

## LOCAL MEMBER OBJECTION

COMMITTEE DATE: 26/02/2020

APPLICATION No. **19/02797/MNR** APPLICATION DATE: 28/10/2019

ED: **CYNCOED**

APP: TYPE: Full Planning Permission

APPLICANT: MR MUHALAB TB JAJELDIN  
LOCATION: 40 HURON CRESCENT, LAKESIDE, CARDIFF, CF23 6DT  
PROPOSAL: 2 STOREY REAR EXTENSION AND CONVERSION OF HOUSE TO 2 SEPARATE DWELLINGS

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**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.
  - BDY2/3/a – Ground Floor Proposed
  - BDY2/4/a – First Floor Proposed
  - BDY2/5 – Front and Side Elevations Proposed
  - BDY2/6/a/b – Rear & Side Elevations Proposed
  - BDY9/15/a rev 01/20c – Site Plan

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 the north-east and south west elevations of the extensions 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. Prior to the beneficial occupation of the extensions hereby approved, the secured covered cycle storage facilities shall be provided as shown on plan no. BDY9/15/a rev 01/20c. The cycle storage facilities shall be retained thereafter and used for no other purpose.

Reason: To ensure that secure and under cover cycle parking facilities are provided to encourage other modes of transport over the private car, in accordance with Policy T5 of the Local Development Plan.

5. The external surfaces of the rear extensions hereby permitted shall match the materials used on the existing property.  
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.
6. Details of the means of site enclosures shall be submitted to and approved in writing by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.  
Reason: In the interests of visual amenity and residential amenity, in accordance with Policy KP5: Good quality and sustainable design of the Cardiff Local Development Plan (2006-2026).
7. The materials to be used in the construction of the frontage driveway/hardstand shall be porous or permeable or provide direct run-off to a porous or permeable area or surface within the curtilage of the dwelling-house.  
Reason: In the interests of water sensitive design in accordance with Policy KP5 and EN10 of the Cardiff Local Development Plan 2006-2026.
8. 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 structure or extension shall be placed within the curtilage of any dwelling or alteration to any roof.  
Reason: To ensure the orderly development of the area with adequate space about buildings and in the interests of the visual amenity of the area.
9. No development shall take place until construction details of the footway improvement works to the frontage of the site, have been submitted to and approved in writing by the Local Planning Authority. These works shall include the stopping up of the existing footway crossover on Torrens Drive, together with the provision of a new footway. Those details shall be implemented prior to the development being put into beneficial use.  
Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site and facilitate the safe movement of pedestrians.

**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 applicants ownership.

**RECOMMENDATION 3:** That the applicant be advised that all development including fascias, rainwater goods and footings shall take place solely on the applicants land and shall not encroach onto adjoining land.

**RECOMMENDATION 4 :** To protect the amenities of occupiers of other premises

in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

**RECOMMENDATION 5:** The applicant/developer be advised to contact [Highways@cardiff.gov.uk](mailto:Highways@cardiff.gov.uk) in regard to proposed works within the adopted highway regarding construction of new crossover/s to the frontage and removal of the existing crossover to the rear of the site.

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

- 1.1 Planning permission is sought for the construction of a two-storey rear extension and a single storey rear extension to enable the conversion of the property into 2 separate dwellings.
- 1.2 The proposed first floor rear extension is to be approximately 3m deep, 4.2m wide and 6.5m high with a hipped roof. The single storey rear extension is 3m deep, 9.9m wide and 3.7m high with a sloping roof. The submitted plans show the provision of a new hardstand for two off-street parking spaces positioned to the front of the site and demolition of the rear garage and adjacent parking space (and associated works to remove crossover and reinstate footway) to allow the creation of an enlarged amenity area for both dwelling units.
- 1.3 The submitted plans show that it is proposed to sub-divide the existing single dwelling into two separate dwelling units. The submitted plans show one dwelling to have a living room and kitchen on the ground floor, bathroom and three bedrooms (one with attached en-suite and dressing room) on the first floor. The adjacent proposed dwelling would have a kitchen/lounge, utility room and a bathroom on the ground floor and two bedrooms on the first floor.

## 2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises a two-storey semi-detached property on the junction of Huron Crescent and Torrens Drive. The existing property consists of a 5 bedroom dwelling, which has previously been extended with a two-storey side extension and rear conservatory.
- 2.2 The surrounding area consists of primarily two-storey semi-detached and detached dwellings with a number of flat developments within the wider area.
- 2.3 The site is not within a Conservation Area nor with an area of Flood Risk.

## 3. **SITE HISTORY**

- 3.1 18/02994/DCH – 2 Storey rear extension and conversion of house to 2 separate

dwellings. Refused

3.2 01/00542/N – Two storey extension to side of semi to form bedrooms. Granted

#### 4. **POLICY FRAMEWORK**

4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan

4.2 The following policies of the approved Cardiff Local Development Plan (2006-2026) are considered to be relevant to the proposal:

Policy KP5 (Good Quality and Sustainable Design)

Policy KP13 (Responding to Evidenced Social Needs)

Policy EN10 (Water Sensitive Design)

Policy T5 (Transport Impacts)

Policy W2 (Provision for Waste Management Facilities in Development)

4.3 Supplementary Planning Guidance: Residential Extensions and Alterations (2017)

4.4 Supplementary Planning Guidance: Infill Sites (2017)

4.5 Supplementary Planning Guidance: Managing Transport Impacts (Incorporating Parking Guidelines) (2018)

4.6 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007)

4.7 Technical Advice Note 12: Design

4.8 Planning Policy Wales Edition 10 (2018)

#### 5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager, Transportation – No objections in regard to amended details showing the provision of two off-street parking spaces to frontage of property. Request condition 9 regarding details of proposed new frontage crossover and closing up of crossover and new footway to rear of site.

5.2 The Operational Manager, Waste Management – No objections

#### 6. **EXTERNAL CONSULTEE RESPONSES**

6.1 N/A

#### 7. **REPRESENTATIONS**

7.1 Neighbours have been consulted, letters and e-mails have been received from the occupiers of 38 and 43 Huron Crescent, 70, 72, 74 and 76 Torrens Drive + the occupiers of Flat D 151 Habershon St and 5 Butterfield Drive (writing in on behalf

of family members who live locally to site), objecting for the following summarised reasons;

- i) Overdevelopment of site
- ii) Privacy/overlooking
- iii) Parking problems/highway safety, raise concerns regarding parking of cars onto pavements and close to the highway junction restricting visibility and access within the surrounding area.
- iv) Loss of light/overshadowing
- v) Potential use of the property as a HMO
- vi) Noise and disturbance from occupiers
- vii) Proposal would create a terraced property out of keeping with the street scene.

7.2 Councillor Robert Hopkins, raises objections for the following summarised reasons:

- i) Previous similar application has been refused;
- ii) Proposal would create a linked or terraced property out of keeping with the street scene;
- iii) Concerns regarding separation of garden area into two and future desirability of scheme;
- iv) Non Subservience and overbearing nature of proposed extensions;
- v) Overshadowing;
- vi) Loss of privacy;
- vii) Concerns regarding highway safety and proposed parking provision.

## 8. **ANALYSIS**

8.1 This application was deferred by Planning Committee at its meeting on 22nd January 2020 in order to undertake a site visit. The site visit took place on 17<sup>th</sup> February 2020 and the application is reported back for determination.

8.2 The main planning issues relate to:

- i) The effect of the proposal upon the character and appearance of the area;
- ii) The effect of the development on the amenity and privacy of neighbouring occupiers;
- iii) The standard of amenity provided for future occupiers;
- iv) Highway safety/parking issues.

8.3 The application site lies within the defined settlement boundary in an existing residential area. Policy KP13 notes that '*a key part of the successful progression of the city will be to develop sustainable neighbourhoods*' and defines that '*providing a range of dwelling sizes, types and affordability*' is a key factor to achieving such an aim.

8.4 Cardiff Council's Infill Sites SPG while not directly applicable to this proposal (as it does not involve infilling in a gap between dwellings or replacement of an existing

building) assists in providing guidance on appropriate residential development. It indicates that such development should amongst other things:

- Protect residential amenity, both of new and existing occupiers; and
- Responds to the context and character of the area.

- 8.5 The proposed rear single storey and first floor rear extensions are considered acceptable in regards to their scale and design and will not prejudice the general character of the area. It is noted that the property has previously been extended to the side elevation with a two-storey extension and there is an existing rear conservatory to the property.
- 8.6 The scale of the development and its relationship with the existing dwelling and that of neighbouring properties is considered acceptable. The submitted plans show the single storey element would project up to the boundary with no. 38 Huron Crescent (adjoining property) and up to the adjacent footway. The two-storey element of the extension would be sited approximately 2.1m from the boundary with no. 38 Huron Crescent and approx. 3.8m from the adjacent footway and 11 metres from the rear boundary (which abuts onto a electricity substation). It is considered that the proposal would not be overbearing or generally unneighbourly which would justify concern for the Local Planning Authority.
- 8.7 The submitted plans show that there are no first floor windows sited in the side elevations facing no. 38 Huron Crescent or on to the elevation facing Torrens Drive and a condition is recommended, so that no additional windows are to be inserted into the side elevations in the future, so as to protect the privacy of adjoining occupiers (see condition 3). The first floor rear elevation is sited approximately 11 metres from the rear boundary, adjoining onto a electricity substation. It is considered that privacy will not be compromised as the proposal complies with the Councils privacy distance guidelines.
- 8.8 The subdivision of the property into two separate dwellings is considered to be policy compliant. Subdivision of residential properties is supported by Policy H5 of the LDP as subdivision of a residential building into smaller residential units can be an important source of housing. National Planning policy encourages the provision of additional housing stock within previously developed land for housing development. Paragraph 4.2.17 of Planning Policy Wales notes that use of such land *'...can assist regeneration and at the same time relieve pressure for development on greenfield sites.'*
- 8.9 Both dwelling units would have adequate internal space with an acceptable internal layout and outlook for future occupiers.
- 8.10 Guidance in the Infill Sites SPG advises that any such development *'must consider both new and future occupiers amenity'* and *'all new residential dwellings, as well as existing dwellings affected by development should maintain useable and appropriate external amenity space'* and *'Houses and ground floor flats that will serve as family accommodation should include enclosed and secure private amenity areas. Depending on context, such amenity areas should measure at least 10.5m in depth or 50m<sup>2</sup> overall'*. Amended plans show that there is sufficient

amenity space provided for both properties. Both properties would have a rear private amenity space approximately 11m long, with each area being approximately 55 sqm.

- 8.11 The Operational Manager, Transportation raises no objections to the amended scheme, which show the creation of a parking hardstand with space for the provision of 2 off-street parking spaces within the frontage of the property and includes the removal of the existing parking space to the rear of the site (with works including the removal of the existing rear crossover and reinstatement of the footway). The submitted plans also show the provision of five cycle storage spaces in total within the rear amenity areas of both properties.

It is noted that the existing 5 bed property has one off-street parking space (+ detached garage within the rear curtilage of the dwelling). This proposal does not increase the number of bedrooms in total and it is proposed to create two new parking spaces within the frontage of the property. The approved Managing Transport Impacts Supplementary Planning Guidance states that there is no minimum parking provision for a development of this type in this location.

- 8.12 Members should note that a separate licence would be required from Transportation under the Highways Act 1980 for works within the adopted highway.

- 8.13 Having regard to the previous refusal of planning permission members should note that application ref: 18/02994/DCH was refused for the following reasons;

1. *The proposed rear extensions would due to their length, height and massing sited in close proximity to the footway have a prejudicial impact upon the character and appearance of the surrounding area, contrary to Policy KP5 of the Cardiff Local Development Plan 2006-2026.*
2. *The first floor side facing window would be sited a substandard privacy distance from adjoining properties and would have a prejudicial impact upon privacy, contrary to Policy KP5 of the Cardiff Local Development Plan 2006-2026.*

In the case of the previous refusal and in an attempt to overcome the reasons for refusal, the applicant has reduced the width of the first floor extension by approximately 3.8m in order to reduce the impact of the extension on the street scene. The side facing first floor window has been removed from the scheme, with only first floor windows proposed facing towards the rear amenity area.

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

- i) The proposal is not considered to be an overdevelopment of the site. The proposed extensions are considered of an acceptable scale and design and the amended plans show sufficient amenity space is available for both properties.
- ii) See para 8.6.

- iii) See para 8.10 + Note concerns regarding parking on pavements and close to junctions and would advise that this is dealt with under the Councils Parking Enforcement Service or South Wales Police.
- iv) It is not considered that the proposed extensions would overshadow the adjacent neighbouring properties to an unacceptable degree.
- v) The application is for the provision of two separate C3 dwellinghouses. The future use of either of the properties as a C4 or Sui Generis HMO would require the submission of a new change of use application.
- vi) Noise and disturbance from occupiers would be dealt with legislation enforced by the Councils Shared Regulatory Services Department.
- vii) Note that the side extension is existing and the sub-division of the property into two dwellings would create a small terrace of three properties. While somewhat unusual when you consider the immediate environment. The arrangement is considered acceptable noting the residential context of the surrounding area.

8.15 In regard to the comments made by Councillor Hopkins, would comment as follows;

- i) Noted, the scheme before committee has been altered to overcome the previous reasons for refusal
- ii) See para 8.14(vii) of committee report
- iii) The submitted site plan shows that there would be sufficient amenity space provision for occupiers of both proposed dwelling units.
- iv) The proposed extensions are considered to be of an acceptable scale and design and would not prejudice the amenities of the adjoining neighbours
- v) The submitted plans show that there are to be no ground floor or first floor windows facing no. 38 Huron Crescent and is recommended that condition 3 is inserted to ensure that no windows are installed in the first floor side elevation facing onto Torrens Drive so as to protect the privacy of neighbouring occupiers.
- vi) Amended plans submitted show the provision of two off-street parking spaces within a hard surfaced area to the frontage of the property, noting that this is not an unusual situation in regard to the existing street scene. The Operational Manager, Transportation raises no objections to the proposed amended scheme

#### 8.16 Other Legal Considerations

*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.

*Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and

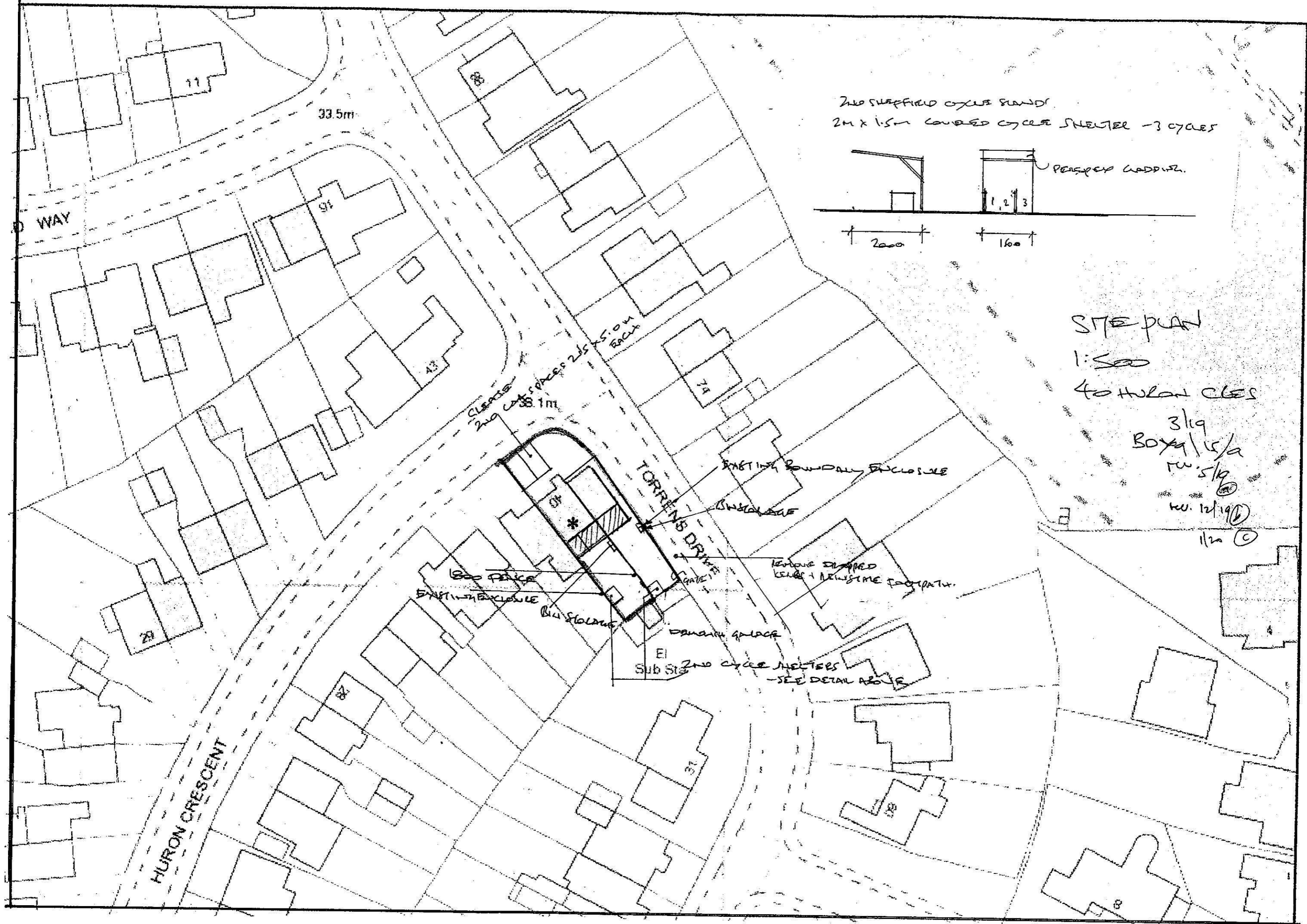


maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

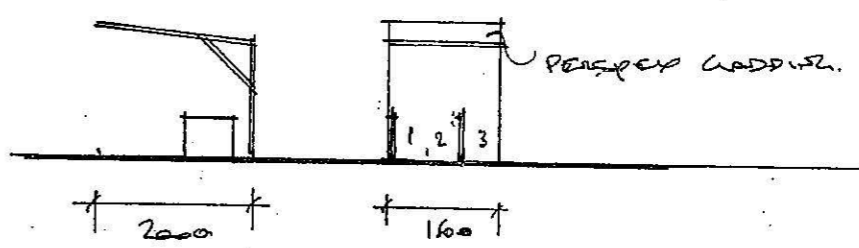
*Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability 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.

#### 8.17 **CONCLUSION**

Having regard to the policy context above, the amended proposal is on balance, considered to be acceptable and approval of planning permission is recommended.

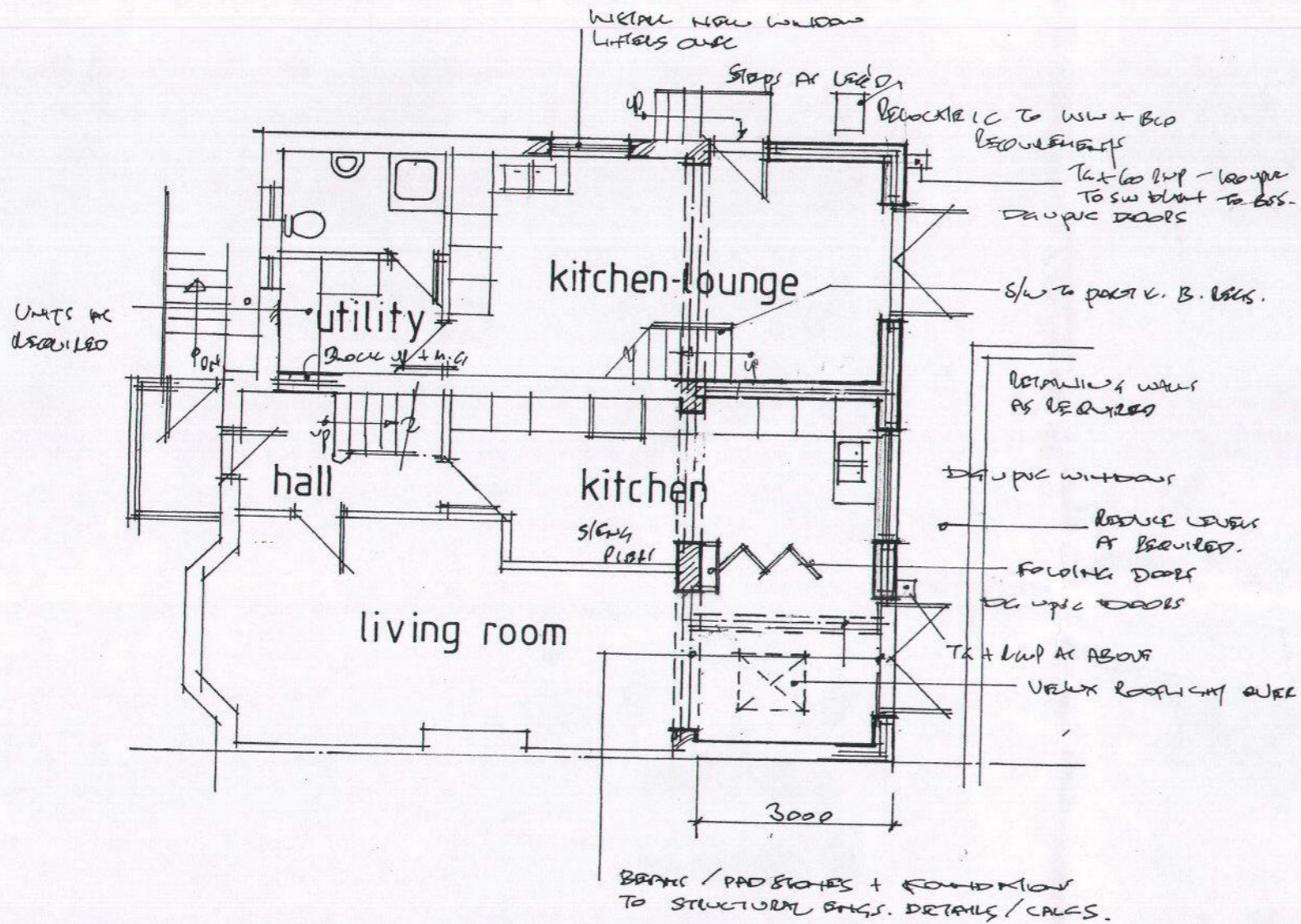


2ND SHEFFIELD CYCLE STAND  
 2M X 1.5M COVERED CYCLE SHELTER - 3 CYCLES

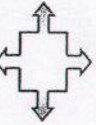


SITE PLAN  
 1:500  
 40 HURON CRES

3/19  
 Box 15/a  
 RW 5/19  
 RW 12/19  
 1/20



**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2035 0365



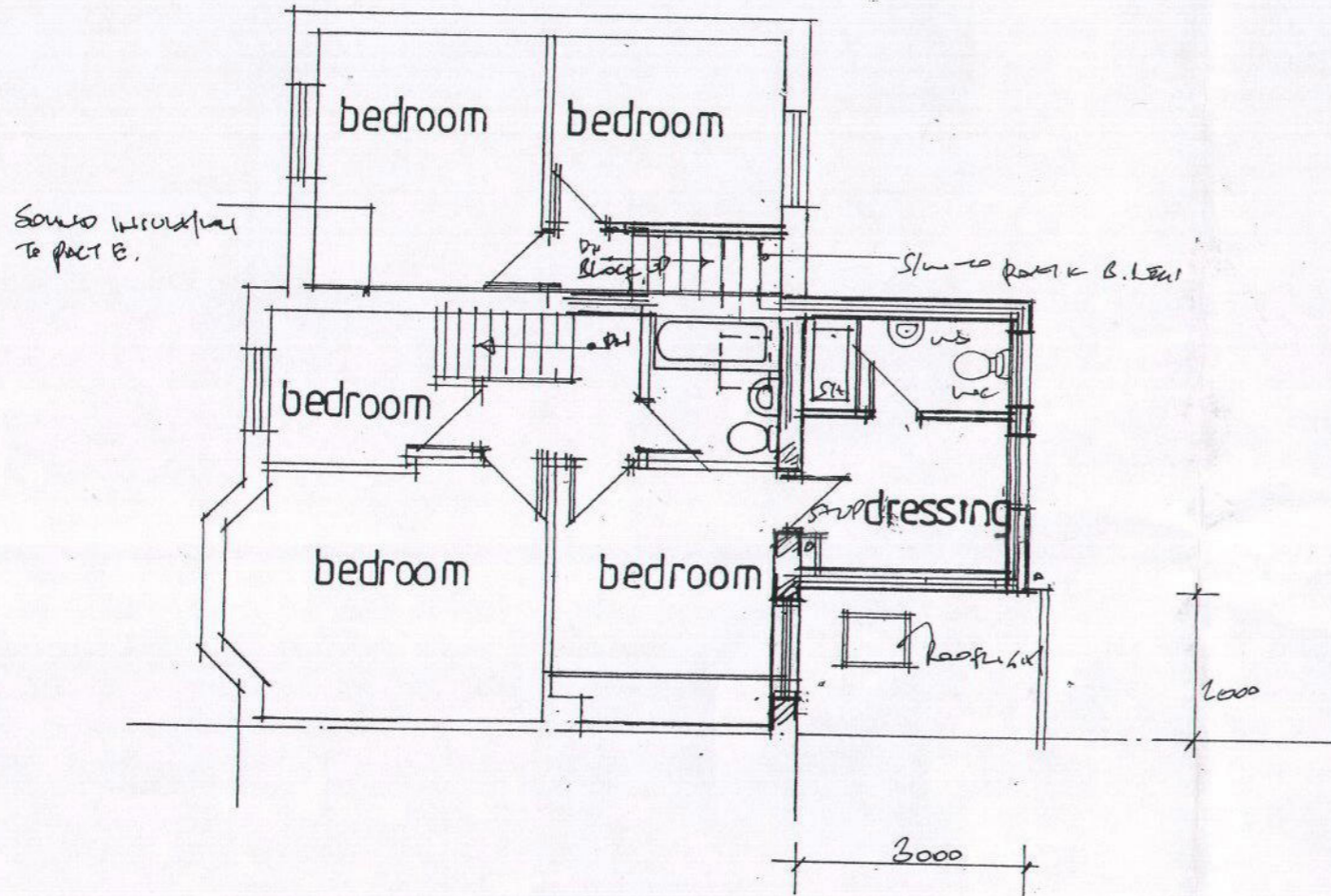
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**DEVELOPMENT AT**  
**40 HURON CRESCENT**  
**CARDIFF**

DATE NOV 2018 PLAN NO. BDY2/3/a

19/02797

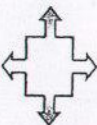
GROUND FLOOR PROPOSED 1:100 at A3



19/02797

FIRST FLOOR PROPOSED 1:100 at A3

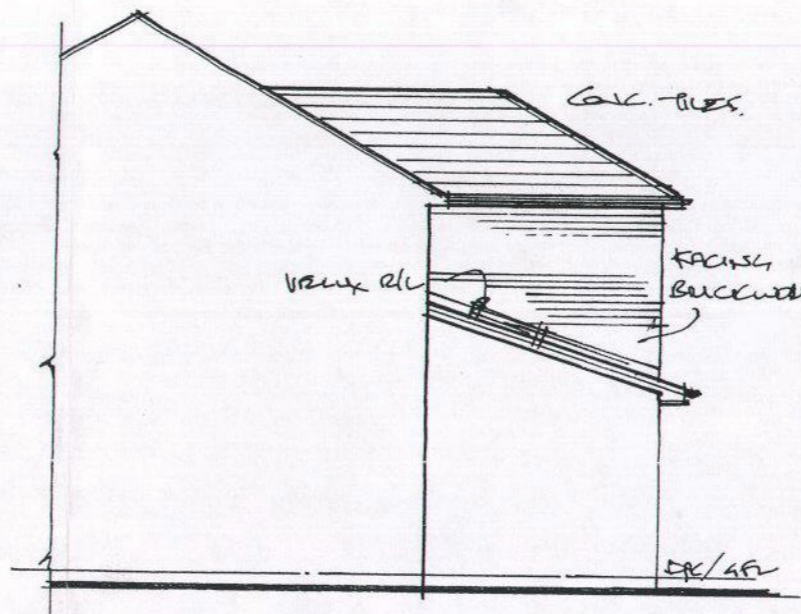
**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2035 0365



REVISIONS	DATE	REVISIONS	DATE
71 walls @ 9/19			

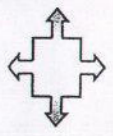
**DEVELOPMENT AT**  
**40 HURON CRESCENT**  
**CARDIFF**

DATE NOV 2018 PLAN NO. BDY2/4/a



19/02797

**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2035 0365

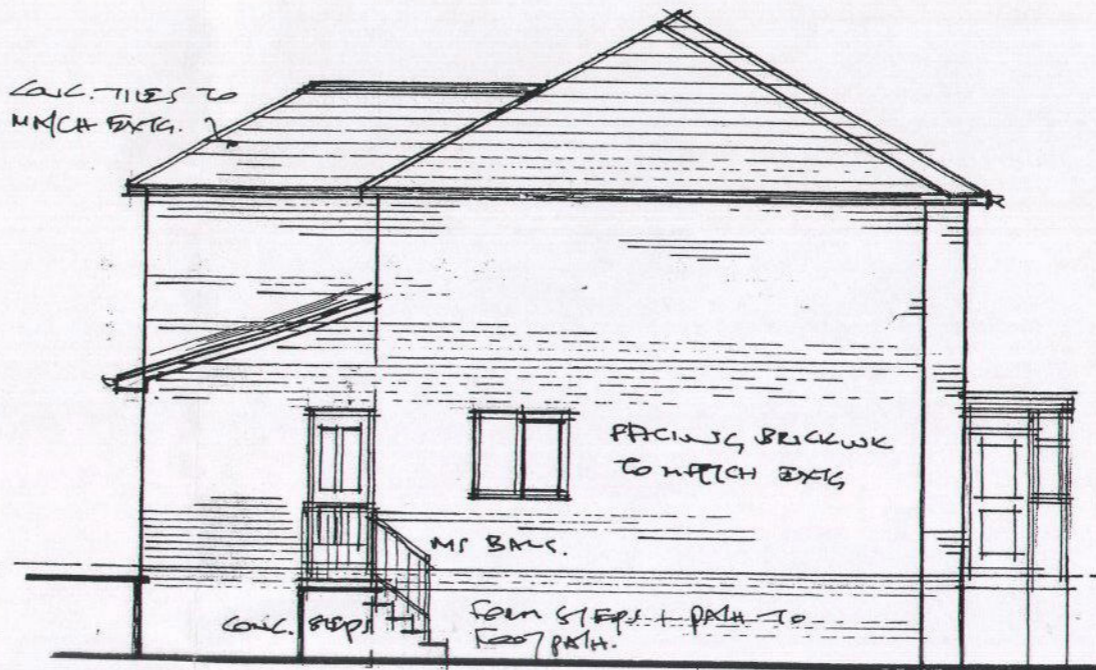
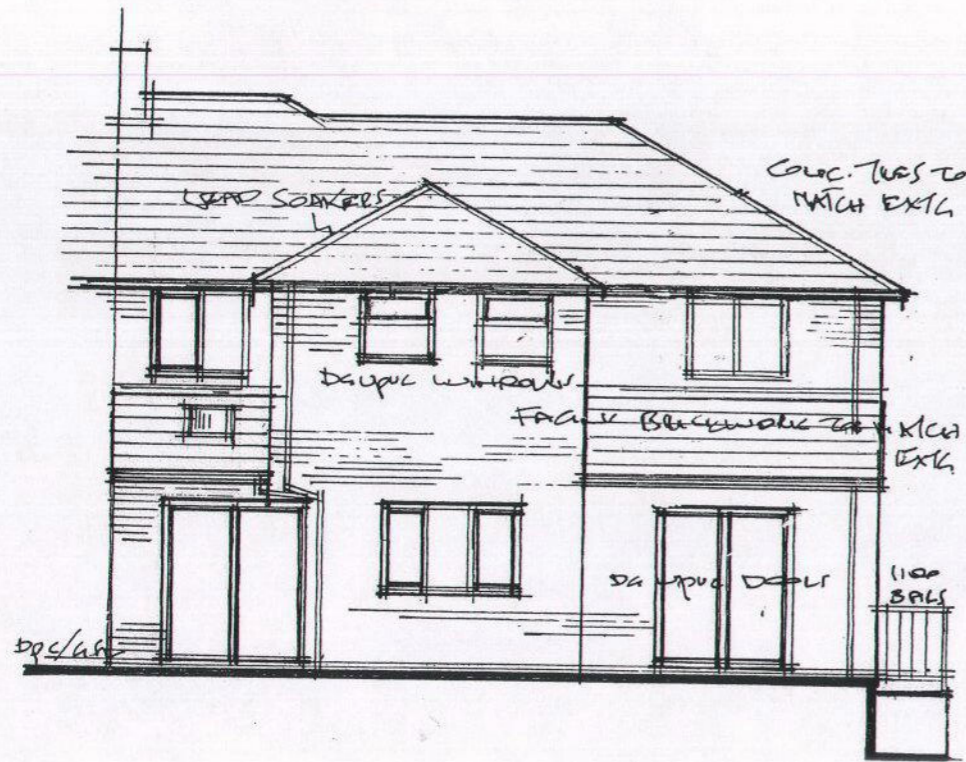


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**DEVELOPMENT AT**  
**40 HURON CRESCENT**  
**CARDIFF**

DATE NOV 2018 PLAN NO. BDY2/5

FRONT & SIDE ELEVATIONS PROPOSED 1:100 at A3



19/02797

REAR & SIDE ELEVATIONS PROPOSED 1:100 at A3

**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2035 0365



REVISIONS	DATE	REVISIONS	DATE
FL 15a (a)	1/19		
T1 15a (b)	9/19		

**DEVELOPMENT AT**  
**40 HURON CRESCENT**  
**CARDIFF**

DATE NOV 2018 PLAN NO. BDY2/6/a/b