

## PETITION

COMMITTEE DATE: 16/08/2017

APPLICATION No. **17/01460/MNR** APPLICATION DATE: 21/06/2017

ED: **RHIWBINA**

APP: TYPE: Full Planning Permission

APPLICANT: Mr LEE

LOCATION: PART OF LAND AT 16 PORTHAMAL ROAD, RHIWBINA,  
CARDIFF, CF14 6AR

PROPOSAL: NEW ONE BEDROOM DWELLING AT THE REAR OF 16  
PORTHAMAL ROAD

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

1. The proposed dwelling, by virtue of its scale, form and appearance would result in an incongruous development which would be out of keeping with the general character and appearance of the street scene. As such, the application is considered to be contrary Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan and paragraphs 4.11.9 and 9.3.3 of Planning Policy Wales (Edition 9, 2016).
2. The proposed development, by virtue of its siting and height, would be likely to have an unduly overbearing and dominating effect on the occupiers of the neighbouring dwellings at 14 and 16 Porthamal Road. As such, the proposal would be contrary to advice contained in Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan and paragraph 9.3.3 of Planning Policy Wales (Edition 9, 2016).

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

- 1.1 Planning permission is sought to erect a small one bedroom dwelling on land forming part of the rear garden of a semi-detached bungalow 16 Porthamal Road, Rhiwbina. That property occupies a corner plot at the junction with Ty-Wern Avenue. The rear garden would be subdivided to create a plot measuring approximately 8.0 meters by 11.8 metres. An existing single garage would be demolished to facilitate the development.
- 1.2 Details of the siting and appearance of the proposed dwelling, including its relationship with the neighbouring properties are shown on the submitted plans.
- 1.3 The proposed dwelling would have a maximum height of approximately 5.1 metres to the ridge of a pitched roof. The structure incorporates contemporary design

features including a 4.8 metre high flat roof element fronting the street. Proposed finishing materials comprise a mixture of brickwork and Cedral cladding with a slate roof.

- 1.4 Internally, the dwelling contains an open plan living area and kitchen with wc on the ground floor with a bathroom and single bedroom at first floor providing approximately 25.0 sq metres of living space. The proposed external amenity area, excluding narrow pathways to the rear and side of the building and the off street parking area, amounts to approximately 37.0 sq metres and includes space for cycle and bin storage.
- 1.5 The dwelling would be sited approximately 6.0 metres from the back edge of footway along Ty-Wern Avenue, maintaining the building line established by the terraced houses to the south and the side elevation of 16 Porthamal Road.
- 1.6 The northern elevation of the dwelling would be sited approximately 2.6 metres from the proposed boundary subdividing the garden and approximately 9.0 metres from the rear elevation of 16 Porthamal Road. The submitted plans show that the rear elevation of the proposed dwelling would be sited near the boundary with the rear garden of the attached semi-detached bungalow at 14 Porthamal Road. To the south, the proposed dwelling would be sited approximately 0.75 metres from the boundary with the neighbouring end of terrace property at 39 Ty-Wern Avenue and approximately 1.8 metres from the side elevation of that property.
- 1.7 As indicated in paragraph 1.4, the proposed house would be served by a single off street parking space accessed from Ty-Wern Avenue, as existing. Off street parking is retained for the existing bungalow onto Porthamal Road.
- 1.8 A Design and Access Statement has been submitted in support of the application. With regards to its design/appearance, the Statement comments as follows:

*The proposed fenestration, the use of timber cladding and a one and half storey, part pitched and part flat-roof would emphasise the proposed dwelling's contemporary appearance, in contrast to the character of the street. However, the proposed use of cladding, brickwork and slate materials reflects those readily evident within the street. Its main elevation would be narrower than nearby buildings but its spacing in relation to its neighbours would be similar to many others in the street. The proposed siting respects the established building line, which is a consistent feature on both sides of the street, and its eaves height that is reduced would provide a natural step from two storey dwellings to single storey along the street.*

- 1.9 Whilst acknowledging that the application should be looked at in its own merits, the agent refers a recent planning approval gained for a similar development at Llantrisant Road, Llandaff.

## 2. **DESCRIPTION OF SITE**

- 2.1 16 Porthamal Road is a semi-detached bungalow occupying a corner plot at the junction with Ty Wern Avenue. The property comprises one of a number of single

storey or dormer type dwellings at the western end of Porthamal Road. Although there are some semi-detached, two storey houses on the opposite side of the road, the majority of the houses in the street consist of traditional terraces.

- 2.2 The application site comprises approximately half of the rear garden at no.16 and is occupied, in part, by a pitched roof garage fronting Ty Wern Avenue. The southern end of the garden adjoins the boundary with an end of terraced property at 39 Ty Wern Road. The side elevation of no.39 contains no primary windows.
- 2.3 The application site also adjoins part of the rear garden of the attached semi-detached bungalow 14 Porthamal Road. The boundary between both gardens is enclosed by a solid fence and the rear elevation of the applicant's garage.
- 2.4 The bungalows are finished in white painted render with red roof tiles. This part of Ty Wern Avenue is characterised by traditional bay fronted terraces with red brickwork on their front elevations and rendered side elevations.

### 3. **SITE HISTORY**

- 3.1 No relevant planning history.

### 4. **POLICY FRAMEWORK**

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

KP5: Good Quality and Sustainable Design  
EN13: Air, Noise, Light Pollution and Land Contamination  
T5: Managing Transport Impacts  
EN11: Water Sensitive Design

- 4.2 Supplementary Planning Guidance: Design Guidance for Infill Development (2011)  
Supplementary Planning Guidance: Access, Circulation and Parking (January, 2010)  
Supplementary Planning Guidance: Waste and Collection and Storage Facilities (2016)
- 4.3 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. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

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

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

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, attractive landscapes around dwellings with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive, well designed living environments, where appropriate at increased densities.

9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas.

9.3.3: Insensitive infilling or the cumulative effects of development or redevelopment 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.

12.4.1: The adequacy of water supply and the sewerage infrastructure are material considerations in planning applications and appeals.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design stage, construction and demolition stage should be made by developers.

13.2.1: Flood risk is a material planning consideration.

- 4.4 Technical Advice Note 12 (Design): provides further WAG guidance on design issues. Paragraph 4.9 advises that *'opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. A contextual approach should not necessarily prohibit contemporary design'*

## 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation; No objection on parking or highway safety grounds subject to appropriate conditions.
- 5.2 Pollution Control (Noise & Air): No comments received.
- 5.3 Shared Regulatory Services: Environment Team requests 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 EN 13 of the Cardiff Local Development Plan.
- 5.4 The Operational Manager, Waste Management advises that the property will require the following for recycling and waste collections:

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

The Officer also advises that the 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.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water/Dwr Cymru requests the following drainage condition in the event that the application is recommended for approval:

*No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.*

## 7. **REPRESENTATIONS**

7.1 A petition of 60 signatures has been submitted by Councillor Robson objecting to the application. The petitioners state that their objections include (but are not limited to) the following:

- i) The design of the proposed dwelling which would be detrimental to the street scene;*
- ii) Loss of amenity space for both 16 Porthamal Road and the new dwelling.*

7.2 The occupier of 32 Ty Wern Avenue objects as follows (summary):

The development is out of keeping with the surrounding properties in the area which consists predominately of terraced houses. This will be detrimental to the street and un-neighbourly. If the application was granted it would set a precedent for other developments to take place. The development would add to on street parking in a street which is already overloaded with cars/vans. It is felt that the application is for personal gain only.

7.3 The occupier of 29 Porthamal Road objects on the following grounds:

Aesthetic - not sympathetic to surrounding period houses;  
Parking - additional strain on parking;  
The proposal would set a negative precedent for other new builds.

7.4 The occupier of 38 Ty Wern Avenue objects on the following grounds (summary):

It would be an eyesore as it would not match anything around it. It would be squeezed in to a tiny area and look extremely squashed and the modern design would not fit with the other red brick houses in the street which were built in the 1930s. There is simply not enough room to fit even a one bedroom house as the garden is too small. If allowed, it would make everyone believe that it would be acceptable to build on such a small piece of land.

7.5 A further occupier of 38 Ty Wern Avenue objects on the following grounds:

High density /over-development. The area is too small for anything other than the current garage.

Out of character. The proposed building would not be in keeping with the open aspect of the area and would be detrimental to the overall character of the neighbourhood.

Out of scale. The proposed detached one bedroom property of modern design would be completely out of place with the other terraced properties in Ty Wern Avenue.

Should the development be approved, it would set a precedent that it is acceptable to build dwellings in gardens, however small.

7.6 The occupier of 36 Ty Wern Avenue objects on the following grounds (summary):

Over-development: The proposal is considered to be of an inappropriate scale representing town cramming. The severing of the plot from the existing dwelling at 16 Porthamal Road leaves only a 6.0 m of rear garden for that property whilst the proposed development has a lack of amenity space. Neither does the proposed drive allow a car to enter and exit in forward gear.

Incongruous street setting: The proposal's form and design is totally out of character with the existing housing on Ty Wern Avenue which has a very distinct character comprising terraces on both sides of 1930's two storey red brick houses with stone detailing around the windows and doors. Not only is the building itself out of character with Ty Wern Avenue, but the plot is also out of character with neighbouring properties in Ty Wern Avenue.

The existing houses in Ty Wern Avenue do not have off-street parking and rely on on-street parking to meet the needs of residents. Parking is often very difficult and it is considered that the proposal is likely to exacerbate these existing problems.

It is considered that the proposal runs entirely counter to the guidance specified in Supplementary Planning Guidance on Infill Development, namely that the scale and massing should be appropriate to neighbouring buildings; that the predominant facing materials should reflect the materials in neighbouring dwellings; and that key considerations include loss of privacy and spaciousness and loss of garden space.

Approval of the proposal would represent overdevelopment, and represent a building form and design which would be detrimental to the character of the street and would set a undesirable precedent for comparable locations throughout Rhiwbina.

7.7 The occupier of 35 Ty Wern Avenue objects on the following grounds (summary):

- The design of the proposed dwelling is completely out of character with surrounding properties.
- The size of the site is not realistic for a dwelling.
- There will be loss of amenity for the existing bungalow and the proposed dwelling. It is unneighbourly with a dominating appearance that will result in a lack of privacy and sunlight for surrounding properties.

7.8 The occupier of 39 Ty Wern Avenue objects on the following grounds (summary):

The design is totally out of keeping with the surrounding properties in the area and goes against the character of the 1930's bay fronted terraces. In Ty Wern Avenue, the houses are all 1930's red brick bay fronted terraced houses, full of character with most still of original design. Some have added porches and one or two corner plots have extended but the design, style and feeling is one which has changed very little in nearly 90 years.

The proposed building would cause overdevelopment of the site, reducing a

suitably sized garden to the family home of No 16 to one which would be far too small for the size of the house. It will leave the existing dwelling with a rear garden of only 6m which is too small for future or existing residents. At the same time, the proposed development will have a lack of amenity space and the driveway is too small to allow entry and exit in forward gear.

The proposed dwelling; by reason of the design (infill nature, plot size and location), represents an un-neighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect.

It also does not comply with Cardiff Council's Infill Sites, Supplementary Planning Guidance April 2011, in regard to sufficient amenity distance between the existing houses and the character and context of this infill development.

Parking in the area is already stressed. Being traditional terrace houses, the vast majority of houses do not have driveways or off street parking and use the road. A lot of houses are two car families and the parking situation is already difficult and could potentially be dangerous. The proposed dwelling could conceivably have two vehicles and there would be a loss of a space to the existing dwelling at 16 Porthamal Road.

The proposed dwelling will sit only 1.6m from No.39 Ty Wern Avenue, which is an end terrace. If built, it would appear to be the new end to the terrace affecting the value and appeal of the existing property at 39 Ty Wern Avenue.

The dwelling would be so close to the boundaries of both 39 Ty Wern Avenue and 14 Porthamal Road that access to carry out maintenance or repairs would be difficult without needing to gain access to the neighbouring properties.

The occupier states that the plan is inaccurate as to the positioning of the existing garage in that it shows the garage as having a gap to the boundary with the adjoining property (14 Porthamal Road) when in fact the garage wall is the boundary between the properties at this point. The occupier considers that if the new dwelling was erected in the proposed location on the plan, it would push the building forward from the boundary, preventing an average sized car from parking on the driveway without impeding on the pedestrian pavement outside.

The occupier has countered various comments in the Design and Access Statement which can be viewed in the submitted objection letter.

Under permitted development allowances, a loft conversion with a rear dormer at no.16 could be constructed which would allow the occupiers of No 16 to view the amenity space of the new plot. This would be undesirable for both properties.

If this application was granted, it would set an undesirable precedent for overdevelopment of other sites to take place in Rhiwbina. It would be detrimental to the character of the street scene and to the look and feel of the A venue.

7.9 Two further letters have been received from family members on behalf of the occupiers of 39 Ty Wern Avenue.

(i) One of the letters objects on the following grounds (summary):

The developers have taken a small bungalow on an average size plot and created a very small house with no real garden and small bungalow with no garden and no privacy.

Cardiff Council's infill Guidelines state that any infill houses should match the area in look and materials. This house does neither.

The proposal represents an overdevelopment of the site and would set a dangerous precedent for the rest of Rhiwbina.

Parking concerns: The development would mean more cars for no more spaces. Neighbours and visitors, already struggle to park near their houses, creating safety issues for families with small children.

It appears that 16 Porthamal Road intends to create an extra parking space. To do this, some of their boundary wall would need to be removed and will mean reversing onto the road right at the junction of Porthamal Road and Ty Wern Avenue. The visibility for the driver, other drivers and pedestrians will be compromised and could cause an accident or injury to pedestrians especially small children.

(ii) The second letter from the family member objects on the following grounds (summary):

The drawings included with the plan are inaccurate. The submitted drawings show a gap between the rear wall of the existing garage and the neighbouring boundary which is not the case; The rear garage wall is the boundary. Moving the structure forward would compromise the parking space shown at the front of the new property.

Parking two cars at the front of the current property 16 Porthamal Road would only be possible if the front corner wall was removed. Doing this would mean reversing out of the space onto the main road on a junction creating a danger for both other cars and pedestrians.

Notwithstanding this, to build a house on this very small plot is complete over development. The plans take a small family bungalow and turn the plot into two houses both of which are compromised on size, garden and amenity space.

The proposed house also goes against the Cardiff Infill guidelines bearing no resemblance in looks or materials used to any other property in the streets.

Creating a new property with, at best one very small parking space and losing a space from a current house will add to existing parking difficulties.

7.10 The occupier of 37 Ty Wern Avenue states that the proposed dwelling would be

out of keeping with the area and detrimental to the street scene which comprises predominantly terraced houses. The occupier also objects on parking grounds and comments that if granted, the application would set a precedent for other developments to follow.

- 7.11 The occupier of 32 Ty Wern Avenue states that the proposed dwelling would be out of keeping with the area and detrimental to the street scene which comprises predominantly terraced houses. The occupier also objects on parking grounds and comments that if granted, the application would set a precedent for other developments to follow.

## 8. **ANALYSIS**

- 8.1 Planning permission is sought to erect a small one bedroom dwelling on land forming part of the rear garden of a semi-detached bungalow 16 Porthamal Road, Rhiwbina. That property occupies a corner plot at the junction with Ty-Wern Avenue.

- 8.2 The main planning issues are considered to be:

- (i) The effects of the proposed development on the character and appearance of the street scene and the general amenities of neighbouring occupiers.
- (ii) Whether the proposed development will provide an acceptable living environment for existing and prospective occupiers.
- (iii) The acceptability of the proposed parking/access arrangements.

- 8.2 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;*

- 8.3 Planning Policy Wales at paragraph 4.11.9 states that '*visual appearance, scale and relationship to surroundings and context are material planning considerations.*'

- 8.4 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance: *Design Guidance for Infill Development (2011)*. Although the SPG was approved as supplementary guidance to the City of Cardiff Local Plan, the advice contained within it is consistent with the aims of LDP Policy KP5 and guidance in Planning Policy Wales and therefore remains pertinent to the consideration of the current application, assisting in informing the assessment of relevant matters.

- 8.5 The Infill SPG advises at paragraph 2.14 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*

8.6 At paragraph 3.8, the SPG states that:

*Infill, backland and site redevelopment must result in the creation of good places to live. This needs to be demonstrated through the quality of internal living space; private amenity space; and through adherence to principles relating to access, security, and legibility.*

8.7 At paragraph 3.12, the SPG states that:

*Infill development needs to be sensitive to its immediate surroundings and respond well to the built context. It is important that in residential areas where there is a clear existing pattern and form of development, new buildings, landscaping and boundary treatment complement the character of the surroundings.*

8.8 At paragraph 3.21, the SPG states that:

*'Development should seek to respond to the prevailing building line created by the main frontages of houses taking into account how the buildings are set back from the street and any rhythm of existing development protrusions*

8.10 At paragraph 4.3, the SPG states that:

*'It should be demonstrated that the size and type of external amenity space is appropriate to the type of development and to the urban grain of the area.'*

8.11 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.'*

8.12 Planning Policy Wales advises that whilst Local Planning Authorities should not attempt to impose a particular architectural taste or style and avoid inhibiting opportunities for innovative design, the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

- 8.13 The proposed dwelling would be sited approximately 6.0 metres from the back edge of footway along Ty-Wern Avenue, maintaining the building line established by the terraced houses to the south and the side elevation of 16 Porthamal Road. It is evident, however, that the form, scale and finish of the dwelling would be a departure from the two storey houses that are generally characteristic of the local area. The inclusion of an area of flat roof would give the proposal a 'boxy' form and aesthetic uncharacteristic of the street scene. This would be further emphasised by the proposed cladding material. Viewed in context with the traditionally designed terraced housing along Ty Wern Avenue, the subservient scale of the dwelling unit would form a conspicuous "book end" to the street.
- 8.14 The agent comments that the reduced eaves height of the dwelling relative to its neighbour (at 39 Ty Wern Avenue) would *provide a natural step from two storey dwellings to single storey along the street*. However, whilst the proposed dwelling could be viewed together with the existing bungalow at the corner of Porthamal Road, the key visual relationship is considered to be between the site and the neighbouring block to the south and the street scene generally along Ty Wern Road. In, this regard, the scale, form and façade design on the proposed building would be out of keeping with the general character and appearance of the street scene.
- 8.15 Whilst the agent refers to a recent planning approval gained for a similar development, this relates to a site at Llantrisant Road, Llandaff and therefore a different context (ref. 15/01665/MNR). The current application should be determined on its own specific merits.
- 8.16 In terms of the impact on neighbour privacy and amenity, the dwelling has been designed to ensure that the adjoining houses, including no.16, would not be overlooked from first floor windows serving habitable rooms. The stairwell window in the north elevation could be conditioned to be obscurely glazed and the proposed roof lights are indicated to be set at a minimum height of 1.8 metres above internal floor level. At ground floor level, the proposed windows in the rear and side (south) facing elevations are also shown to be positioned at high level.
- 8.17 Although the proposed dwelling would be sited approximately 0.70 metres from the boundary with 39 Ty Wern Avenue to the south, that property contains no primary windows in its side elevation facing the application site. The dwelling would respect the forward building line of the neighbouring property and would not extend beyond its rear elevation. It is not considered that there would unacceptable harm to the living conditions of the occupiers of this neighbouring property such that the application should be refused on this ground.
- 8.18 The north elevation of the dwelling would be sited some 9.0 metres from the rear (south facing) elevation of no.16 and some 2.6 metres from the proposed boundary with this property. Although the height of the proposal, at 5.1 metres to the ridge, is lower than a conventional two storey house, it is of concern that the development would appear dominant in views from windows in the rear elevation of no.16 and that the pleasant open aspect presently enjoyed by users of the rear garden would be harmed by the presence of the proposed building which would be

an overbearing feature Whilst it is acknowledged that the occupier is the applicant in this instance, it is appropriate to also have regard to the effect on future occupiers.

- 8.19 The proposed dwelling is shown to be sited close to the boundary with the rear garden of the attached semi-detached bungalow at 14 Porthamal Road. Given the position of the rear garden in relation to the proposed dwelling, overshadowing from the building would be limited to its rearmost part. However, the physical presence of the proposed building, rising to a ridge height of 5.1 metres, would impact on the neighbour's enjoyment of their garden. Although views of the structure from windows the rear elevation of no.14 would be at an oblique angle, it is also of concern that the proposal would have an overbearing effect on the neighbour's outlook given the relatively close proximity between the structure and rear of no. 14.
- 8.20 Turning to the living conditions that would be provided to future occupiers of the development, the provision of outdoor amenity space is limited, and in marked contrast to that which serves nearby houses. However, the dwelling is itself modest and is not likely to accommodate a family with young children. The restricted provision would provide sufficient space for a modest area for sitting out and for clothes drying. Occupiers would have ready access to a public recreational area in the locality which may be more valued by the likely occupiers of the proposed dwelling than a large garden area.
- 8.21 Internally, the dwelling contains an open plan living area and kitchen with wc on the ground floor with a bathroom and single bedroom at first floor providing approximately 25.0 sq metres of living space. The bedroom would have an outlook over the street whilst the living area would have French doors opening onto an external amenity area. Although compact, it is not considered that the quality of the internal living environment for future occupiers would be so poor that the application should be refused on this ground.
- 8.22 The sub-division of the plot would leave the existing house with rear and side garden of approximately 120.0 sq metres. This level of provision would exceed the guidelines specified in the Infill Sites SPG. However, as indicated in paragraph 8.18, the open aspect presently enjoyed by users of the rear garden would be harmed by the presence of the proposed building which would be an overbearing feature.
- 8.23 The application provides adequate on-site parking provision in accordance with the Council's guidelines and no objections have been raised by the Operational Manager, Transportation to the proposal on parking and highway safety subject to an appropriate parking condition.
- 8.24 In conclusion, it is considered that the proposal would result in an incongruous addition to the street scene in this location and would adversely harm the living conditions of the occupiers of 14 and 16 Porthamal Road. Refusal is therefore recommended.

## 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*

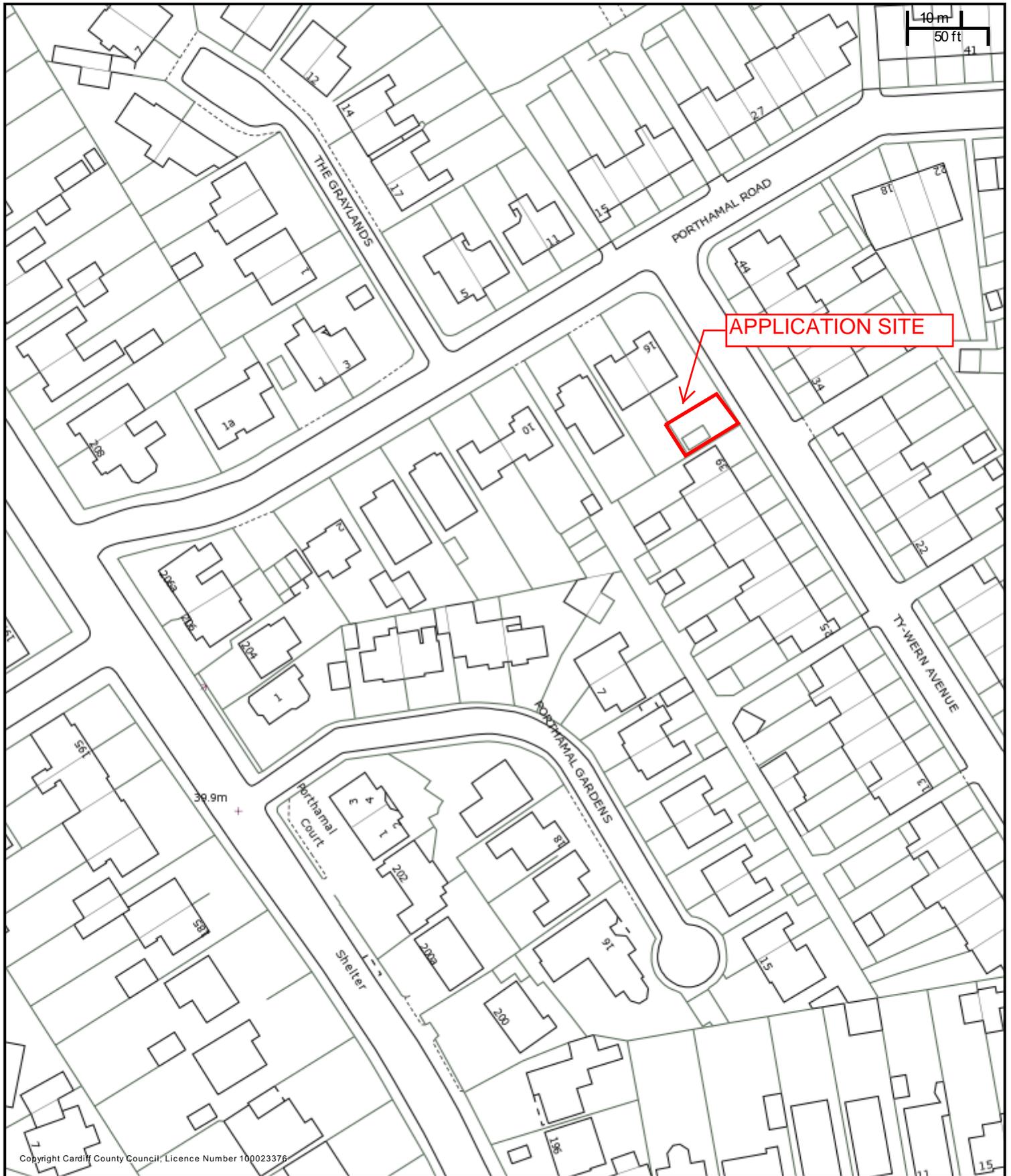
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in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

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

### 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.



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Cardiff CF10 4UW  
Tel: 029 20872000

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



Title

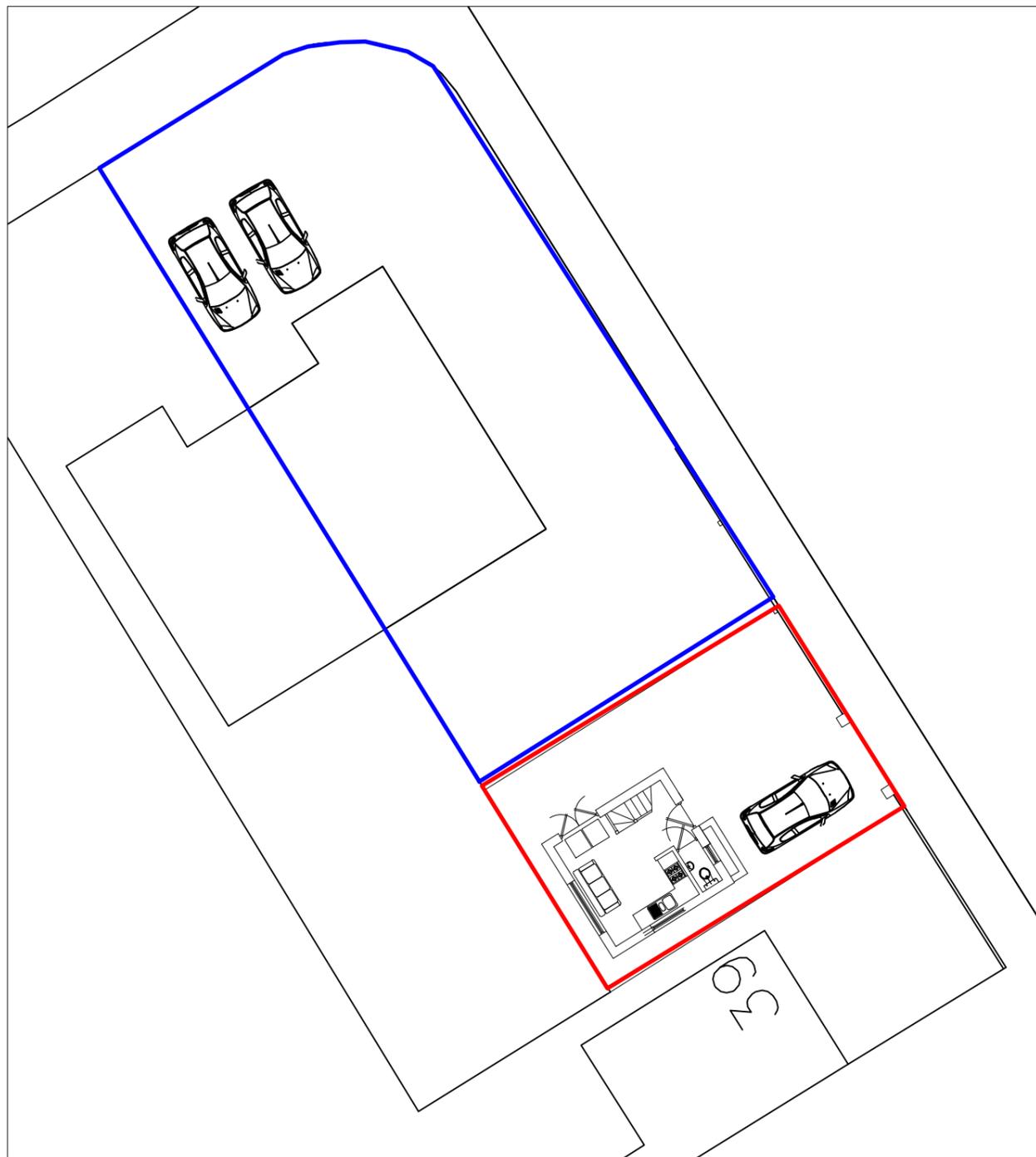
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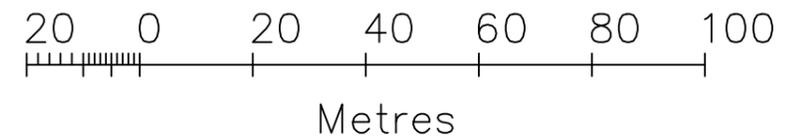
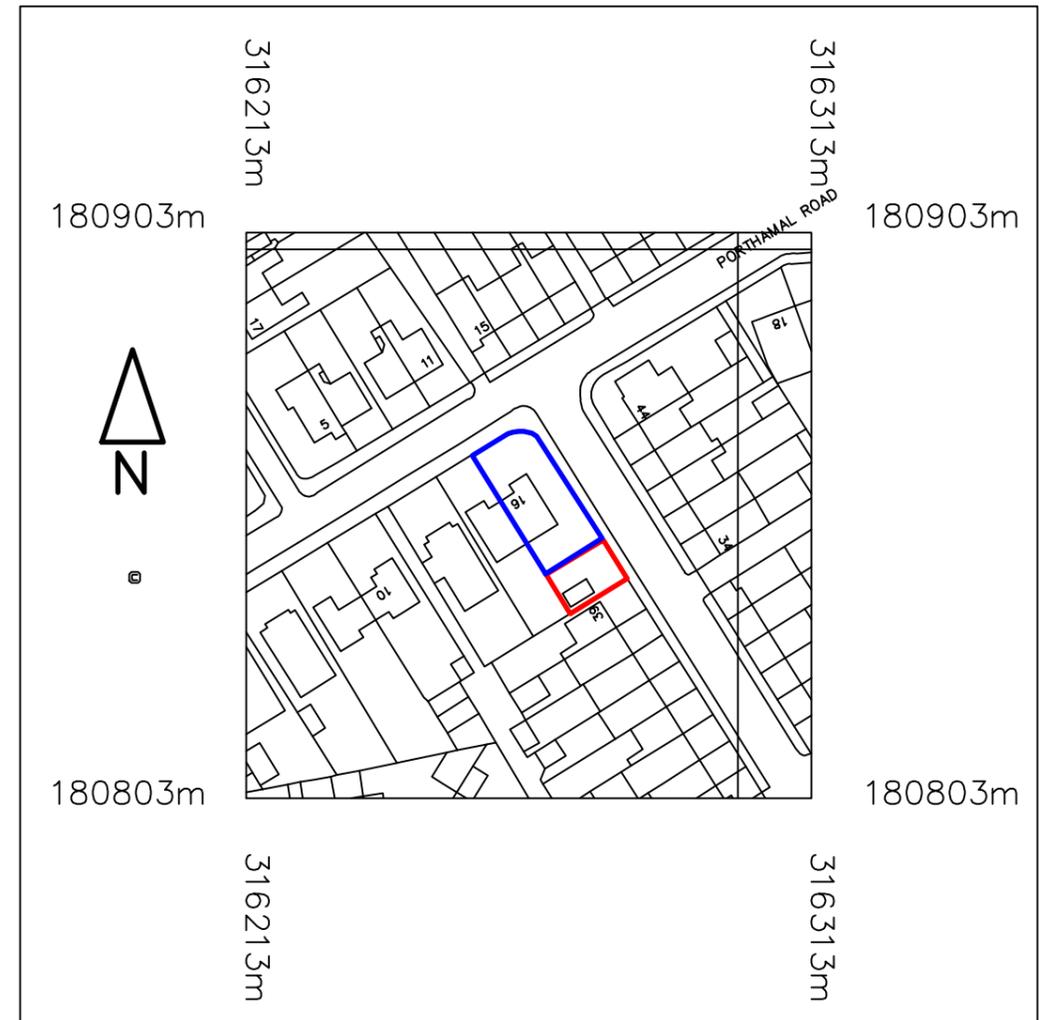
Coordinates:

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Ordnance Survey 100023376 (2014).



Scale 1:200@A3



Scale 1:1250@A3

FLOOR SITE AND BLOCK PLANS

ADDRESS LAND TO REAR OF 16 PORTHAMAL ROAD RHIWBINA CARDIFF

JOB NO.  
2011.30.01

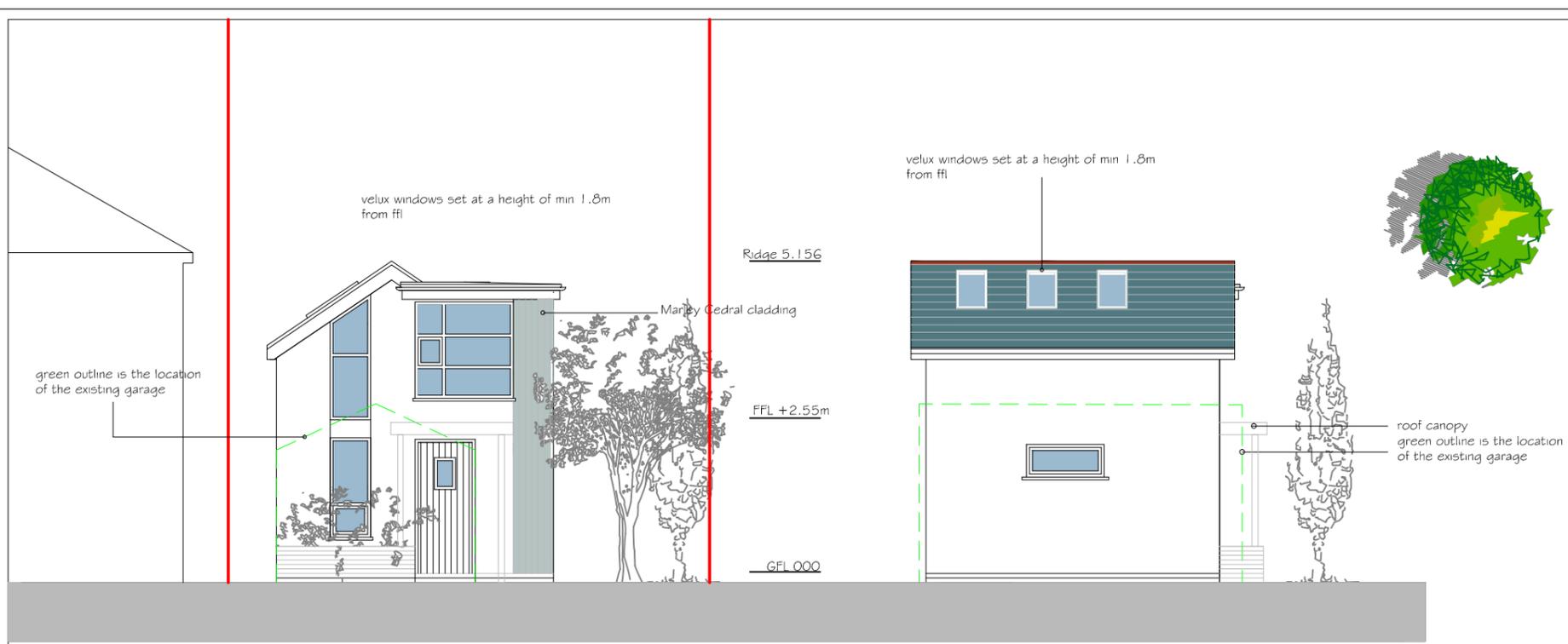
DATE 05/06/2017

**mts**

mt Surveyors  
Architectural Designers

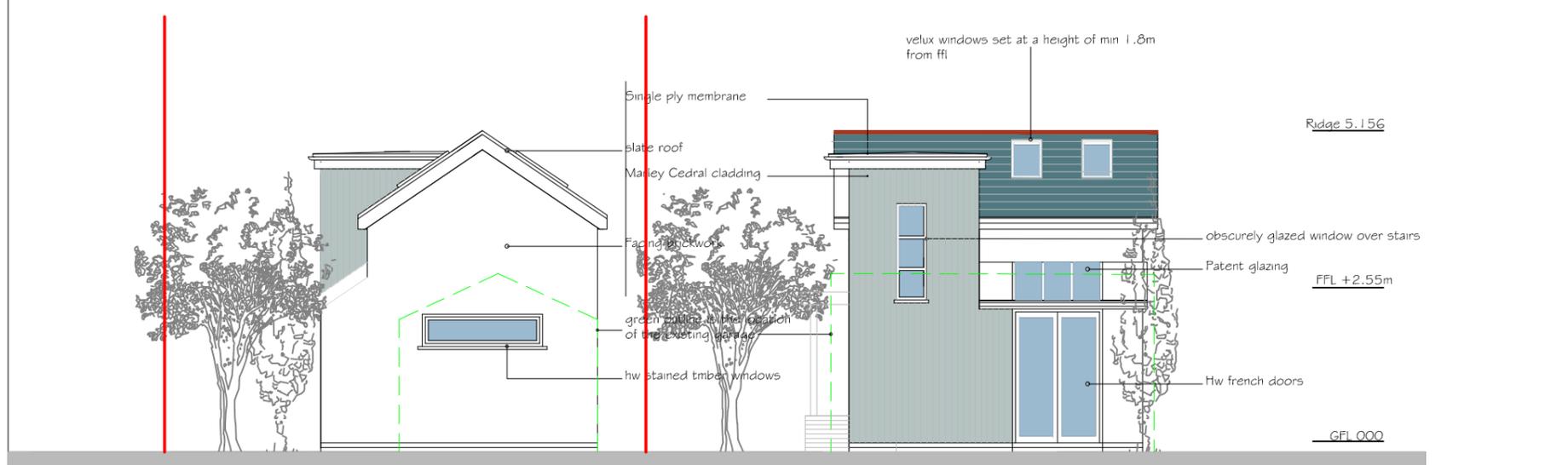
THE STORES  
CRESSWELL QUAY KILGETTY  
PEMBROKESHIRE SA68 0TH  
Telephone m. 07813 752852

E-mail mail@mtsurveyors.com



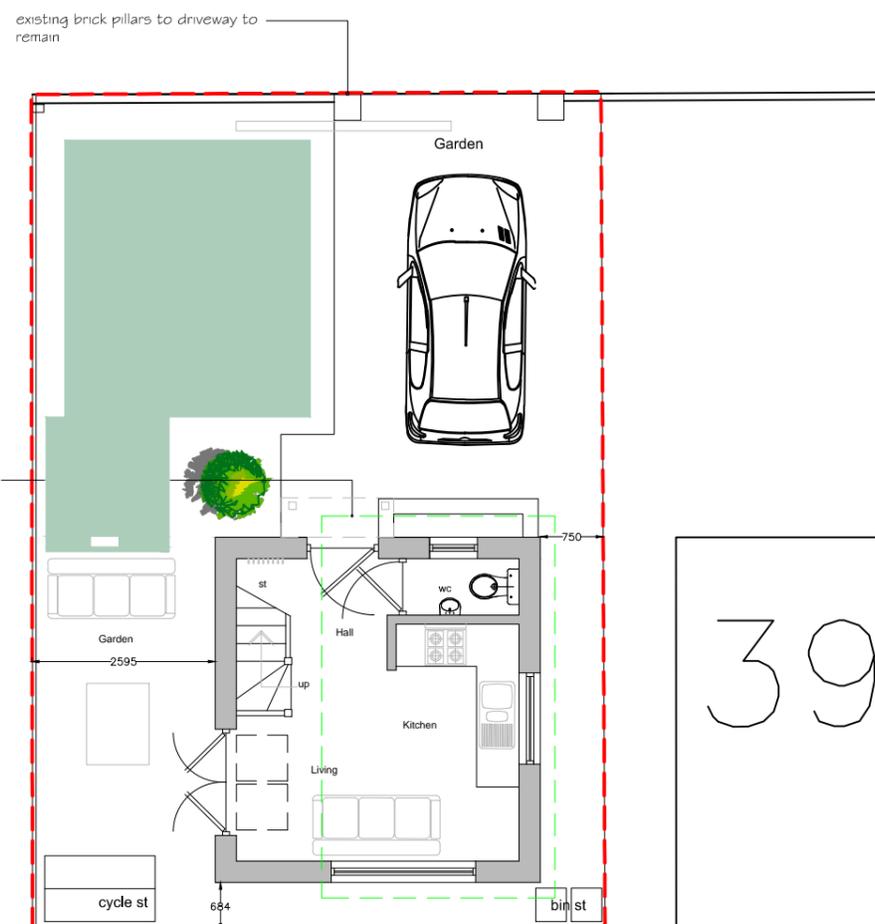
FRONT ELEVATION

SIDE ELEVATION

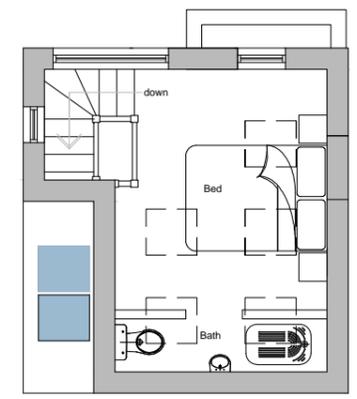


REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

39

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