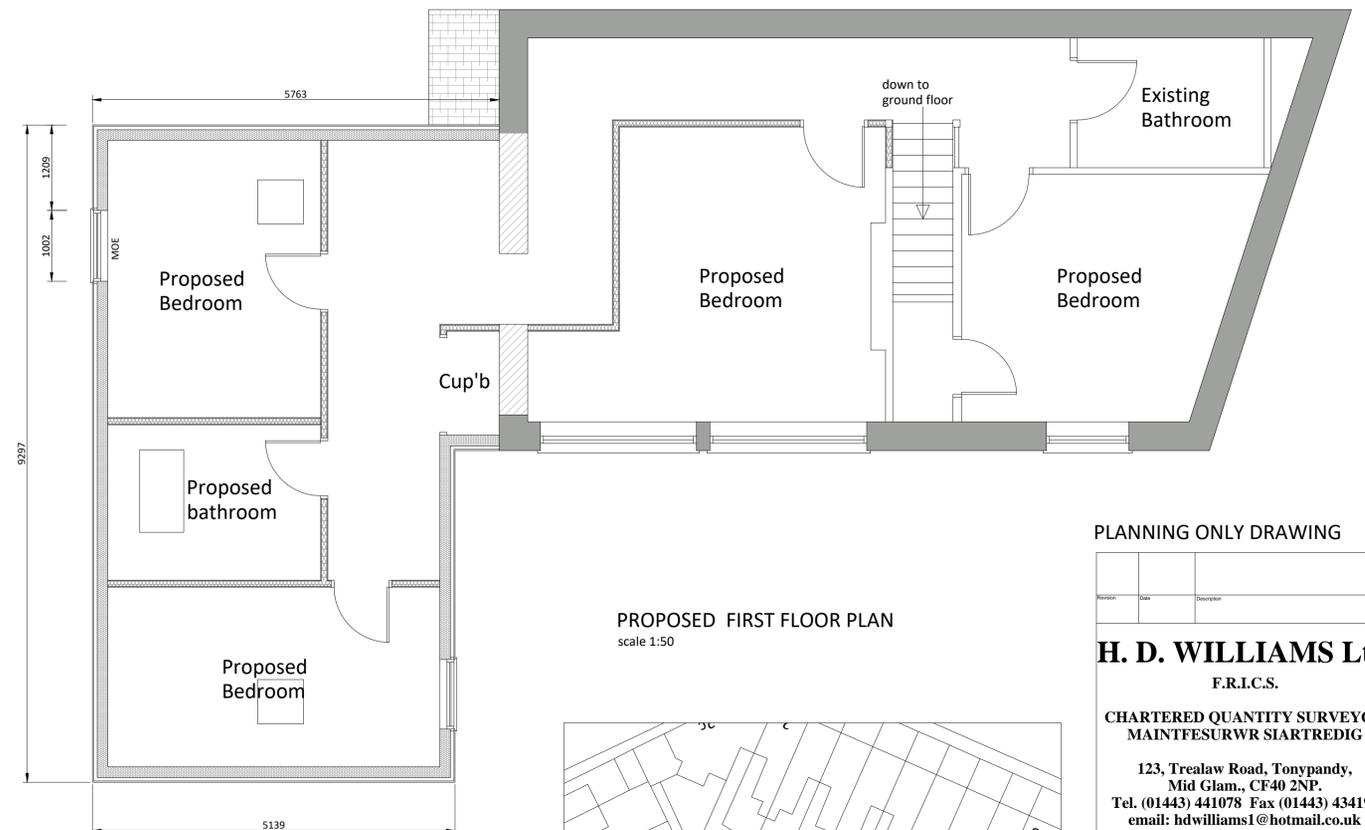
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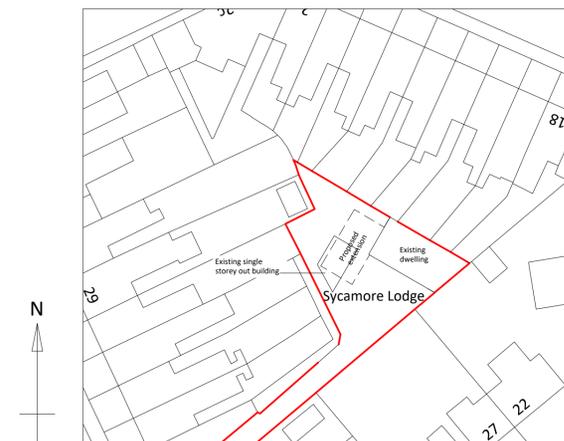
PROPOSED FRONT ELEVATION
scale 1:100



PROPOSED GROUND FLOOR PLAN
scale 1:50



PROPOSED FIRST FLOOR PLAN
scale 1:50



BLOCK PLAN
scale 1:500

PLANNING ONLY DRAWING

Version	Date	Description

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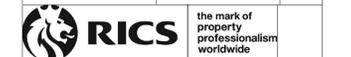
Client: Lee Powell
Sycamore Lodge
Gabalfa Road
Llandaff North
CF14 2JJ

Project: Proposed Two Storey Extension
at
Sycamore Lodge
Gabalfa Road,
Llandaff North
CF14 2JJ

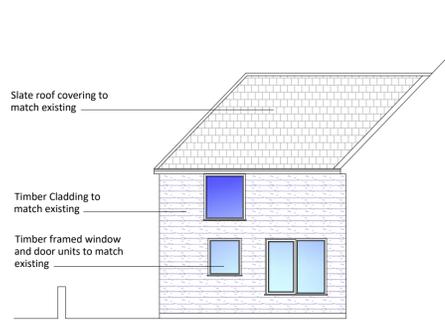
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Date: November, 2018 Scale: as noted

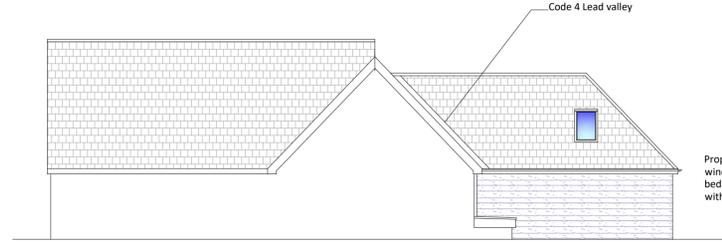
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PROPOSED SIDE ELEVATION
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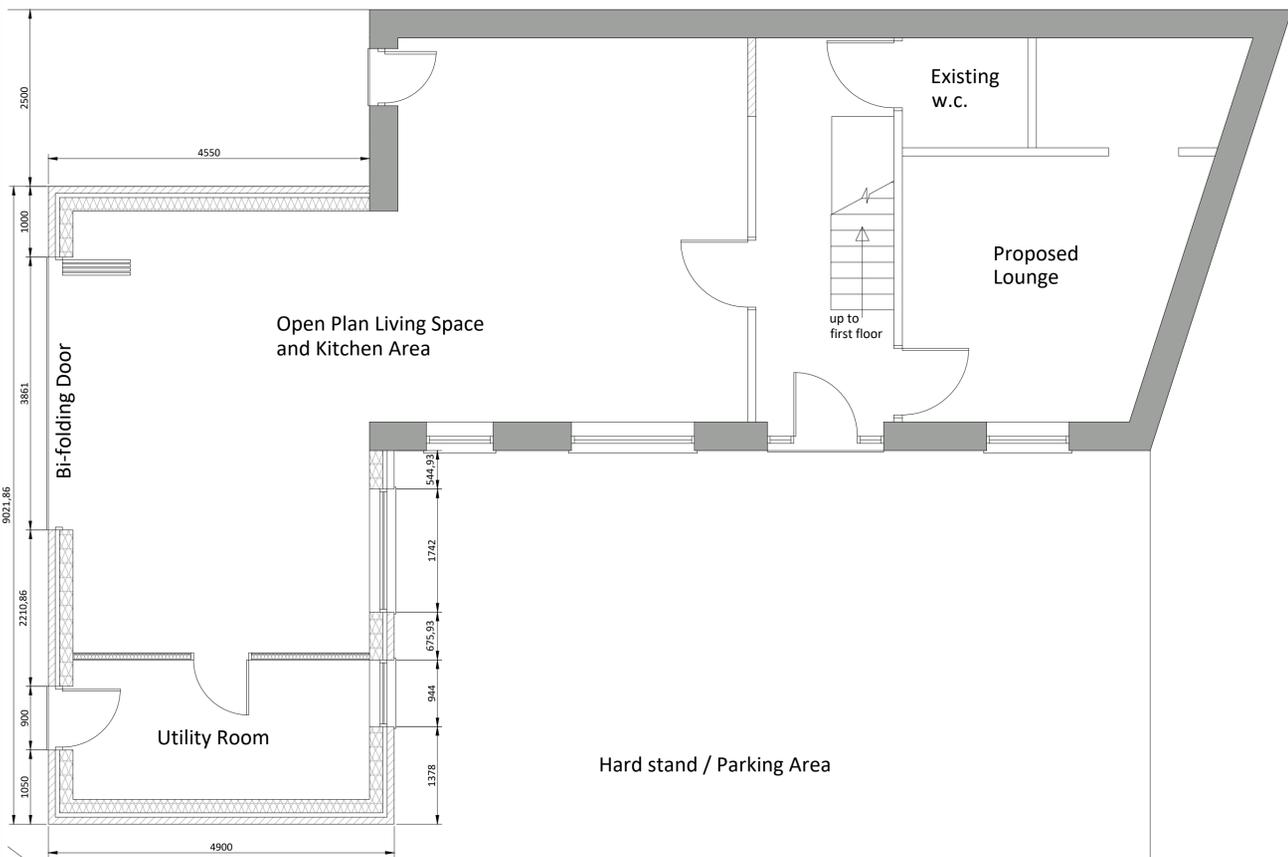
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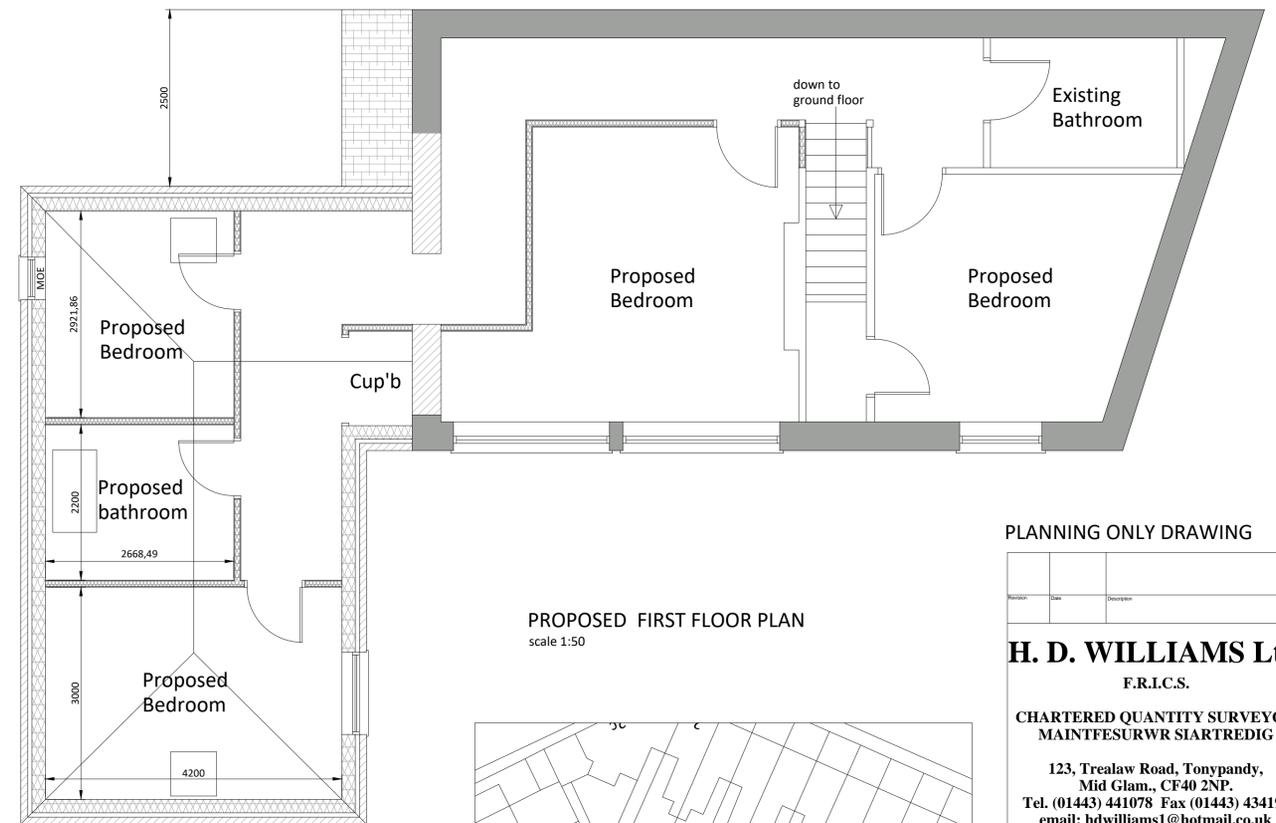
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PROPOSED FRONT ELEVATION
scale 1:100



PROPOSED GROUND FLOOR PLAN
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PROPOSED FIRST FLOOR PLAN
scale 1:50



BLOCK PLAN
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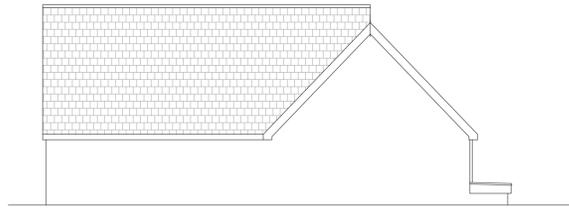
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Client	Lee Powell Sycamore Lodge Gabalfa Road Llandaff North CF14 2JJ	
Project	Proposed Two Storey Extension at Sycamore Lodge Gabalfa Road, Llandaff North CF14 2JJ	
Title	Previously Approved Plan under 17/02612/DCH	
Date	July, 2017	Scale as noted
Drawing Number	hdw/ph/ip.002	Job Ref. Revision
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EXISTING SIDE ELEVATION
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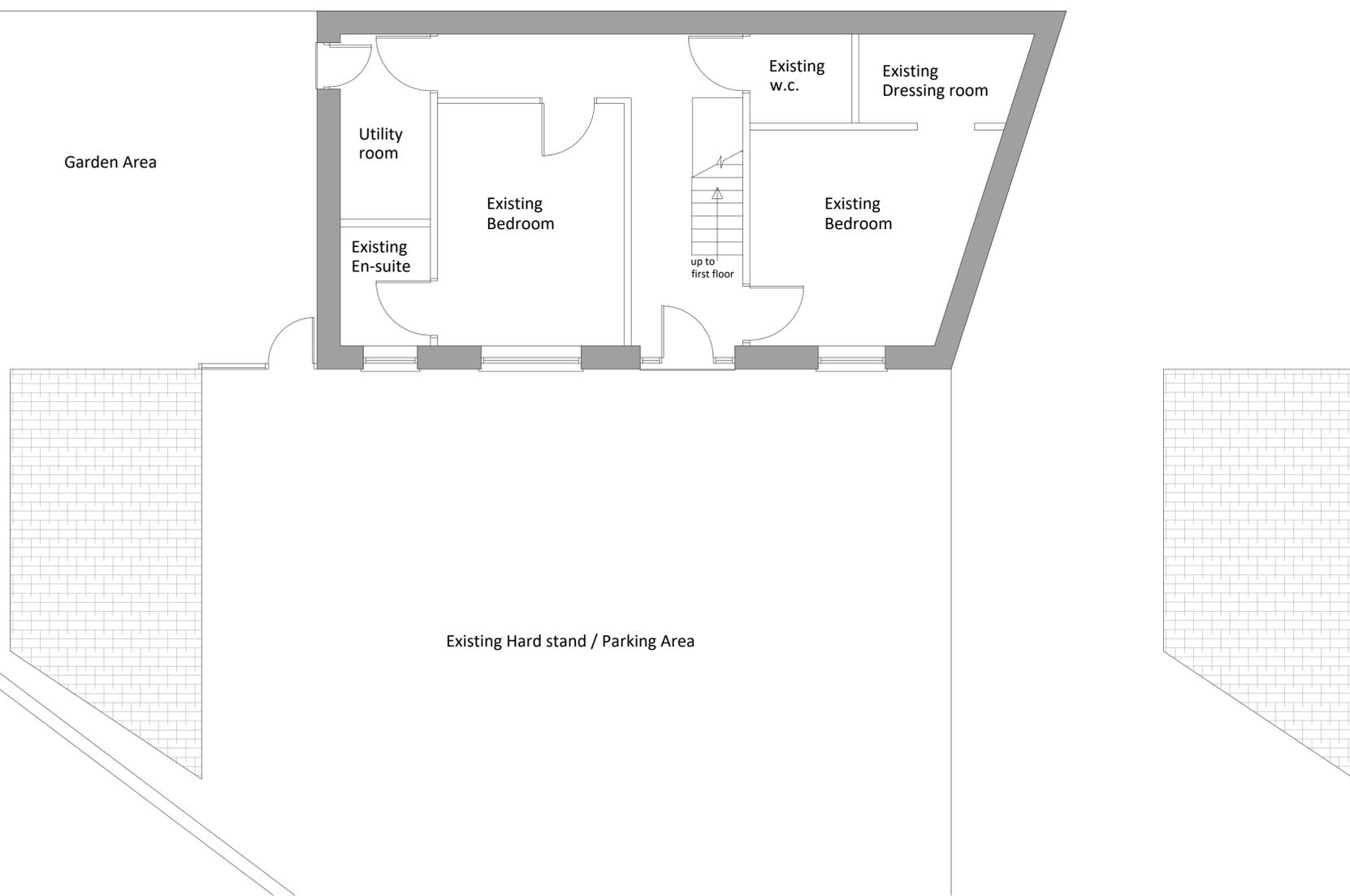
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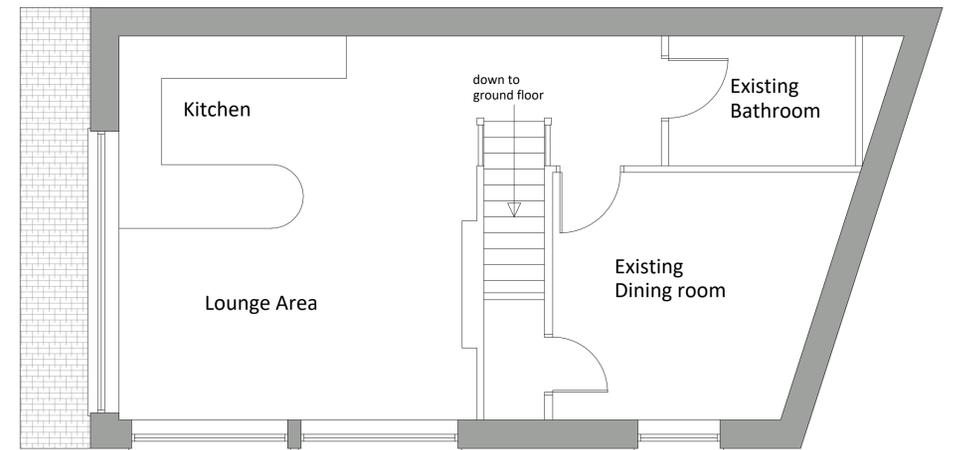
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EXISTING FRONT ELEVATION
scale 1:100



EXISTING GROUND FLOOR PLAN
scale 1:50



EXISTING FIRST FLOOR PLAN
scale 1:50



LOCATION PLAN
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Revision	Date	Description
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<p>Client Lee Powell Sycamore Lodge Gabalfa Road Llandaff North CF14 2JJ</p>		
<p>Project Proposed Two Storey Extension at Sycamore Lodge Gabalfa Road, Llandaff North CF14 2JJ</p>		
<p>Title PRE-PLANNING PERMISSION</p>		
Date	July, 2017	Scale as noted
Drawing Number	hdw/ph/lp.001	Job Ref.
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