

LOCAL MEMBER & AM OBJECTION

COMMITTEE DATE: 20/03/2019

APPLICATION No. 18/02921/DCH APPLICATION DATE: 12/12/2018

ED: PENYLAN

APP: TYPE: Householder Planning Permission

APPLICANT: Mr GREENWELL

LOCATION: HALEWELL HOUSE, MELROSE AVENUE, PENYLAN,
CARDIFF, CF23 9BA

PROPOSAL: PROPOSED SIDE EXTENSION WITH REAR DORMER

RECOMMENDATION : 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:

- x DRAWING NUMBER P310d L_002 REVISION A
- x DRAWING NUMBER P310d L_200 REVISION A
- x DRAWING NUMBER P310d L_201 REVISION A
- x DRAWING NUMBER P310d _L205 REVISION A
- x DRAWING NUMBER P310d _L205 REVISION A
- x DRAWING NUMBER P310d _L210 REVISION A
- x DRAWING NUMBER P310d _L220 REVISION A
- x DRAWING NUMBER P310d _L221 REVISION A

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

3. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall accord with those specified in DRAWING NUMBER P310d L_210 REVISION A.

Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

4. The proposed first floor balcony shall be a 'Juliet' balcony only, which shall not allow external access out of the doors of the extension hereby approved.

Reason: To ensure that the privacy and amenities of the neighbouring occupiers are protected in accordance with Policy KP5 of the Cardiff

Local Development Plan 2006-2026.

5. The windows shown in the south eastern elevation of the extension facing No 1 The Tudors shall be glazed with obscure glass and non-opening below a height of 1.7 metres above internal floor level and thereafter be so maintained.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the construction of a two storey side and rear extension and a rear dormer roof extension at Halewell House.
- 1.2 Amended plans have been received which show the flat roof rear element of the extension reduced in length.
- 1.3 Members should note that there have been a number of applications for development at the site.
- 1.4 Planning permission for a two storey side and rear extension similar in design to the one proposed was granted in February 2018. The proposed extension incorporated a part pitched roof, part flat roof design and measured approximately 5m wide, 11m maximum length (the flat roof rear section measured 6.5m long which included a balcony area), and 8.2m maximum height. Overall it was considered the scale and design of the extension was appropriate in this location and provided a subservient addition to the existing building and was in keeping with the character of the original house and the character and appearance of the area.
- 1.5 A further planning application for two storey and three storey extensions was submitted in August 2018. The application included a new three storey element on the rear of the property and a longer (7m instead of 5.5m) two storey flat roof rear element. The application was refused for the following reason:
- x The proposed extensions by virtue of their scale and design would represent over dominant additions to the host dwelling that would detract from the original character of the existing building contrary to Policy KP5 of the Cardiff Local Development Plan 2006-2026 and the guidance set out in the Residential Extensions and Alterations SPG (2017).
- 1.6 The latest application proposes to remove the three storey rear element that formed part of the refused application and replace it with a rear dormer roof extension. The length of the flat roof rear section of the extension has also been reduced from 8m in length to 7 metres in length.
- 1.7 The part pitched roof, part flat roof extension will measure approximately 2m wide and the front and 5m wide at the rear and will abut the south eastern boundary of the site with No 1 The Tudors. The total length of the structure will

measure 12m and its maximum height 8.2m.

- 1.8 The provision of a flat roof dormer extension is included as part of the new application. The flat roof dormer will be sited on the rear roof elevation of the building and will measure approximately 5.8m wide, 2m high and will project from the roof slope by 1.8m. The plans confirm that the dormer will be finished in Anthracite Trespa Meteon coloured cladding panels.

2. DESCRIPTION OF THE PROPOSED SITE

- 2.1 The application site is a split level dwelling house located at the junction of Penylan Road and Melrose Avenue. To the South of the site is a rear access lane which forms the edge of the Roath Park Conservation Area. The site is bounded by the curtilage of the dwelling at No 1 The Tudors to the South East.

3. PLANNING HISTORY

Application No : 09/00492/E
Proposal : IMPORTATION OF MATERIALS TO RAISE LEVEL OF SITE & DEVELOPMENT OF THREE BEDROOM HOUSE.
Application Type: FUL
Decision : PER
Decision Date : 12/08/2009

Application No : 11/01930/DCO
Proposal : NEW BUILD FIVE BEDROOM DETACHED DWELLING
Application Type: FUL
Decision : PER
Decision Date : 08/02/2012

Application No : 07/02351/E
Proposal : IMPORTATION OF MATERIALS TO RAISE LEVEL OF SITE AND DEVELOPMENT OF TWO APARTMENTS
Application Type: FUL
Decision : PER
Decision Date : 29/11/2007

Application No : 12/02014/DCO
Proposal : NEW BUILD FOUR BEDROOM DETACHED DWELLING
Application Type: FUL
Decision : PER
Decision Date : 28/02/2013

Application No : 13/01692/DCO
Proposal : DISCHARGE OF CONDITIONS 5 (DRAINAGE), 6 (GAS MONITORING) AND 7 (CONTAMINATED LAND) OF PLANNING PERMISSION 12/02014/DCO: NEW BUILD FOUR BEDROOM DETACHED DWELLING
Application Type: DOC

Decision : FDC
Decision Date : 10/06/2015

Application No : 14/00225/DCO
Proposal : DISCHARGE OF CONDITION 3 (MATERIAL SAMPLES)
OF 12/02014/DCO

Application Type: DOC
Decision : FDC
Decision Date : 30/01/2014

Application No : 15/01828/MNR
Proposal : DISCHARGE OF CONDITIONS 10 (ENCLOSURE), 11
(BRIDGE PARAPET REFURBISHMENT) AND 12
(LANDSCAPING) OF PLANNING APPLICATION
12/02014/DCO

Application Type: DOC
Decision : FDC
Decision Date : 15/10/2015

Application No : 17/02943/DCH
Proposal : PROPOSED SIDE EXTENSION
Application Type: HSE
Decision : PER
Decision Date : 16/02/2018

4. POLICY FRAMEWORK

National Planning Policy

- x Planning Policy Wales (10th Ed) 2018
- x Technical Advice Note 12: Design
- x Development Management Manual

Cardiff Local Development Plan 2006- 2026 (2016)

- x Policy KP5 (Good Quality and Sustainable Design)
- x Policy T5 (Managing Transport Impacts)

Supplementary Planning Guidance

- x Managing Transportation Impacts (Incorporating Parking Standards)
SPG 2018
- x Residential Extensions and Alterations (2017)

5. INTERNAL CONSULTEE RESPONSES

5.1 None

6. EXTERNAL CONSULTEE RESPONSES

6.1 None

7. REPRESENTATIONS

7.1 Neighbours have been notified of the original and amended schemes and the application was also advertised by way of a site notice. A number of representations, objecting to the proposal have been received. The objections are summarised below:

- x The finished building will be converted into flats in the future.
- x Neighbours will suffer overlooking and loss of privacy.
- x The proposal will add to parking congestion and traffic problems.
- x The proposal represents an overdevelopment of the site.
- x The proposal will block neighbours views over the city.
- x The proposal will be out of keeping with the character of the area and especially Melrose Avenue and The Tudors.
- x Disruption caused during construction.
- x Land ownership issues.
- x The proposal would have an adverse effect upon property values.

7.2 Jenny Rathbone AM has objected to the proposal on the following grounds:

- x The proposal represents an overdevelopment of the site.
- x The extension will be overbearing on neighbours and result in overlooking of neighbours property and will impact on their privacy.

7.3 A letter of objection has been received from Ward Councillors Joe Boyle and Rodney Berman. The Councillors objections can be summarised as follows:

- x The extension will be overbearing and detrimental to the neighbour's amenity.
- x The proposed extension would encroach too much on the neighbouring boundary and fails to allow sufficient space for future maintenance.

8. ANALYSIS

Policy Considerations

8.1 Policy KP5 of the Cardiff Local Development Plans 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:

- i. Responding to the local character and context of the built landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural environment are all addressed and;
- x. ensuring no undue effect on the amenity of the neighbouring occupiers.

Design Considerations

8.2 With regard to the impact of the proposal on the character and appearance of

the area, whilst the flat roof rear element of the extension is of a contemporary design its form and the appearance of the finishing materials shown in the plans is considered to complement the modern appearance of the existing building and the extension would not be harmful to the visual amenities of the area. Consideration has also been given to the development at Boleyn Court, on the opposite side of Penylan Road which is of a modern design, and which is cited in the Councils 'Infill sites' SPG as being a good example of development that responds to character and context.

- 8.3 Having regard to the previous approval the proposed pitched roof element of the structure (which remains unchanged) is considered acceptable and in keeping with the character and appearance of the existing property. The new application proposes to reduce the length of the flat roof rear section of the extension by 1m and includes the provision of a flat roof dormer that will replace the three storey rear extension that was previously refused. It is considered that the amendments to the scheme help overcome the reason for the previous refusal as the height and length of the extension will be reduced that has the overall effect of reducing the structures overall scale and massing and helps to retain the original pitched roof design of the existing dwelling house making it more in keeping and subservient to the existing building.
- 8.4 The rear dormer roof extension is considered visually acceptable as it would be setup the roof slope, set down from the ridge and set in from the side of the roof, and would be finished in materials that would be in-keeping with the appearance of the property in accordance with the guidance set out in the Residential Extensions and Alterations SPG.

Residential Amenity Considerations.

- 8.5 It is considered that the proposed extensions would not be overbearing or generally un-neighbourly which would justify concern for the Local Planning Authority. While the proposal will introduce a two storey extension on the boundary with No 1 The Tudors, the highest part of the structure will be positioned adjacent to the driveway opposite the blank side elevation of the neighbour's property and the flat roof section will kick back away from the neighbour's house in line with the boundary. The proposed extension would be located at least 7m away from the neighbouring property which benefits from having a substantial side and rear garden and includes the provision of a number of sheds and outbuildings that are sited close to shared boundary with the application site. Given this context it is considered that the position of the extension in relation to the neighbouring property is such that it will not cause unacceptable overshadowing of the adjoining property or appear overbearing.
- 8.6 It is not considered that the proposal would prejudice the privacy of the adjoining neighbours. It is considered that the rear facing windows in the rear dormer would not result in any unreasonable loss of privacy to adjoining gardens having regard to their positioning and orientation. The rear facing windows of the dormer extension would face the rear garden of the application site in the same manner as the first floor rear facing windows. It is noted that the side facing windows in the proposed extension would be sited in close

proximity to the side boundary with No 1 The Tudors and therefore, the imposition of a planning condition is considered necessary to ensure these windows are obscurely glazed and non-opening below an internal height of 1.7 metres.

Transport Considerations

- 8.7 The proposal relates to the extension of an existing residential property and therefore, it is not considered that it would impact on the existing on-street parking arrangement in the area.

Representations

- 8.8 The representations received from the neighbouring residents, Councillors Joe Boyle and Rodney Berman and Jenny Rathbone are noted. While the substance of local views must be considered, the duty is to decide each case on its own planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations. I regard to comments which are not covered in the above analysis, the following should be noted:

- x The effect of development on property values is not a material planning matter.
- x Although it is recognised that development can cause disruption this is not a valid reason to refuse planning permission. The Councils Pollution Control Service has the powers with respect to noise nuisance and dust etc. and the highways service have the powers to take action with respect to the improper use of the highway.
- x The boundary dispute is a civil issue between the two neighbours and not a material planning matter.

9. Other Legal 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 Councils 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.

9.3 *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 on the achievement of wellbeing objectives as a result of the recommended decision.

10. Conclusion

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