

PETITION

COMMITTEE DATE: 18/9/2019

APPLICATION No. **19/02178/DCH** DATE RECEIVED: 9/8/2018

ED: **LLANDAFF NORTH**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Powell

LOCATION: Sycamore Lodge, Gabalfa Road, Llandaff North, Cardiff CF14 2JJ

PROPOSAL: VARIATION OF CONDITION 2 TO SUBSTITUTE DRAWINGS – PREVIOUSLY APPROVED UNDER 17/02612/DCH.

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

1. The development shall be carried out in accordance with the following approved plan:

- hdw/ph/lp.0002C

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.

1. **BACKGROUND & DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 This application seeks planning permission to vary condition 2 of planning permission 17/02612/DCH to substitute plans previously approved with those the subject of this application.

Planning permission 17/02616/DCH allowed for the erection of a two storey extension to the side of an existing detached residential dwelling known as Sycamore Lodge. The extension was to provide an extended living room, kitchen and utility room on the ground floor and two bedrooms and a bathroom on the first floor.

During construction of the extension it was noted that the extension was not being built in accordance with the approved plans. The main difference was that the extension was sited 0.8m closer to the common boundary with properties in Copleston Road. A planning application was submitted to retain the extension as built however planning permission was refused at Planning Committee on 20th March 2018 as the scale and siting of the extension was considered to have an

unduly overbearing and dominating effect on the occupiers of 8-12 Copleston Road.

Following the Council's refusal to grant planning permission the rear elevation of the extension has been taken down and re-erected in the approved position. Whilst the rear wall has now been sited correctly there are still some minor discrepancies between what was originally approved and that which has been built on site. This application now seeks to regularise these discrepancies.

The alterations the subject of this application are as follows:

North Elevation – Approved length 4.55m – as built 4.56m
East Elevation – Approved length 5.28m – as built 4.66m
South Elevation – Approved length 4.90m – as built 5.08m
East Elevation - Approved 9.02m – as built 8.54m

The ridge of the roof of the extension running North to South is approximately 150mm higher than approved and the ridge running East to West facing the rear gardens of properties in Copleston Road has been reduced in height by approximately 550mm

This application has therefore been submitted in order to regularise the position.

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. **RELEVANT SITE HISTORY**

17/02612DCH – Two storey extension. Application approved 18th December 2012

18/00925DCH – Discharge of Condition 4 of 17/02612DCH (Tree Protection). Condition discharged 23rd May 2018

18/02699DCH – Retention of two storey extension as built. Permission refused 22nd March 2019

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 a site notice displayed. One letter of support has been received from a resident in Gabalfa Road and five letters of objection have been received from neighbouring occupiers living in Copleston Road. A petition of 53 signatures has also been submitted in respect of the application however of these 53 signatures only 50 are Cardiff electors. A summary of the objections are as follows:

1. Loss of privacy as a result of the rooflight in the extension;
2. Overbearing effect of the extension upon the rear gardens of residents in Copleston Road;
3. Loss of sunlight and overshadowing;
4. The extension is still larger than the original approved plans

6. **ANALYSIS**

6.1 This application has been submitted in order to overcome discrepancies as a result of altering an extension that had not been built in accordance with approved plans.

The key differences between that which been approved and the development the subject of this application are as follows:

North Elevation – Approved length **4.55m** – as built **4.66m** - **(0.11m longer)**
East Elevation – Approved length **5.28m** – as built **4.66m** - **(0.62m shorter)**
South Elevation – Approved length **4.90m** – as built **5.08m** - **(0.18m longer)**
East Elevation - Approved length **9.02m** – as built **8.54m** - **(0.48m shorter)**

As a result of the discrepancies the ridge of the roof of the extension running North to South is approximately **0.15m** higher than approved and the ridge of the

extension running East to West facing the rear gardens of properties in Copleston Road has been reduced in height by approximately **0.55m**.

- 6.2 In respect of the erection of an extension to the property this has already been established by the previous granting of planning permission and does not therefore form part of the consideration of this planning application. As such the key issues for this planning application are the effect the amended extension will have upon the character and appearance of the area and on the living conditions of neighbours.
- 6.3 In respect of the width of the extension, the North elevation facing Copleston Road is 0.11m wider and the South Elevation facing Gabalfa Avenue is 0.18m wider. It is not considered that these minor deviations result in any undue effect upon nearby residential occupiers. Whilst it is noted that as a result of the extension being slightly wider than approved the ridge has increased in height by 0.15m it is considered that due to the limited width of the ridge then the increased roof height would not materially affect the function or quality of the rear gardens situated to the rear of the application site in Copleston Road. The increase is also over 5m from the common boundary with the properties to the rear in Copleston Road.
- 6.4 With respect to the length of the extension, this is smaller than originally approved. The East elevation facing into the application site is 0.62m shorter than approved and the West elevation facing towards the rear gardens of properties in Gabalfa Avenue and Copleston Road is 0.48m shorter. The reduction in the length has been due to the rear wall being moved to the previously approved location. As the extension as originally built was sited closer to the rear boundary of the application site then by moving the rear wall 0.8m away from the rear boundary the extension is now marginally smaller than originally approved.
- 6.5 As the extension has been reduced in length by moving the rear wall away from the common boundary with Copleston Road to the approved position the rear roof elevation has moved back slightly to be in line with the repositioned rear elevation. This reduction has had the benefit of reducing the ridge of the extension where it connects to the original dwelling by 0.55m. This reduction in height will be to the benefit of occupiers immediately to the rear of the application site in Copleston Road as the height is now lower than the previous approved height.
- 6.6 In respect to concerns over being overlooked from the rooflight situated in the roof plane facing Copleston Road this is a high level window with a cill height over 1.7m above internal floor level. It is not therefore considered that this window would cause any loss of privacy to adjoining neighbours as it meets with the Council's current privacy standards.

- 6.7 In respect of the objections and petition submitted in respect of the application it should be noted that the ridge of the extension which directly faces the objector's properties in Copleston Road is lower in height than originally approved. Whilst the objector's comments are noted it would not be in the public interest to require the applicant to increase the ridge height so that it accords with the original planning permission.

With respect to the other deviations, i.e. the extension being between 0.11m and 0.18m wider and the resultant increase in the ridge of the extension these minor discrepancies are considered minimal when compared to the original approved development.

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 the properties at 8 to 12 Copleston Road. Whilst it is noted that the extension is slightly wider and one of the ridge heights is 0.15m higher, the reduction in the length of the extension and the subsequent reduction in the height of the ridge facing the properties to the rear in Copleston Road it is considered that the extension as built has overcome the Council's previous concerns in respect of the matter and it is recommended that planning permission be granted.

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 recommended that the application be approved and planning permission granted.





