

## LOCAL MEMBER OBJECTION

COMMITTEE DATE: 17/06/2020

APPLICATION No. **20/00151/DCH** APPLICATION DATE: 22/01/2020

ED: **CYNCOED**

APP: TYPE: Householder Planning Permission

APPLICANT: Dr Ali Helu

LOCATION: 1 THE FAIRWAY, CYNCOED, CARDIFF, CF23 6RF

PROPOSAL: RETAIN ALTERATIONS AS BUILT TO APPROVED  
DRAWINGS OF PLANNING PERMISSION 19/02126/DCH  
WITH FIRST FLOOR EXTENSION 350MM FACE OF FRONT  
ELEVATION

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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:
  - 201 R9
  - 202 R9

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 the south west elevation of the extension.  
Reason: To ensure the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).
4. The front elevation shall be finished in facing brick to match the host building.  
Reason: To ensure that the materials harmonise with the character of the building and the area in accordance with Policy KP5 of the adopted 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 Full planning permission is sought to extend an existing semi-detached house with a two storey extension to the side and a wraparound single storey element to the remaining side and the rear. The site benefits from an existing planning permission (19/02126/DCH) to extend to the side and rear which was approved by Planning Committee in November 2019. Construction work is currently underway and this application has been submitted to regularise aspects of the build which differ from the plans previously approved.
- 1.2 The principal differences between the previously approved scheme and the scheme under consideration in this application are as follows:
- The first floor element of the side extension would be set back 350mm from the front elevation of the existing house, whereas it was flush with the front elevation in the previously approved scheme. The depth of the two storey element would increase by an additional 0.5m to 3.5m in total. The increased depth of the two storey element would necessitate the removal of the existing first floor side facing window;
  - The single storey side extension would have a flat roof, whereas it previously had a sloping roof. Two rooflights have been added to the flat roof;
  - The front elevations are shown in red facing brick in order to reflect the additional condition imposed at Committee on the previously approved scheme and this has been built on site;
  - The dormer is shown as having a set of patio doors with windows either side and a glass balustrade. This differs from the dormer previously approved under the Certificate of Lawful Development application (19/02517/DCH), but appears to still fall within the parameters of permitted development rights.
- 1.3 The application was deferred from March Planning Committee to allow officers to consider the submitted plans in relation to the development built on site, namely in relation to: the rear single storey extension roof form on site had been built as a hip compared to the plans which showed a gable end, the location of the side door differed in its location on plan to that built and the plinth that separated the rear lean-to extension and that side flat roof element. Submitted plans have been received which officers believe allow the committee to make a decision on the proposal.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site is located on the north west side of The Fairway, a residential street accommodating a mix of semi-detached two storey dwellings and bungalows. The site accommodates a semi-detached house. The site is broadly triangular in shape, being wider at the front of the site where it adjoins the pavement and narrower at the rear boundary. The western boundary of the site adjoins the rear boundary of houses along Westminster Drive. The site sits at a slightly lower ground level than the houses on Westminster Drive.
- 2.2 The Committee may recall that a site visit was made to the property in November

2019, prior to the previous application being determined.

### 3. **SITE HISTORY**

- 3.1 19/02517/DCH – A Certificate of Lawful Development for a rear dormer and a hip to gable alteration was granted on 23/09/19.
- 3.2 19/02126/DCH – Planning permission for a single storey rear and two storey side extensions was granted on 21/11/19.
- 3.3 19/03274/DCH – Planning Application to retain alterations to the plans approved under 19/02517/DCH to reflect the extensions as built was withdrawn on 09/01/20.

### 4. **POLICY FRAMEWORK**

- 4.1 National Planning Policy
- Planning Policy Wales (2018)
  - Technical Advice Note 12 'Design' (2014)
- 4.2 Cardiff Local Development Plan (2006-2026)
- Policy KP5 'Good Quality and Sustainable Design'
  - Policy T5 'Managing Transportation Impacts'
- 4.3 Supplementary Planning Guidance
- Residential Extensions and Alterations (2017)
  - Managing Transportation Impacts (Incorporating Parking Standards) (2018)

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

- 5.1 None.

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

- 6.1 None.

### 7. **REPRESENTATIONS**

- 7.1 Councillor Hopkins writes in support of his constituents who have objected to the proposal and raises the following objections:
- The two storey extension appears to be constructed at a height above that originally intended and as set out in the plans;
  - Given its proximity to the neighbour's boundary, questions whether it is within guidance stating it should be no higher than 3 metres;
  - Re-submitted proposal is extremely overbearing in its impact on the neighbouring properties, especially at the rear of no. 12 and no. 14 Westminster Drive, especially when viewed together with the dormer extension. Overbearing nature of the two storey extension is further exacerbated by the proximity to the neighbour's boundary of just under a metre;

- The proposals do not accord with the Residential Extensions and Alterations SPG as the extension remains in close proximity of less than a metre from the neighbour's boundary, the side extension is not subservient to the principal elevation and the extensions unbalance the pair of semis when taken together with no. 3.

7.2 Neighbouring occupiers have been notified. Objections have been received from the occupiers of no. 3 The Fairway, and from and on behalf of the occupiers of no. 12 Westminster Drive. The occupier of no. 3 The Fairway objects to the proposal for the following reasons:

- Concern at the aesthetics of many parts of the extension;
- Lack of symmetry with no. 3;
- They have employed a surveyor under the Party Wall Act and are awaiting an inspection of the work.

The occupiers of no. 12 Westminster Drive object for the following reasons:

- Their property is dominated by the overly large dormer and the two storey and single storey extensions;
- Their southerly facing garden is extensively overlooked and overshadowed and has lost views of the sky-line and its open aspect;
- The revised plans differ from what has actually been built;
- Development is a substantial over-development of a single residential property and is obtrusive and over-bearing;
- Substantial bulk, aesthetic appearance and over-dominance of the side extensions is out of keeping with the proportions of the existing house. Construction does not match any aspect of the property;
- Views from neighbouring houses have been blighted;
- Overall development is excessive, out of character and detrimental to the visual environment of the locality and surrounding houses, contrary to guidance in the Residential Extensions and Alterations SPG;
- Concerns about the safety of the construction and the building over of a sewer;
- Requests that any rendering of the sand cement walls is finished in a stone colour to match the property opposite.

## 8. **ANALYSIS**

8.1 The key material planning considerations are:

- The impact upon the character of the area;
- The impact upon the occupiers of neighbouring properties;
- Other matters raised.

### 8.2 **Impact Upon the Character of the Area**

The two storey side extension and single storey wraparound element along the remainder of the side elevation and to the rear, as amended, are considered acceptable in terms of scale and design. The single storey element at the front would be forward of the principal elevation of the existing dwelling, which would not usually be supported in planning terms. However, as the existing porch is forward of the front wall of the house, the continuation of the building line across to the front of the side extension is considered acceptable in design terms in this

instance. The first floor element would differ from the previously approved scheme in that it would be set back 350mm from the front elevation of the existing dwelling. The roof of the extension would have a ridge below the ridge height of the main roof.

These two elements are considered sufficient in order to demonstrate a subservient relationship to the existing dwelling and so the proposal is considered to accord with policy.

Several of the neighbouring properties have been substantially altered from their original form and extended to the side or to the rear, including the house which makes up the other half of the pair of semis, which has a single storey wraparound extension and a hip to gable roof extension with a rear dormer. In light of this, it is not considered that the proposed side and rear extensions would represent unusual or incongruous features, or that they would prejudice the general character of the area.

The proposed use of sand render on the side elevation is not an unusual finish for extensions and examples of such materials can be seen within the area, so its use is considered acceptable on the side and rear elevations of the building. However, it is considered that facing brick to match the existing front elevation of the house would be a more appropriate finish on the principal (front) elevation to ensure that the extension would harmonise with the existing building and not appear unusual or out of character within the street scene.

### **8.3 Impact Upon the Occupiers of Neighbouring Properties**

The two storey and single storey side extension would run parallel to the rear boundary line of no. 10-14 Westminster Drive, which are two storey houses to the west of the application site. The houses on Westminster Drive are set slightly above the ground level of the application site and orientated broadly at a right angle to the application property.

The two storey element differs from the previously approved scheme in that it would be set back 350mm from the front wall of the existing house and would be 3.5m in depth (an increase of 0.5m in depth compared to the previously approved scheme). The proposed extension would be separated from the rear boundary of the houses on Westminster Drive by approximately 1m. A distance of 10.5m, or more, would be maintained between the rear of the houses on Westminster Drive and the side wall of the proposed extension.

Given the orientation of the houses, it is acknowledged that some degree of additional overshadowing of a proportion of the neighbouring gardens may occur as a result of the side extensions. However, when taking into account the separation distance and the position of the outbuildings at the end of some of the neighbouring gardens adjacent to the boundary line, it is not considered that the impact of the proposal on neighbouring occupiers would be so significant that it would warrant a refusal of planning permission in this instance. The set back of the first floor element and the increase in its depth by 0.5m is unlikely to have a significant impact upon the degree of overshadowing likely to be experienced in neighbouring gardens compared to the previously approved scheme.

The two storey element would be located approximately 10.5m away from the closest point of the rear of the houses along Westminster Drive, several of which have been extended to the rear. Although the proposal would result in the two storey element being closer to the neighbouring houses than the existing side wall, due to the separation distance and taking into account that the two storey element would only extend along part of the existing side wall, it is not considered that there would be an overbearing impact upon the neighbouring occupiers. The set back of the first floor element and the increase in its depth by 0.5m compared to the previously approved scheme is unlikely to have a significant additional impact upon the neighbouring occupiers.

The rear single storey extension would adjoin a similarly proportioned single storey extension to the rear of the attached house, no. 3. It is not considered that there would be any detrimental impact upon the occupiers of no. 3 in terms of overshadowing or overbearing impact.

#### 8.4 **Other Matters Raised**

- Issues relating to the party wall fall outside the scope of planning legislation and would be dealt with under the Party Wall Act;
- Health and safety concerns relating to building sites are the responsibility of the Health and Safety Executive;
- Building over a sewer is not a planning matter as it is controlled by other legislation;
- It is acknowledged that the two storey and single storey extension proposed falls outside the parameters of permitted development, but as a planning application has been submitted the extension is not required to be within the limits of permitted development;
- Concern was raised by the committee at the last meeting in relation to the accuracy of the plans on the following points: the rear single storey extension roof form on site had been built a hip compared to the plans which showed a gable end, the location of the side door differed in its location on plan to that built and the plinth that separated the rear lean-to extension and that side flat roof element. The agent has been to the site of three separate occasions and is confident the plans are true and accurate reflection of the site. Officers believe that the submitted plans and the application that has been built on site allow the committee to make a reasoned decision on the merits of the scheme.
- Concern was expressed by the committee in relation to the flat roof being used as amenity space but the permitted development order ( as amended) does not allow the creation of any opening to facilitate a roof terrace (A1.1 (i) & (iii) T&CP (General Permitted Development) (Amendment) (Wales) Order 2013)

### 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.
- 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 upon the achievement of wellbeing objectives as a result of the recommended decision.

10. **RECOMMENDATION**

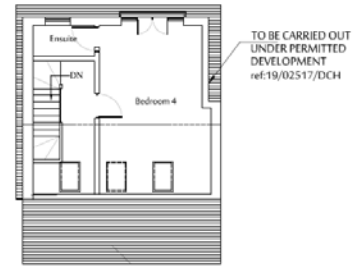
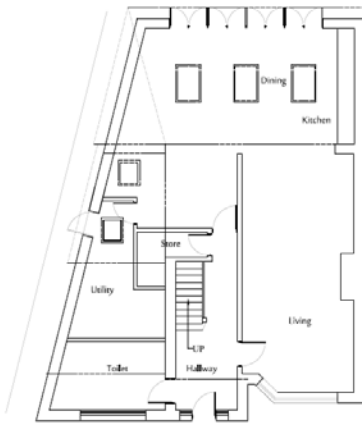
- 10.1 Having regard to the policy context above, the proposal is considered acceptable and it is recommended that planning permission be granted, subject to conditions.



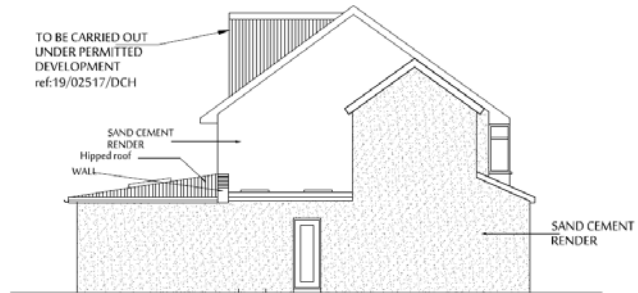
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# AMENDED PLANS OVERCOMING ACCURACY CONCERNS FROM THE COMMITTEE



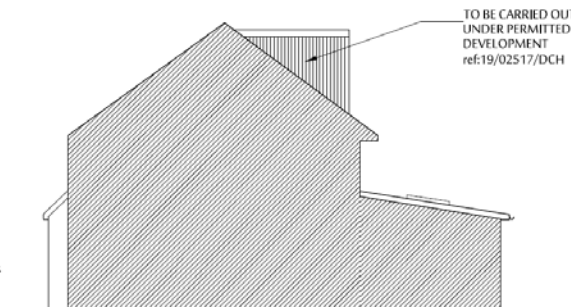
TO BE CARRIED OUT UNDER PERMITTED DEVELOPMENT ref:19/02517/DCH



TO BE CARRIED OUT UNDER PERMITTED DEVELOPMENT ref:19/02517/DCH

SAND CEMENT RENDER  
Hipped roof  
WALL

SAND CEMENT RENDER



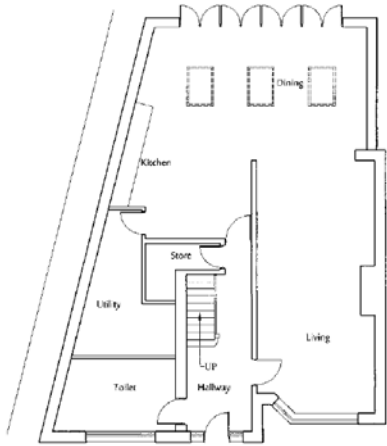
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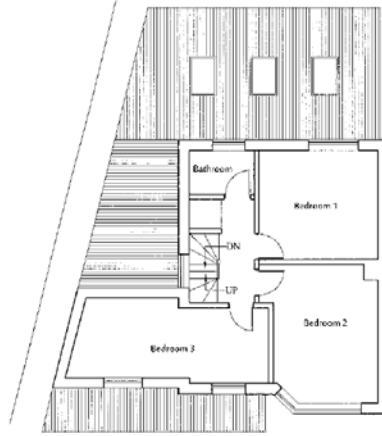
Hipped roof  
Wall

DOOR

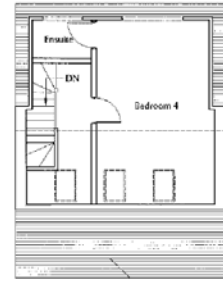
AS APPROVED BY COMMITTEE ON 16<sup>TH</sup> OCTOBER 2019



PROPOSED GROUND FLOOR PLAN



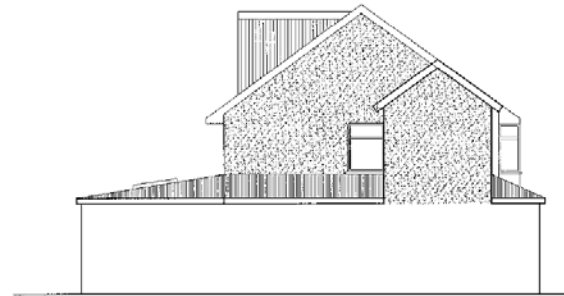
PROPOSED FIRST FLOOR PLAN



PROPOSED LOFT PLAN



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

**VIEW FROM OBJECTOR'S PROPERTY**

