

PETITION & LOCAL MEMBER OBJECTION

COMMITTEE DATE: 20/03/2019

APPLICATION No. **18/01882/DCH** APPLICATION DATE: 17/08/2018

ED: **RIVERSIDE**

APP: TYPE: Householder Planning Permission

APPLICANT: Mr Coombs

LOCATION: 95 FAIRLEIGH ROAD, PONTCANNA, CARDIFF, CF11 9JW

PROPOSAL: REAR DOUBLE EXTENSION AND LOFT CONVERSION

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:
 - Drwg. No: PE04EL01 Revision 29/11/18 (K)
 - Drwg. No: PP04GP01 Revision 22/10/18 (G)
 - Drwg. No: PP04FP02 Revision 22/10/18 (H)
 - Drwg. No: PP04SP03 Revision 05/11/18 (G)
 - Drwg. No: PP04RP04 Revision 05/11/18 (G)

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in any wall in a side elevation of the extensions other than those windows hereby approved.

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

4. The proposed balconies shown in the approved plans shall be a 'Juliet' balcony/Balconet only, and shall not allow external access out of the doors on to the roof of the two storey and single storey extensions hereby approved.

Reason: To ensure that the privacy and amenities of the occupier of the adjoining properties are protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

5. The first floor window shown in the side elevation facing No 93 Fairleigh Road shall be glazed with obscure glass and non-opening below a height of 1.8 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.
6. The materials to be used in the construction of the external surfaces of the dormer roof extension shall match those used on the main roof of the existing building.
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.
7. The materials to be used in the construction of the external surfaces of the ground floor and first floor extensions hereby permitted shall match those used on the existing building.
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.

RECOMMENDATION 2: 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 PROPOSED DEVELOPMENT**

- 1.1 The application was presented to the 13th February 2019 Planning Committee where it was deferred for a site visit. The site visit took place on the 11th March 2019.
- 1.2 Planning permission is sought for the construction of single storey and two storey rear extensions and rear dormer roof extension at 95 Fairleigh Road.
- 1.3 The proposed development comprises of four main elements, a two storey pitched roof extension, two storey flat roof extension, single storey flat roof extension and a dormer roof extension.
- 1.4 The existing single storey rear annex would be demolished in order that the two storey and single storey extensions could be constructed.
- 1.5 The proposed two storey pitched roof element of the extensions will be positioned adjacent to an existing single storey extension on No. 97 Fairleigh Road and would be sited approximately 2.5 metres away from the boundary with No 93 Fairleigh Road. The proposed extension will measure approximately 5.3m long 2.8 metres wide and will have an eaves height of 5m and a ridge height of 6.3m. Windows will be included in the rear (North) elevation and side (West) elevation.

- 1.6 The proposed two storey flat roof element of the extensions will be sited immediately alongside the two storey pitched roof extension within the side return at the rear elevation and will abut a single storey extension on the property at No 93 Fairleigh Road. The extension will project approximately 1.5 metres from the rear elevation and will measure 2.8 metres wide and will have a maximum height of 5.5 metres. A Juliette balcony will be included in the rear (North) elevation of the extension.
- 1.7 A single storey flat roof extension measuring approximately 2.7m in height will infill the remainder of the space alongside the two storey extension within the side return and will extend beyond the proposed two storey pitched roof extension by approximately 2.5m. Overall the single storey structure will measure 6.5 metres in length.
- 1.8 The flat roof dormer extension will measure approximately 4.7 metres wide, 2.2 metres high and will project from the existing roof slope by 4 metres. The dormer will occupy the majority of the rear roof plane.
- 1.9 It should be noted that the application previously proposed a three storey central pitched roof element to the extension on the rear of the property. Amended plans have been submitted which have removed the three storey element and replaced it with the two storey extension and rear dormer. The design of the dormer roof extension was also amended so that it is setup from the rear wall of the building and set in from the side boundary with No 93 Fairleigh Road.

2. **DESCRIPTION OF SITE**

- 2.1 The application site is a two storey mid terrace property located in a residential area. The property is not listed or located within a Conservation Area, however, the site is located within a C1 Flood Zone.
- 2.2 To provide members with some local context it should be noted that planning permission for two storey and single storey extensions have been approved at No 99 Fairleigh Road, No 101 Fairleigh Road, No 103 Fairleigh Road, and No 105 Fairleigh Road. The extensions on these properties may have been built.

3. **SITE HISTORY**

- 3.1 No direct planning history on the application site

4. **POLICY FRAMEWORK**

National Planning Policy

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

Cardiff Local Development Plan 2006-2026 (2016)

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

Supplementary Planning Guidance

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

5. INTERNAL CONSULTEE RESPONSES

5.1 None

6. EXTERNAL CONSULTEE RESPONSES

6.2 Natural Resources Wales: no adverse comments

7. REPRESENTATIONS

7.1 Neighbours have been notified of the original and amended schemes and a number of representations, including a petition of 51 signatories, objecting to the proposal have been received. The objections are summarised below:

- The extensions would be overbearing and unneighbourly.
- Loss of light into the neighbours property.
- The Juliette balcony will directly overlook the neighbours garden and the occupants will be able to look directly into the neighbours kitchen through the rooflights.
- The extensions are not in-keeping with other extensions in the terrace.
- The extensions are not in keeping with the character of the existing property
- The development would increase the need for more car parking spaces in an area where car parking is already over stretched.
- The extensions will impact on the character of the area.
- The extensions would not be subordinate to the original dwelling.
- There has been no regard to drainage issues that exist in the street.
- The extensions are inappropriate in a Conservation Area.
- The proposal will devalue the neighbours houses.
- The flat roofs could be used as a roof terraces.
- The scale and design of the dormer extension is over-dominant.
- Noise and disturbance caused by building works.
- The two storey extensions to neighbouring properties are only half width.
- The proposed single storey extension will project 8m from the rear wall of the property and not 6.5m as stated in the report.
- The box dormer in the amended plans is larger than the three storey element shown in the original plans and still creates a three storey impression.
- Not one mid-terrace in Fairleigh Road has had plans approved for a two storey rear extension which abuts both neighbouring properties.

- The ground floor extension will result in a loss of light into the neighbours property.
- The dormer window does not comply with the advice contained in the Residential Extensions and Alterations SPG.
- The officer should use the 45 Degree Rule to calculate the loss of light into the neighbouring property.

7.2 Ward Cllrs Iona Gordon and Kanaya Singh have objected to the proposal. The Councillors objections can be summarised as follows:

- The proposed build will be overbearing.
- The extensions will be out of scale and out of character with existing development in the vicinity.
- The proposed extensions will result in a loss of light into the neighbours property and impact on their privacy.

8. **ANALYSIS**

8.1 The key issues are the effect of the proposal upon the character and appearance of the area and its impact on the living conditions of neighbours.

8.2 Fairleigh Road is characterised by traditional two storey terraced properties most of which; with the exception of the application property and No 97 have two storey rear annexes. It should also be noted that two storey and single storey extensions have been constructed at No's 99, 101, 103 and 105 Fairleigh Road as listed above in Section 2 of the report. In respect of the current proposal the extensions are considered to be acceptable in regards to their scale and design. The extensions will be set down from the ridge of the existing property and a suitable area of rear garden space will be retained. The extensions are, therefore, considered to represent subservient additions to the dwelling in line with the advice contained in the Residential Extensions and Alterations SPG (2017). Given this context it is not considered that the proposal would impact detrimentally on the character and appearance of the area.

8.3 Regarding the rear dormer, it is considered visually acceptable as it would be setup the roof slope and down from the existing ridge in accordance with the Residential Extensions and Alterations SPG. It is noted that the rear dormer would be large, however it should be noted that the dormer could be considered development permitted under Class B of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and would not require formal planning approval.

8.4 Given that the proposed extensions will be sited adjacent to existing single storey extensions on No's 93 and 97 Fairleigh Road it is not considered that the proposal would be overbearing on the occupiers of these properties. Whilst the two storey flat roof extension will be positioned close to rooflights in the neighbours single storey extension, it has a short projection from the rear wall of the dwelling and it is noted that the neighbours extension (which accommodates a kitchen and dining room area) also contains glazed doors in

its North elevation which also allow natural light into the room. It should also be noted that two storey extensions abutting neighbouring single storey extensions are not uncommon and while the concerns are noted it is considered that it would be unreasonable to seek to resist the proposal on the grounds of its impact on neighbouring amenity.

8.5 It is considered that the rear facing window of the dormer roof extension and the Juliette balcony in the rear wall of the two storey flat roof extension would not result in any unreasonable loss of privacy to the adjoining neighbours. The property is located where a degree of mutual overlooking of rear gardens is an inevitable characteristic of residential areas of this nature. Whilst the Juliette balconies shown in the plans may provide oblique views into the rooflights in the neighbours extension it is not considered that they would cause an impact on the privacy of the neighbours different to that caused by the existing first floor rear windows.

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

- Connections to the existing sewerage system would be considered by the building regulations procedure.
- The effect of development on property values is not a material planning matter.
- 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 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.
- 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.

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.

H.M. LAND REGISTRY		TITLE NUMBER	
		WA 335555	
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	SOUTH GLAMORGAN		ST 1677
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ADMINISTRATIVE AREA

CARDIFF
CAERDYDD

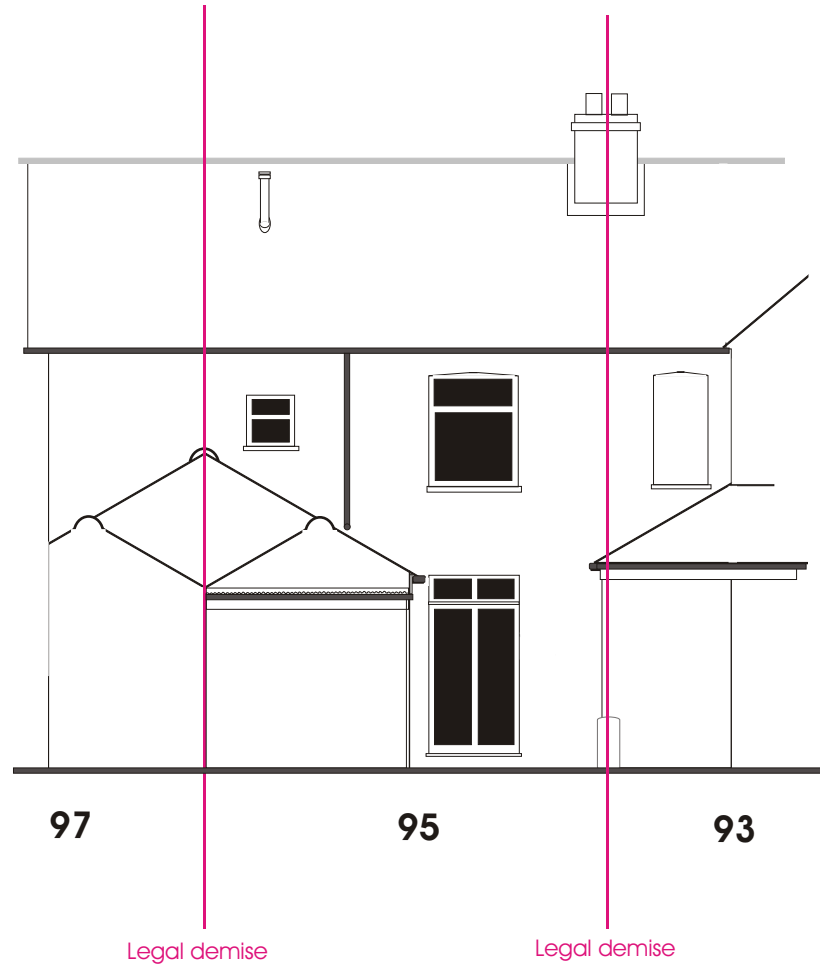


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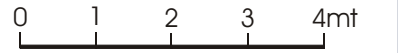
Front Elevation - Existing



Rear Elevation - Existing



95 Fairleigh Road - Existing Elevations



Fairleigh Road

RESIDENTIAL USE



Project: 95 Fairleigh Road, Cardiff

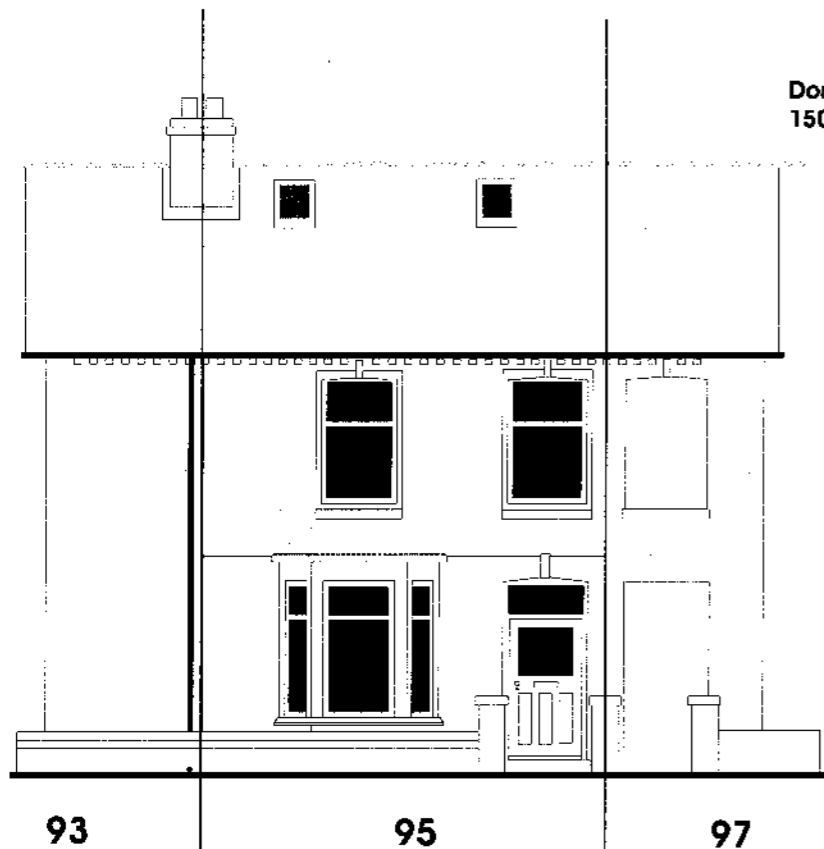
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General Layout Revision: 22/03/18 (A)

Drawn: MJP Drwg. No: EE01EL01

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Front Elevation - Proposed

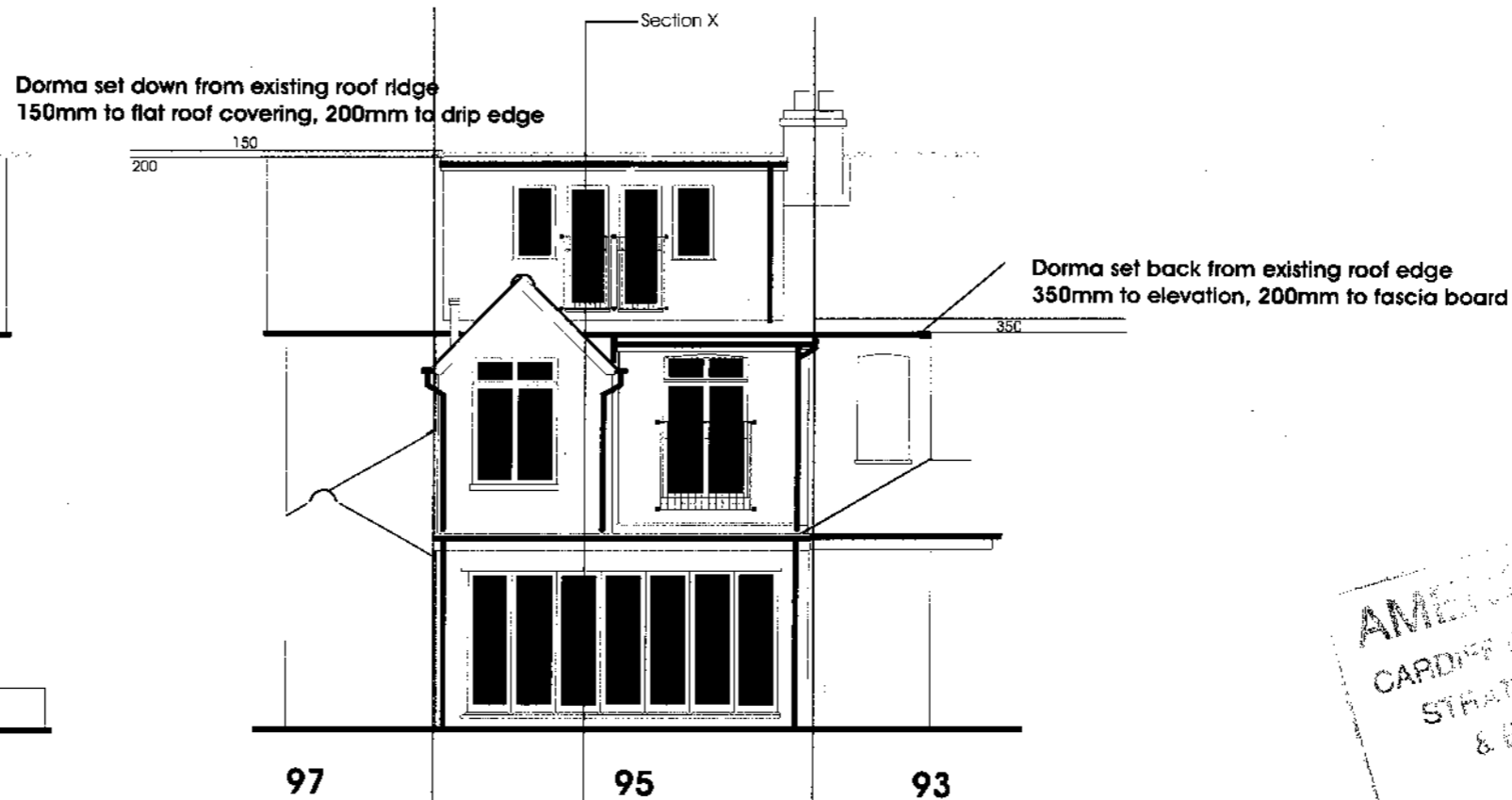


Legal demise

Legal demise

Fairleigh Road

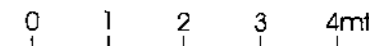
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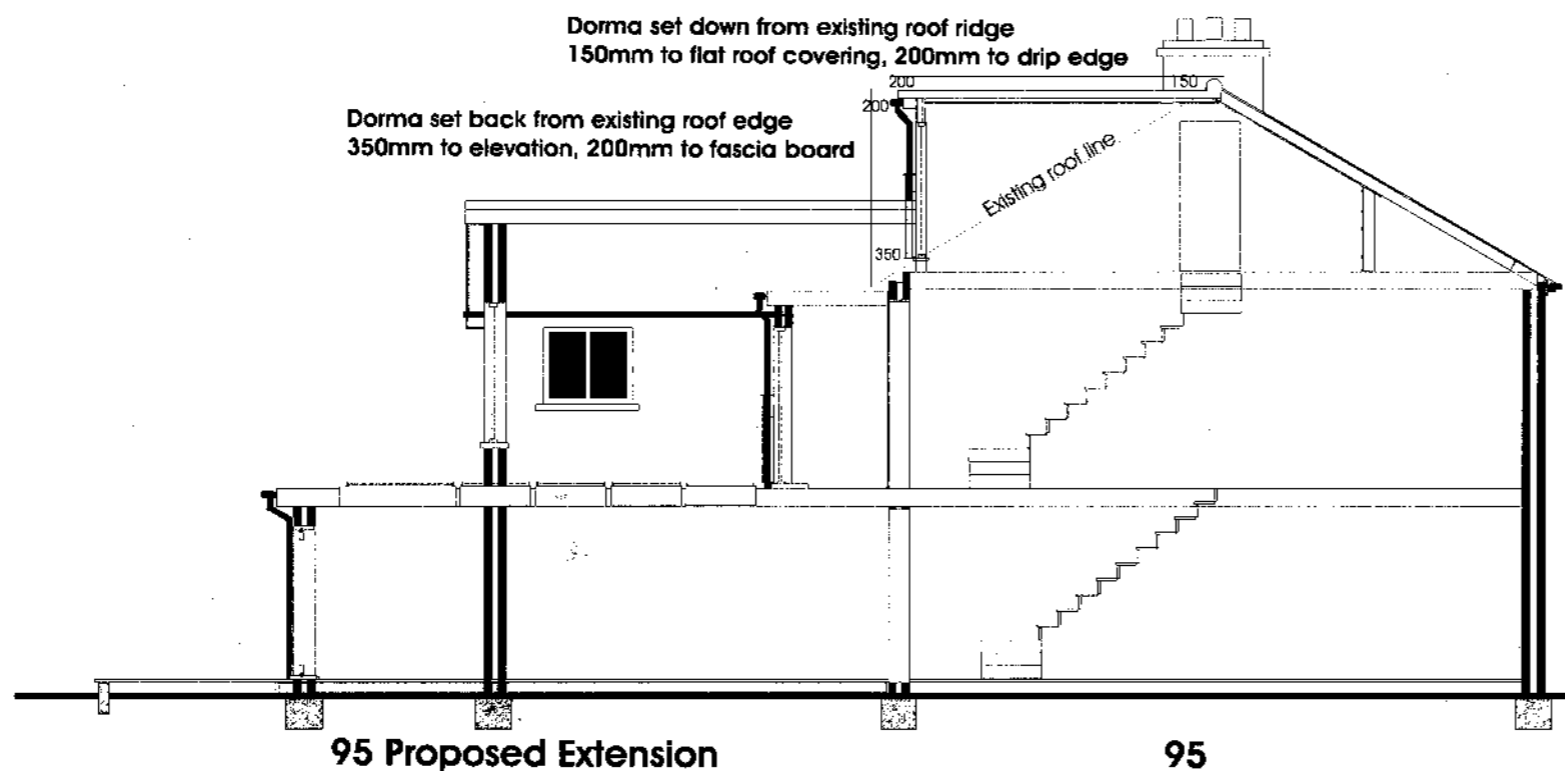
Legal demise

95 Fairleigh Road - Proposed Elevations



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CARDIFF COUNTY COUNCIL
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Section X-X - Proposed



RESIDENTIAL USE



Project: 95 Fairleigh Road, Cardiff

Elevations Proposed Scale: 1:100 (A3)

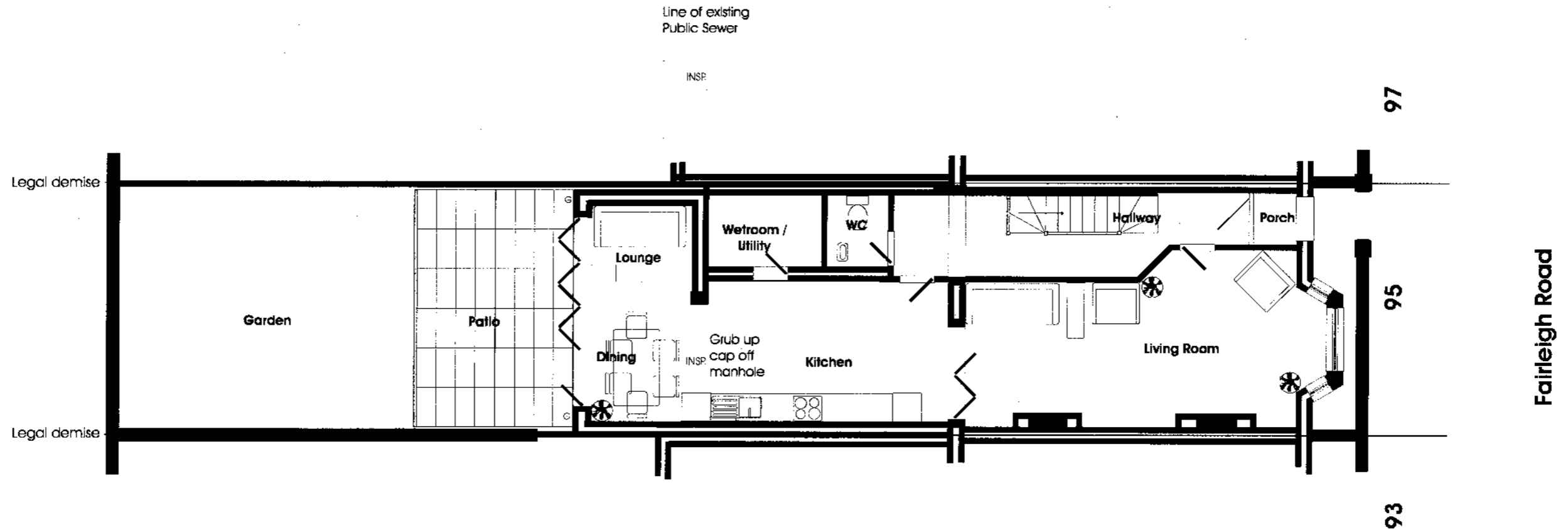
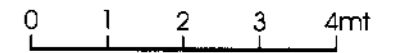
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Ground Floor Plan - Proposed

95 Fairleigh Road - Proposed Plans



Key:

	Brick Cavity Wall
	Single Brick Wall
	Window / Double Glazing
	Bi Folding Doors
	Area Of Roof Below
	Velux Roof Window
	Standard internal door
	Legal Boundary / Demise
	Active Chimney / Flue
	Disused Chimney / Flue
	Structural Steelwork

RESIDENTIAL USE

AMENDED PLAN
 CARDIFF COUNTY COUNCIL
 STRATEGIC PLANNING
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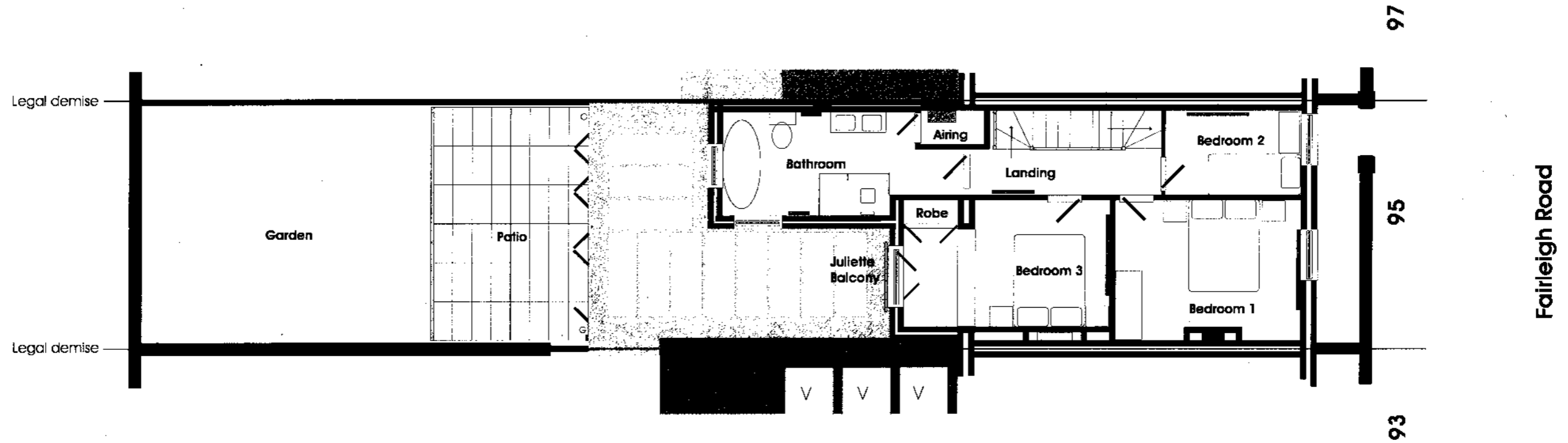
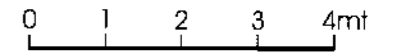


Project: 95 Fairleigh Road, Cardiff	
Ground Floor Plan	Scale: 1:100 (A3)
General Layout	Revision: 22/10/18 (G)
Drawn: GAK	Drwg. No: PP04GP01

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First Floor Plan - Proposed

95 Fairleigh Road - Proposed Plans



Key:

	Brick Cavity Wall
	Single Brick Wall
	Window / Double Glazing
	Projecting Balcony
	Area Of Roof Below
	Velux Roof Window
	Standard internal door
	Gas Condenser Boiler
	Active Chimney / Flue
	Disused Chimney / Flue
	Structural Timber/ Steelwork

RESIDENTIAL USE

AMENDED PLAN
 CARDIFF COUNTY COUNCIL
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 & ENVIRONMENT
 DATE 3.12.18

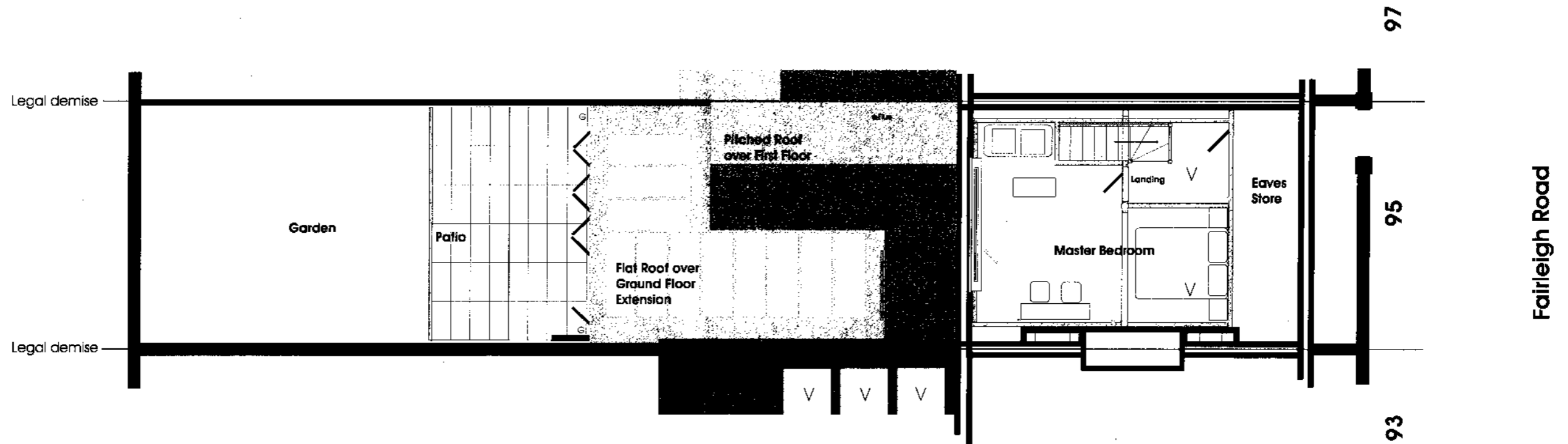
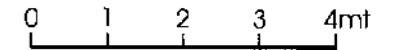


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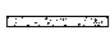









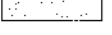
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Second Floor Plan - Proposed

95 Fairleigh Road - Proposed Plans



Key:

-  Brick Cavity Wall
-  Thermal Timber Studwall
-  Window / Double Glazing
-  Area Of Flooring in attic
-  Area Of Roof Below
-  Velux Roof Window
-  Standard internal door
-  Steel goalposts to support dorma
-  Steel floor beams to support attic
-  Active Chimney / Flue
-  Disused Chimney / Flue
-  Structural Timber (Purlin / Ridge)

RESIDENTIAL USE

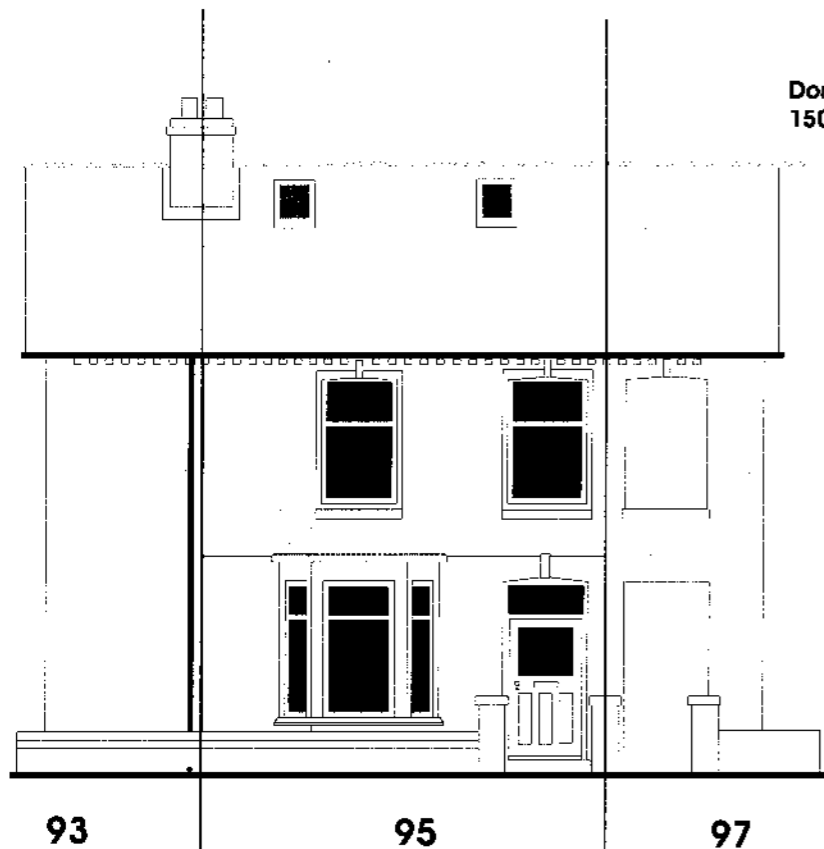
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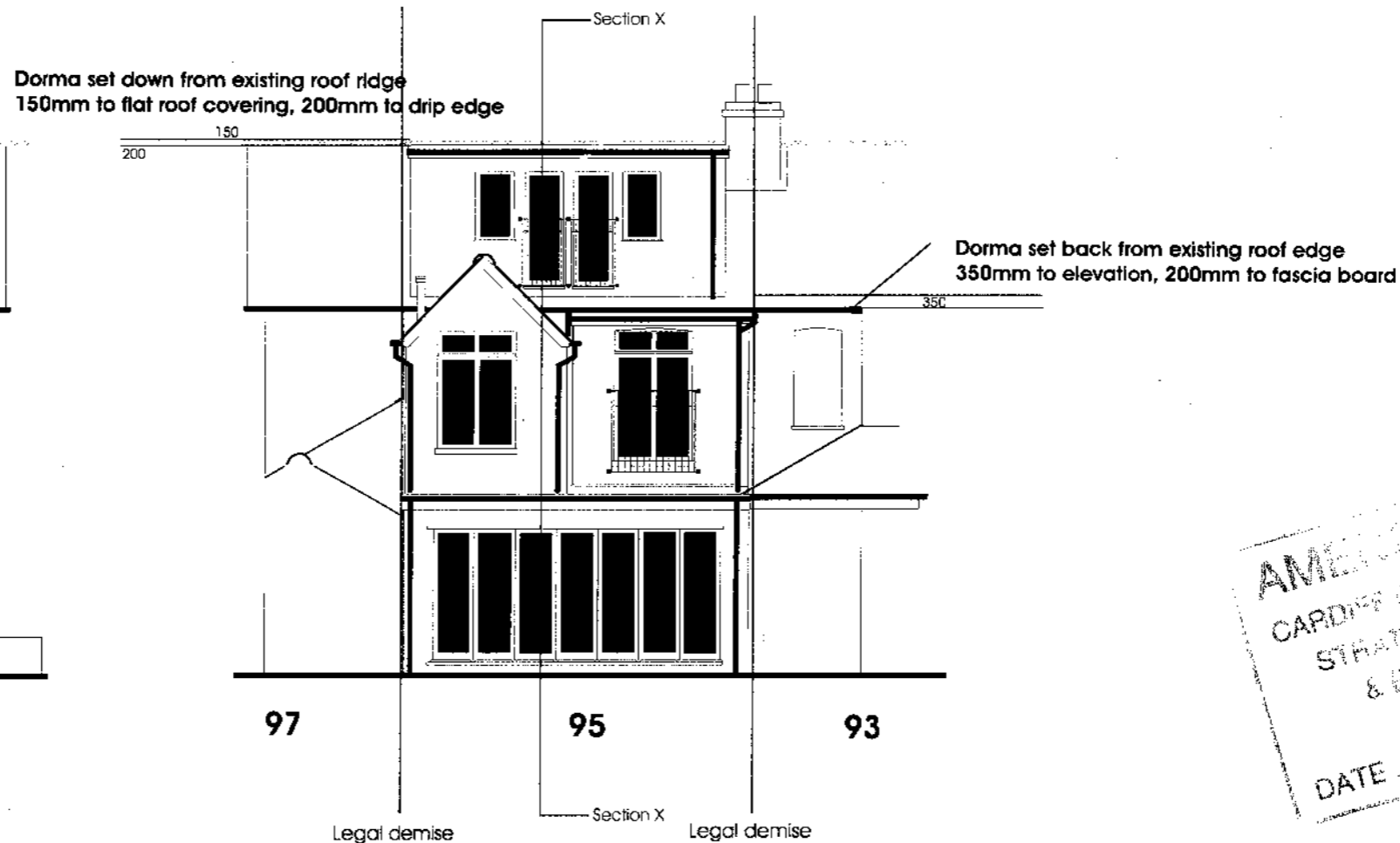
Project: 95 Fairleigh Road, Cardiff	
Second Floor Plan	Scale: 1:100 (A3)
General Layout	Revision: 05/11/18 (G)
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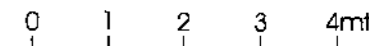
Front Elevation - Proposed



Rear Elevation - Proposed



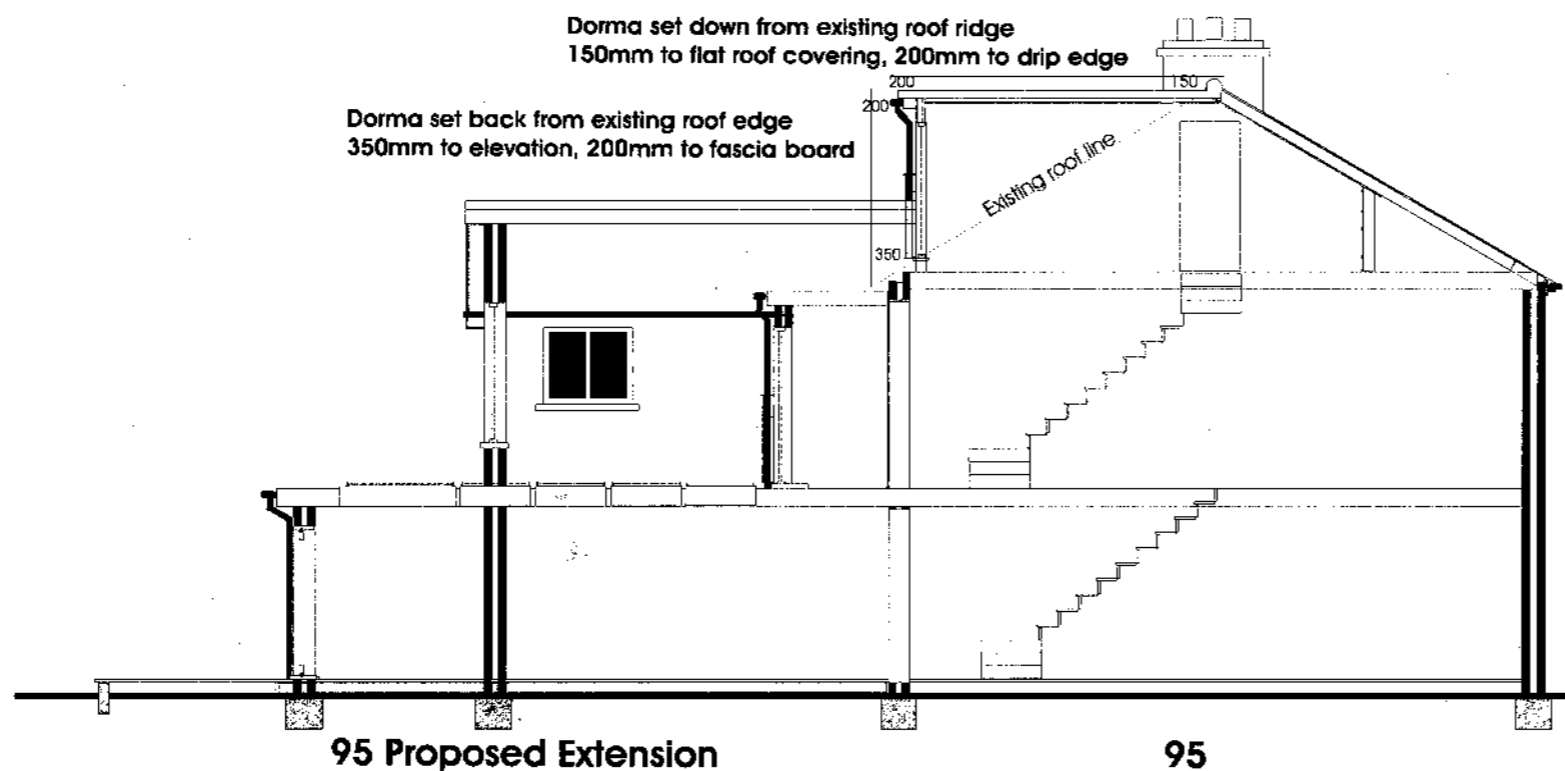
95 Fairleigh Road - Proposed Elevations



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Fairleigh Road

Section X-X - Proposed



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