

COMMITTEE DATE: 15/12/2021

APPLICATION No. **21/01746/MNR** APPLICATION DATE: 16/07/2021

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Full Planning Permission

APPLICANT: Mrs Sandra A Smith

LOCATION: CHARWIN, HEOL Y GORS, WHITCHURCH, CARDIFF, CF14 1HE

PROPOSAL: PROPOSED CONSTRUCTION OF A DETACHED ONE BEDROOM DORMER BUNGALOW

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 and documents:
 - S.A.S:HYG:2A:03:2021:01 (SLP) – Site Location Plan.
 - S.A.S:HYG:2A:03:2021:03 (FP) – Floor and Roof Plans as Proposed.
 - S.A.S:HYG:2A:03:2021:04 (FP) – Elevations and Section as Proposed.
 - S.A.S:HYG:2A:03:2021:05 (FP) – Detailed Site Layout as Proposed.

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. The cycle parking facilities shown on the approved site layout plan shall be provided before the development hereby approved is brought into beneficial use and shall be maintained thereafter and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the parking / storage of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), no structure or extension shall be placed within the curtilage of the dwelling hereby approved or any alteration made to the roof, nor shall any windows or other openings be made in the external walls of the dwelling, other than those shown on the approved plans.

Reason: To ensure that adequate amenity space is retained for the development and in the interests of residential amenity and privacy, in accordance with policy KP5 of the Cardiff Local Development Plan.

5. The rooflight on the north elevation shall be glazed with obscure glass and shall be permanently retained in that condition thereafter.

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

6. Prior to the construction of the building above foundation level, samples and/or manufacturer's specifications of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan.

7. No development shall commence until plans showing details of existing ground levels at the application site and adjacent properties and proposed finished ground and floor levels of the development in relation to adjacent properties have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: These details are not included with the application and are required to ensure an orderly form of development in accordance with policy KP5 of the Cardiff Local Development Plan.

8. Prior to the commencement of development, a landscaping scheme comprising:

- Scaled planting plan.
- Plant schedule.
- Topsoil and subsoil specification.
- Planting methodology.
- Aftercare methodology
- Implementation programme.

shall be submitted to and approved in writing by the Local Planning Authority and upon approval shall be carried out in accordance with the approved implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to mitigate against/adapt to the effects of climate change, in accordance with policies KP5 and KP15 of the Cardiff Local Development Plan.

9. Any trees, plants, or hedgerows included in the landscaping scheme required by condition 8 which, within a period of five years from the completion of the development, die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning

Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.

10. Prior to the commencement of construction of the building above foundation level, details of provisions to be made for the incorporation into the building, in a suitable location, of at least one bird nesting box, shall be submitted to and approved in writing by the Local Planning Authority and the approved item(s) shall be installed within a timescale agreed by the Local Planning Authority and thereafter retained.

Reason: In the interests of biodiversity enhancement, in accordance with paragraph 6.4.5 of Planning Policy Wales (Edition 11 – February 2021).

RECOMMENDATION 2 : 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 3: The applicant is advised 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. Individual 140 litre/240 litre wheeled bins can be purchased via waste Connect to Cardiff at (029) 2087 2087. Further relevant information can be found in the Waste Collection and Storage Facilities Supplementary Planning Guidance (2016) - www.cardiff.gov.uk/wasteplanning

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application is for full planning permission for the construction of a detached, one bedroom dormer bungalow measuring approximately 6.5m x 8.5m and finished in red brick, with buff coloured window surrounds. The roof would be hipped and covered with fibre cement slate with terracotta ridge tiles and there would be a pitched-roofed dormer on the front elevation with full height/full width glazing and a rooflight on the side elevation facing north. The part of the front wall containing the entrance door would be set back around 0.8m from the main front elevation, which would contain a kitchen window, and the roof would overhang the entrance area.
- 1.2 A cycle store and a bin store would be provided within the external amenity

area to the rear of the property and there would be a lawn measuring approximately 15 square metres to the southern side of the building. The building would be set back around 2m from the highway, 3.4m from the boundary with "Charwin" and 1.5 to 1.7m from the rear boundary. A 1.8m high concrete post and timber panel fence would be erected along the side and rear boundaries.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises part of the rear garden of a semi-detached bungalow which is located at the corner of Heol Y Gors and Violet Place. The application site is bounded to the north side by a 3m wide lane leading to a small park at the rear of the terraced houses on Violet Place. Ground level rises towards the north.
- 2.2 Heol-y-Gors is characterised by a mixture of house types, including two-storey detached and semi-detached properties and semi-detached bungalows. Violet Place has traditional two storey Victorian terraced housing.

3. **SITE HISTORY**

- 3.1 20/00984/MNR - Construction of a detached dormer bungalow. REFUSED - overbearing when viewed from the rear garden of "St Jude"; out of character with area; inadequate outdoor amenity space. APPEAL DISMISSED.
- 3.2 19/01981/MNR – Proposed construction of a detached one bedroom dormer bungalow; together with the provision and incorporation of the associated on-site amenity, waste bin and cycle storage spaces and facilities. REFUSED.
- 3.3 13/01690/DCO – Proposed erection of a new dwelling. REFUSED - substandard private garden area left for 2A, overbearing when viewed from the rear gardens of 2A and "St Jude". APPEAL DISMISSED.
- 3.4 12/01778/DCO – Erection of a new dwelling. REFUSED - out of keeping with architectural styles, character and scale of development in surrounding area, substandard private garden area left for 2A, loss of privacy to 2A, overbearing impact on 2A and "St Jude", inaccurate plans.
- 3.5 12/01396/DCO –Single-storey extension to rear.

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP13 (Responding to Evidenced Social Needs);
KP15 (Climate Change);
KP16 (Green Infrastructure);
EN10 (Water Sensitive Design);
T5 (Managing Transport Impacts);
C3 (Community Safety/Creating Safe Environments);

W2 (Provision for Waste Management Facilities in Development).

4.2 *Supplementary Planning Guidance:*

Waste Collection and Storage Facilities (October 2016); Cardiff Infill Sites (November 2017); Green Infrastructure (November 2017); Managing Transportation Impacts (Incorporating Parking Standards) (2018).

4.3 *Planning Policy Wales (Edition 11 – February 2021):*

2.2 All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.

2.8 Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.

3.4 Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

3.6 Development proposals must address the issues of inclusivity and accessibility for all.

3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

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

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.

3.21 The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity.

4.1.32 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling.

4.1.35 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.

4.1.37 Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services, reallocating their use if necessary.

4.1.52 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention

measures at the design, construction and demolition stage.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.4.24. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

4.4 *Technical Advice Note 12 - Design (March 2016).*

4.5 *Building Better Places: The Planning System Delivering Resilient and Brighter Futures - Placemaking and the Covid-19 recovery (July 2020).*

4.6 *Future Wales- the National Plan 2040.*

It is considered that the proposed decision is in accordance with the 11 key outcomes to be achieved by the planning system as set out in 'Future Wales – The National Plan 2040'

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:* The property would be accessed directly off Violet Place. The proposal does not include any off-street parking. The existing property (Charwin) will retain the existing off-street parking, accessed via Violet Place. This approach is acceptable to transportation and accords with the Managing Transport Impacts SPG. There are no parking controls on-street adjacent to the property. The applicant is proposing to provide one secure and sheltered cycle parking space. This accords with the minimum cycle parking provision required in the SPG. It must be stressed that the cycle parking provision must offer both secure and sheltered parking and be accessible to the user. The proposed layout appears to offer no restrictions to access. Required Conditions: Cycle parking in perpetuity condition.

5.2 *Waste Strategy & Minimisation Officer:* The proposed areas for the storage of waste and recycling has been noted and is acceptable.

6. **EXTERNAL CONSULTEES RESPONSES**

None.

7. **REPRESENTATIONS**

7.1 The application has been advertised by neighbour notification. 7 objections have been received. The grounds for objection are:

1. The property will not be in keeping with the street.
2. Overdevelopment of a small area of land.
3. There will be an increase in parked cars on Violet Place. There is already a problem with excessive parking in the area.

4. There is no need to build in a back garden, as there are plenty of other houses being built in Cardiff. A garden should be for plants and flowers not a bungalow for financial gain.
5. There is no difference between the current application and the refused applications. Mr Davies states the appeal was only refused on the grounds of the rear dormer being intrusive. We refer you to points 7 and 11 of the Appeal Decisions letter and argue that nothing has changed "In my view, the reduction in the quality and extent of outlook from St. Jude's rear patio caused by the appeal scheme would be of a magnitude that would harm the living conditions of occupants" and "which would be caused by the proposal's overbearing effects on the adjacent rear garden/patio.
6. Cramped and congested living for residents of the proposed dwelling and Charwin.
7. The fact that the garden is supposedly unmanageable by the current owner of Charwin is not a reason to develop the plot.
8. Disruption to neighbours during excavation and building works due to blocking of access, construction traffic, noise and dust.
9. The open aspect at the end of Violet Place will be lost.
10. Inadequate amenity space for residents of the property. This will be further reduced by the need for retaining walls on all sides.
11. The new dwelling would be overbearing and obtrusive when seen from neighbouring properties. The Inspector dealing with the last appeal pointed out that the gap between the dwelling's rear elevation and the boundary of St. Jude. would be 'considerably limited'. This is still the case.
12. The proposal does not respect the building line to the existing bungalow (Charwin).
13. Due to differences in ground levels, residents of the bungalow opposite will be able to see directly into the bedroom of the proposed dwelling .
14. Overlooking of neighbouring dwellings and gardens. The only private part of the adjoining garden will be overlooked by two large patio doors to the south and east side.
15. Loss of views.
16. Overshadowing of the property to the north.
17. Although the rear dormer has been removed from the plans it will be added at a later date as 'permitted development'.
18. Loss of green space and wildlife habitat.
19. The drainage system is already inadequate and will not be able to cope with an additional property.
20. The proposed concrete post and timber panel fence to be constructed inside of the 110mm existing brickwork wall would be impossible to maintain and would further reduce the amount of amenity space available for the property.
21. Charwin would be left with a substandard amount of private garden area, out of keeping with the size of other gardens in the area. The conifer hedge along the front edge of Charwin's garden has been removed – this area will no longer be suitable to use as a private garden.

22. Inaccurate drawings. The layout drawing states that the new build will be 9508mm from the existing property of Charwin. In fact, it is approximately 6300mm to Charwin's nearest point. The drawings also state the size of the two sets of patio doors at St. Jude as being 1500mm, where in fact both doors are larger. It also states the set of patio doors closest to the new build as 'spare bedroom' whereas it is a bedroom on a regular basis and a sitting room daily.

7.2 The applicant's agent has responded to these objections by stating (in summary):

- a) The objectors are incorrect in stating that the proposed retaining walls are not correctly depicted on the submitted plans and will reduce the size of the open area to the north side and rear of the proposed bungalow. The retaining walls are shown as parallel lines on the site layout drawing. A 110mm wide close boarded fence will be constructed immediately inside the rear boundary: the width of the space between the rear wall of the dwelling and the retaining walls on the rear boundary will only be reduced by this amount, leaving a space 1690 mm wide. The gap on the north side of the dwelling will be 1.8m, not 1000mm. This space is sufficient to allow access and movement and allow its use for facilities such as bin storage.
- b) The construction of a solid 1.8 m high fence on the boundary will prevent overlooking from the patio doors/windows of the bungalow. The first floor bedroom will look out over Violet Place towards the rear garden of 2 Heol Y Gors but the distance to the nearest point of that garden is greater than the 10.5m minimum normally used to assess unacceptable loss of privacy.
- c) The building will not be out of character. The Planning Inspector considered this issue in the recent appeal decision and concluded that:- "the design of the proposed dwelling would appropriately reflect the transition between the two contrasting areas of built form and would complement, and not harm, the character and appearance of both Violet Place and Heol-y-Gors".
- d) Adequate amenity space will be provided. The Planning Inspector' also looked at this issue, in particular in relation to the adequacy of the size of the garden to be provided for future occupiers of the development and concluded that:- "the proposal would secure acceptable private amenity space for future or existing residents, in accordance with the objective of criterion (xi) of policy KPS of the Cardiff Local Development Plan (LOP) to ensure that spaces are accessible to all users and adaptable to future changes in lifestyle, and the general aims of the Council's 'Infill Sites' SPG in this regard."
- e) There will be no overshadowing or loss of outlook for neighbouring properties. The Planning Inspector considered this matter as well in the recent appeal determination and concluded that no adjoining occupiers (apart from St Jude) were unacceptably harmed in this regard stating:- "the proposed dwelling's scale and form would also avoid unacceptably overshadowing neighbouring properties or harmfully reducing the outlook available from No. 23, including from south-facing windows".

- f) The Council's highways service has not raised an objection to the development of a one bedroom dwelling with no off street parking in this location and this issue did not form a refusal reason in the determination of the previous application (20/00984/MNR).
- g) The Inspector dismissed the previous appeal for one reason - the harm to the outlook from St Jude which primarily resulted from the visual impact of the rear dormer. This feature has been removed from the current proposal and it has been shown above that the concerns raised by several neighbours to application 21/01746/MNR do not withstand scrutiny.

7.3 In view of the local opposition to the proposals and the number of previous applications for development of this site which have been refused, Councillor Linda Morgan has requested that the application be reported to the Planning Committee for determination.

8. **ANALYSIS**

8.1 This application has been submitted following the refusal of planning permission for two similar proposals, one in 2019 (reference 19/01981/MNR) and one in 2020 (20/00984/MNR), which was also refused on appeal (reference APP/Z6815/A/20/3264746).

8.2 The 2020 application was refused for the following reasons:

- 1) *The proposed development, by virtue of its siting close to the boundary with "St Jude", would be obtrusive and unneighbourly when viewed from the rear garden of that property and would result in an unacceptable loss of amenity for residents, contrary to Policy KP5(x) of the Cardiff Local Development Plan.*
- 2) *The proposed building would be detrimental to visual amenity and the character of the area in that it would appear as an incongruous form of development out of keeping with the character, scale and pattern of development in the surrounding area, contrary to Policy KP5(i) of the Cardiff Local Development Plan.*
- 3) *The amount of outdoor amenity space provided within the site would not reflect that which is characteristic of the surrounding area and would be insufficient to cater for the needs of residents of this type of development, to the detriment of the amenities of occupiers of the development and contrary to policy KP5(j and xi) of the Cardiff Local Development Plan.*

8.3 At appeal, the Inspector considered the above reasons for refusal and concluded:

"I have found that the proposal would not harm the character and appearance of the area and would provide a quantity of private amenity space which would not harm the living conditions of future or nearby residents. I

acknowledge that the appellant has sought to engage constructively with the Council to secure an acceptable design during the application process. The Council does not allege conflict with certain criteria listed under LDP policy KP5, including criterion (ix) which seeks to promote the efficient use of land and develop at highest practicable densities, and I have no reason to find otherwise. Similarly, there is no suggestion that the proposal would conflict with other parts of the 'Infill Sites' SPG not referred to by the Council.

Nonetheless, such matters do not outweigh the identified harm to the living conditions of occupants of St Jude which would result from the overbearing visual impact of the appeal dwelling on the adjacent rear garden / patio. Having regard to all matters raised, I therefore conclude that the appeal should be dismissed."

8.4 The main issues for consideration with regard to this revised application are the design and appearance of the dwelling, its impact on the amenities of adjoining residents, the amenities of future residents of the property and whether the amendments have overcome the previous reasons for refusal, taking into account the conclusions of the Planning Inspector with regard to the previous proposal.

8.5 The policy context remains the same as per the previous application. Policy KP5 of the Cardiff Local Development Plan requires all new development 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) responding to the local character and context of the built and landscape setting, and the Supplementary Planning Guidance "Infill Sites" (November 2017) states that:

"All development must be of good design and make a positive contribution to the adjacent townscape/landscape." (para. 2.3)

"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 building line and be of a design which complements the existing street scene." (para. 2.13)*

"Materials (colour, texture and extent) used for roofing, walls, doors and window frames should respond to the dominant construction or facing material in the area; materials should either match exactly or be complimentary." (para. 3.12)

"The fenestration of new developments should complement the size,

proportions, design and rhythm of detailing of neighbouring properties. The roofline should include appropriate design and pitch of roofs, ridge height, eaves level, and notice taken of any other relevant details in the street scene.” (para. 3.13)

“Infill development should take account of and respond to existing building heights (number of storeys and floor to ceiling heights), scale and massing of buildings in the street.” (para. 3.18).

- 8.6 The proposed development is almost identical to that which formed the subject of the previous application, the differences being that the previously proposed rear dormer has been omitted, the front facing living room window has been reduced in size and now serves a kitchen, and a patio door has been added to the side elevation facing towards ‘Charwin’. With regard to the previous proposal, the Planning Inspector considered the appearance of the dwelling and its impact on the character of the area to be acceptable, stating:

“..the scale and hipped roof form of the proposed dormer bungalow would moderate its apparent bulk from public viewpoints and retain views of No. 23’s gable; as would its siting, set away from the footway by a modest front yard and with clear gaps separating it from adjacent dwellings. The proposal’s front elevation, which would step out from Charwin and towards that of No. 23, would appropriately mark the transition between the different building lines on Violet Place and its siting would thus not appear incongruous. The dwelling’s design would appropriately reflect that of Charwin, with materials and detailing acknowledging those of the adjacent terrace. Whilst the front dormer would be a notable and pronounced feature, it would suitably mark the transition between the single storey form of Charwin and the two-storey terrace to the north.

Although the ground floor of the dwelling would be moderately set into the ground, I do not consider that the consequent reduction in the dwelling’s height would have a harmful visual impact. Consequently, despite the erosion to the appeal site’s openness, I find that the design of the proposed dwelling would appropriately reflect the transition between the two contrasting areas of built form and would complement, and not harm, the character and appearance of both Violet Place and Heol-y-Gors. I therefore conclude that the proposal would accord with the objective of LDP policy KP5 for development to respond to the local character and context of the built and landscape setting, and with the general aims of the Council’s ‘Infill Sites’ SPG in this regard.”

- 8.7 Since the appearance of the proposed dwelling when viewed from the public realm will be almost identical to the proposal considered by the Inspector to be acceptable, it would be unreasonable to refuse this application based on the impact of the development on the character of the area.
- 8.8 With regard to the amenities of adjoining residents, Policy KP5 of the Cardiff Local Development Plan requires all new development 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) ensuring no undue effect on the amenity of neighbouring occupiers, and the Infill Sites SPG states:

“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.” (para. 4.11)

- 8.9 Although the proposed building would be sited less than 2m from the boundary with St Jude, it would be less than 3m tall to eaves level and its roof would slope away from the boundary. The rear dormer, which would have made the previous proposal appear oppressive and unneighbourly when viewed from the adjoining garden, has been omitted from the scheme, overcoming the Planning Inspector’s only objection to the previous proposal, which was the impact of the rear elevation of the proposed dwelling on the amenities of neighbouring residents. The Inspector considered that:

“..although the rear dormer would be set back from the eaves with a ridge lower than that of the main roof, it would occupy a substantial area of the rear roof slope and, despite the dwelling’s moderately recessed slab level, would project towards the property boundary at a level significantly higher than the adjacent garden. Although its gabled form would moderate its bulk, the limited glazing would afford it a stark appearance and from the neighbouring patio it would be seen alongside the substantial span of the south-facing roof plane. Consequently, when viewed from the rear of St. Jude the rear dormer would appear as a pronounced and prominent form of development.

The submitted site plan indicates that the dwelling’s rear elevation would be located 1.8m from the boundary with St. Jude, but in my assessment, it would be closer than that. The resulting gap between the eastern elevation of the rear dormer and the shared boundary would be considerably limited. Due to the dwelling’s above-described design features and its siting relative to the boundary, the rear dormer would appear intrusively dominant and overbearing from the western part of the adjacent garden.

I recognise that St. Jude’s rear garden is of notable size and that alternative, largely open outlooks would remain available to the east. Nonetheless, the proposal’s detrimental impact on outlook would be experienced principally within the part of the garden most sensitive to visual impact. In my view, the reduction in the quality and extent of outlook from St. Jude’s rear patio caused by the appeal scheme would be of a magnitude that would harm the living conditions of occupants.”

- 8.10 Since the ‘intrusively dominant’ dormer is no longer a feature of the proposed development, the current proposal will have much less of an impact on the outlook from ‘St Jude’s’ rear patio area, and it is now considered acceptable in this respect. There were previously no concerns regarding the impact on the amenities of any other neighbours. The ground floor windows of the development would be screened from neighbouring properties by 1.8m tall fences, the first floor dormer window would face towards the highway and the

single rooflight in the side elevation serves only the staircase and could be obscurely glazed, therefore there would be no unacceptable loss of privacy to adjoining properties. The Planning Inspector concurred, stating that: *“Whilst the front dormer would be extensively glazed, it would mainly overlook the public realm. The erection of boundary fences at ground level and the minimal first floor glazing to the property’s rear and side would avoid harming the privacy of occupants of St. Jude or No. 23 Violet Place.”*

- 8.11 Also, as acknowledged by the Planning Inspector, *“The proposed dwelling’s scale and form would avoid unacceptably overshadowing neighbouring properties or harmfully reducing the outlook available from No. 23, including from south-facing windows”* and *“any noise and disturbance arising from the use of the outdoor space would likely be of a domestic nature and therefore appropriate to the residential context.”*
- 8.12 The reduction in the amount of outdoor amenity space available to residents of ‘Charwin’ was also considered acceptable by the Planning Inspector, although at the time there was a conifer hedge screening Charwin’s side garden from the highway making that area more suitable for use as outdoor amenity space. Nevertheless, Charwin will maintain a small amount of garden space to the rear, which is not adjacent to the highway and is considered adequate to serve as a private ‘sitting out’ area.
- 8.13 Regarding the amenities of future residents of the property, the internal living space will be adequate in size for a one bedroom dwelling and there will be sufficient daylight and an acceptable outlook from the living room, kitchen and bedroom windows. The amount of outdoor amenity space falls short of that required by the ‘Infill Sites’ SPG but given that this is a one bedroom dwelling, unlikely to accommodate a family with children, and that the Planning Inspector accepted that the outdoor amenity space was satisfactory, stating that *“Having regard to the modest scale of accommodation proposed, I concur that the garden would be sufficient for the day-to-day needs of future occupants, irrespective of their number”* a lack of outdoor amenity space is not considered to form justifiable grounds for refusing this application. Furthermore, there is a small public park close by which could be used by residents.
- 8.14 Previous concerns that the dwelling could be easily converted to a two bedroom property, and would therefore lack adequate amenity space, were dismissed by the Inspector, who considered the space adequate for any number of occupants. Also, the internal arrangement of the proposed dwelling has been amended to accommodate the removal of the dormer and conversion of any of the space to a bedroom would be far less likely.
- 8.15 The application proposes a small amount of soft landscaping (the lawn to the side of the building and planting, including a small tree, on the site frontage) but provides no details. Whilst details of the landscaping scheme are lacking, these could be obtained via a planning condition should the application be approved.

8.16 With regard to the objections received:

1. The issue of the appearance of the building and its impact on the character of the street is discussed above.
2. The proposal is not considered to be 'overdevelopment'. The modest size of the building and the spacing between properties will prevent unacceptable impacts on the amenities of neighbours and the development itself will have appropriate internal space as well as sufficient outdoor amenity space to meet the needs of residents.
3. The proposals do not include off-street parking provision therefore if residents owned a car they would have to park it on the highway. However, this is a public highway where on-street parking is not currently restricted to existing residents only, and no-one has exclusive rights to park at the front of this site. Current LDP policies, national planning policy and Supplementary Planning Guidance do not require a development such as this to provide off-street parking. There will be adequate space within the site for the storage of cycles, and the site is within a sustainable location in terms of public transport provision. Any ongoing parking management problems are for the Highway Authority to deal with.
4. The applicant does not have to prove a need for the development, and would be unlikely to submit the proposal unless there was adequate demand for new housing. It is not unacceptable to build in a back garden, provided the proposals comply with the relevant planning policies and guidance.
5. There are several material differences between the current proposal and the previous application, notably the omission of the rear dormer, which was the only aspect of the development that the Planning Inspector found unacceptable due to its scale and its position, which would have caused the development to appear overbearing and to have a detrimental impact on the quality and extent of outlook from St. Jude's rear patio and garden. The current application must be determined on its own merits.
6. The issues of the living conditions of future occupiers and the amenities of residents of Charwin are discussed above. They are not considered to be 'cramped and congested'.
7. The current condition of the garden is not relevant to the determination of this application.
8. It is inevitable that building works cause a certain amount of noise and disturbance but this is largely controlled under Environmental Protection legislation and it would be unreasonable to refuse planning permission on the grounds that neighbours will be temporarily affected by development works. Blocking of the highway by construction vehicles is not permitted under Highways legislation and would be a matter for the police.
9. The loss of the open aspect and its effect on the character of the area was considered acceptable by the Planning Inspector and is discussed above.
10. The issue of amenity space is discussed above. The retaining walls will not reduce the amount of available space to an unacceptable extent.
11. The previous proposal would have been overbearing and obtrusive

when seen from St. Jude but this was due to the bulk and position of the proposed rear dormer, which is now omitted from the scheme. The gap between the dwelling's rear elevation and the boundary of St. Jude remains 'considerably limited' but, in the absence of the dormer, this is now acceptable.

12. The proposal does not respect the building line to Charwin but as it represents a transition between the bungalows to the south and houses to the north, this will have no detrimental impact on the street scene and is considered acceptable.
13. The front elevation windows would face the street and be no less private than the windows of the existing terraced houses on Violet Place. It would be for future residents to decide whether this level of privacy was acceptable.
14. The ground floor windows of the development would be screened from neighbouring properties by 1.8m tall fences, the first floor window would face towards the highway and the single rooflight in the side elevation serves only the staircase and could be obscurely glazed, therefore there would be no unacceptable loss of privacy to adjoining properties.
15. There are no rights to a private view across someone else's land and the planning system cannot be used to protect such views.
16. The proposed dwelling would be separated from No. 23 by a 3m wide access lane, providing a buffer that would reduce the impact on the neighbouring occupier. The dwelling would be no more than 6.5m tall and would be set down within a partly excavated site, and the neighbouring dwelling has no windows in its main (closest) side elevation therefore it is not considered that unacceptable overshadowing would occur.
17. Permitted development' rights can be removed to prevent a dormer being added later.
18. The area is a small garden which does not comprise protected wildlife habitat and there is very little likelihood that protected species would be found on the site. The loss of "green space" would be partly mitigated by the proposed soft landscaping, and the developer will be required to provide features to enhance the biodiversity value of the development, such as bat and bird boxes.
19. Welsh Water have raised no concerns with regard to any impact on the drainage system.
20. Possible difficulties relating to future maintenance of the fence would be a matter for the developer to consider. The potential reduction in space available at the rear of the property once the fence had been erected would not make the development unacceptable in terms of the amount of outdoor amenity space provided.
21. Charwin would lose a large part of its rear garden. However, it is set well back from Violet Place and would retain garden space to the side of the property. The loss of garden space was cited as a reason for refusal of a previous application for development on this site but at appeal the Planning Inspector noted the amount of outdoor space that would remain and determined that this did not constitute adequate grounds for the refusal of planning permission. The loss of the conifer

hedge is discussed above.

22. The drawings are not inaccurate. The measurement of 9508mm shown on the layout drawing clearly indicates that it relates to the distance between the proposed dwelling and the main rear elevation of Charwin and not Charwin's nearest point (the conservatory) which, taking a measurement from the same plan, would be approximately 6m away. The size of the patio doors at St Jude and the current use of the closest room are not relevant to the determination of this application.

8.17 In conclusion, there would be no reasonable grounds for refusal of this application and it is recommended that permission is granted subject to conditions as set out above.

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 *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.

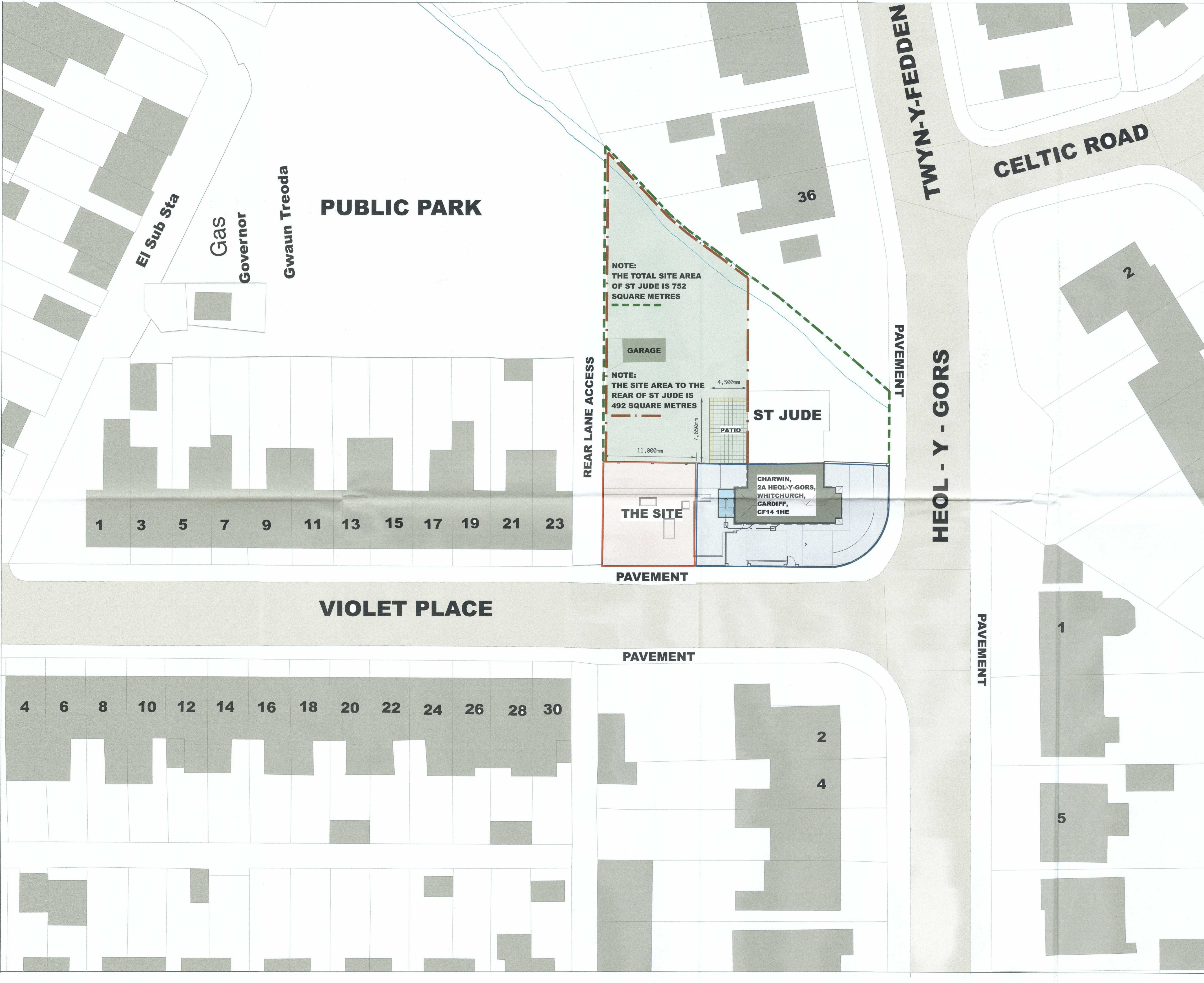
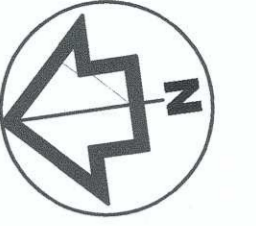
9.4 *Well-being of Future Generations (Wales) Act 2015*

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 WCFG 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.







PUBLIC PARK

CELTIC ROAD

TWYN-Y-FEDDEN

HEOL - Y - GORS

VIOLET PLACE

PAVEMENT

PAVEMENT

PAVEMENT

REAR LANE ACCESS

PAVEMENT

NOTE:
THE TOTAL SITE AREA
OF ST JUDE IS 752
SQUARE METRES

NOTE:
THE SITE AREA TO THE
REAR OF ST JUDE IS
492 SQUARE METRES

GARAGE

PATIO

ST JUDE

**CHARWIN,
2A HEOL-Y-GORS,
WHITCHURCH,
CARDIFF,
CF14 1HE**

THE SITE

SCHEME
SITE TO THE REAR AND SIDE OF-
CHARWIN,
2A HEOL-Y-GORS,
WHITCHURCH,
CARDIFF,
CF14 1HE
FOR
MRS SANDRA ANNE SMITH
PROPOSED CONSTRUCTION OF A
DETACHED ONE BEDROOM DORMER
BUNGALOW.

DRAWING :
SITE LOCATION PLAN:
AS: EXISTING

STAGE :
FULL PLANNING APPLICATION

SCALE : 1 : 200
DRAWING NO : S.A.S:HYG:2A:03:2021:01 (SLP)
DATE : JUNE 2021
DRAWN BY : D L C DAVIES

AMENDMENTS	DATE

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4 6 8 10 12 14 16 18 20 22 24 26 28 30

36

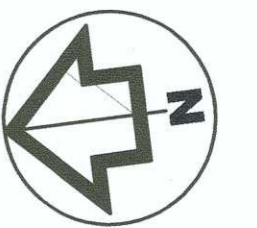
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2

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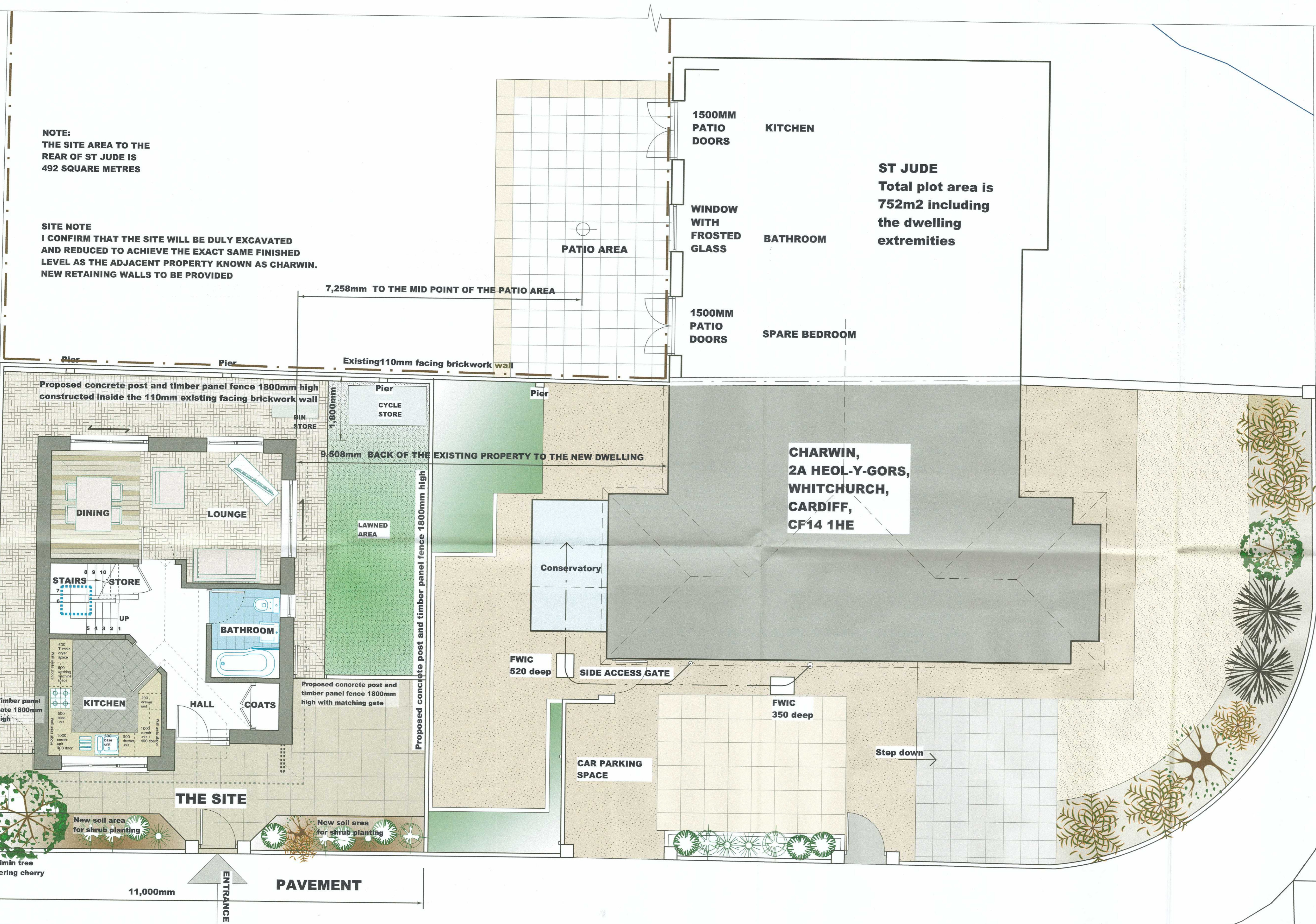
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NOTE:
THE SITE AREA TO THE REAR OF ST JUDE IS 492 SQUARE METRES

SITE NOTE
I CONFIRM THAT THE SITE WILL BE DULY EXCAVATED AND REDUCED TO ACHIEVE THE EXACT SAME FINISHED LEVEL AS THE ADJACENT PROPERTY KNOWN AS CHARWIN. NEW RETAINING WALLS TO BE PROVIDED

ST JUDE
Total plot area is 752m² including the dwelling extremities



SCHEME
SITE TO THE REAR AND SIDE OF- CHARWIN, 2A HEOL-Y-GORS, WHITCHURCH, CARDIFF, CF14 1HE
FOR
MRS SANDRA ANNE SMITH
PROPOSED CONSTRUCTION OF A DETACHED ONE BEDROOM DORMER BUNGALOW.

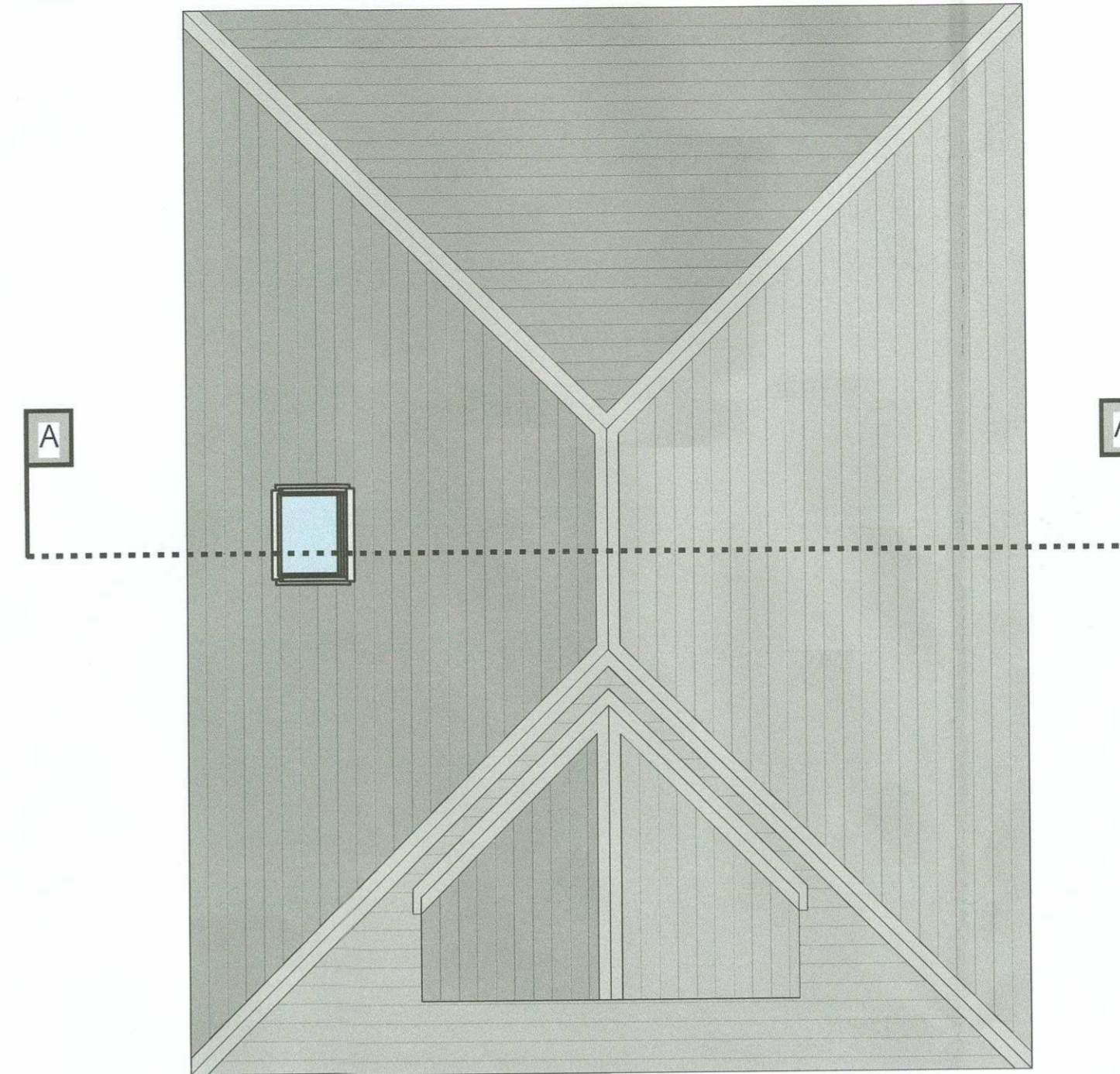
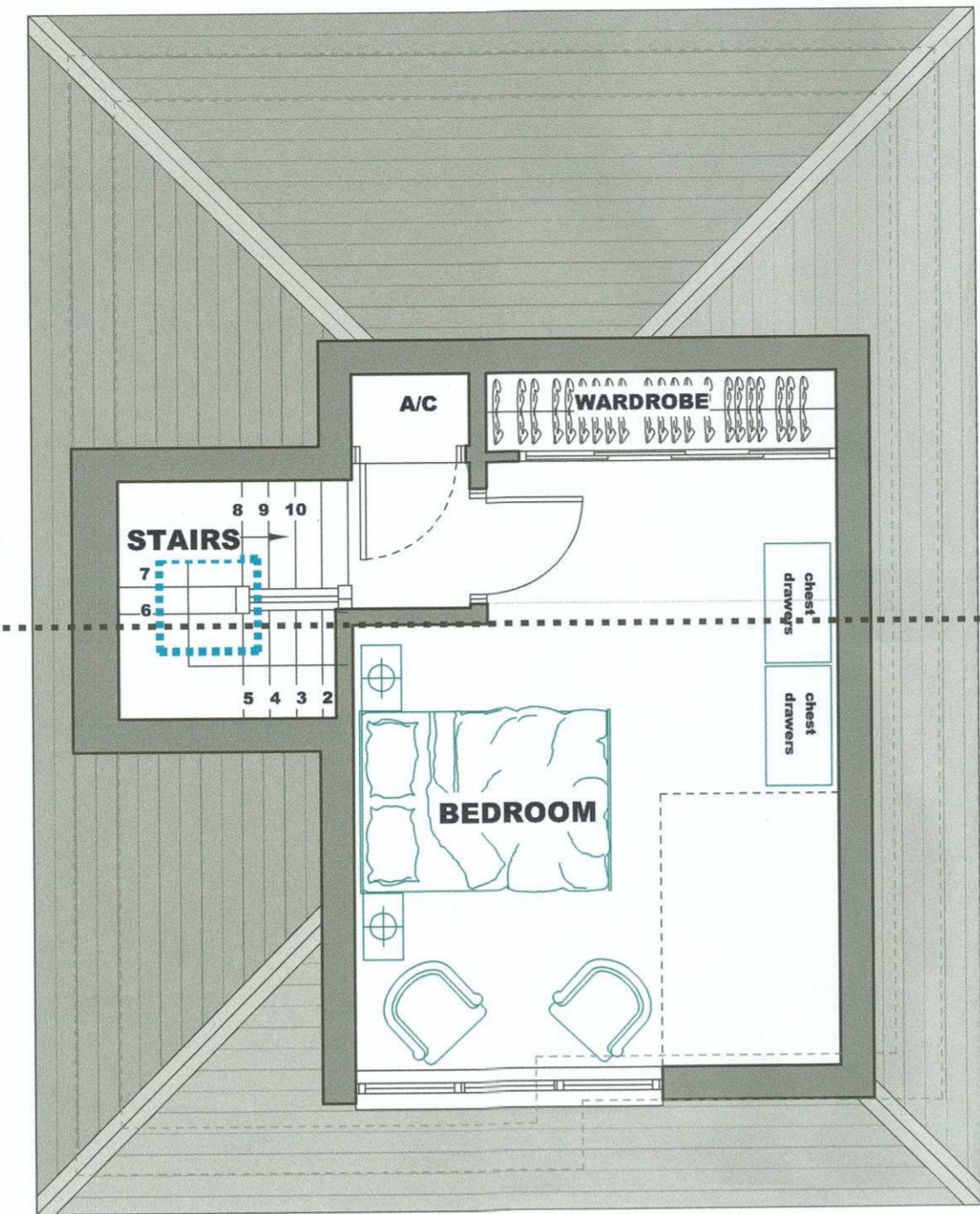
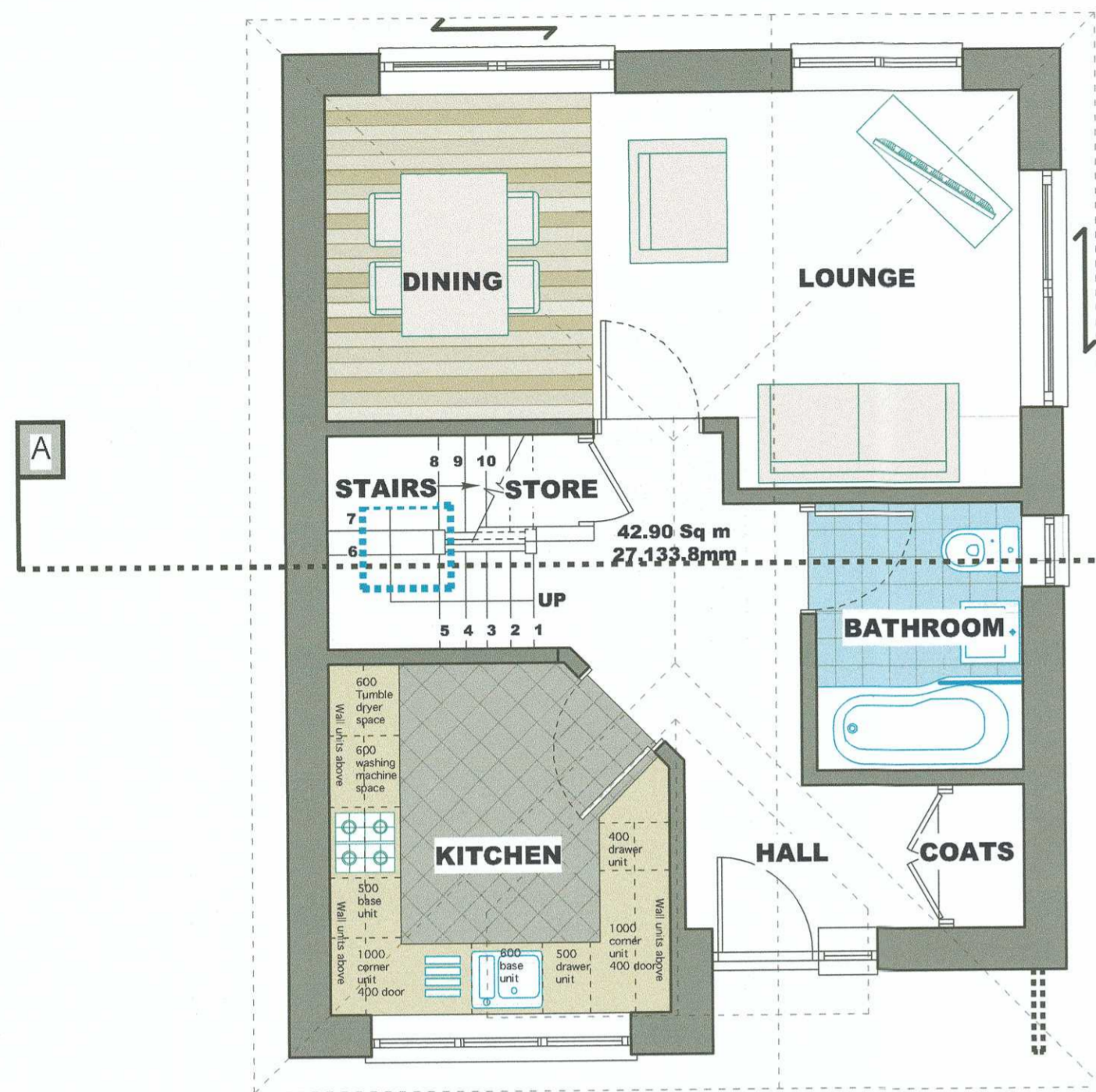
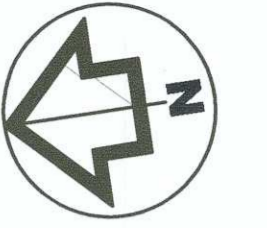
DRAWING :
DETAILED SITE LAYOUT:
AS: PROPOSED

STAGE
FULL PLANNING APPLICATION

SCALE : 1 : 50
DRAWING NO : S.A.S:HYG:2A:03:2021:05 (FP)
DATE : JUNE 2021
DRAWN BY : D L C DAVIES

AMENDMENTS	DATE

VIOLET PLACE



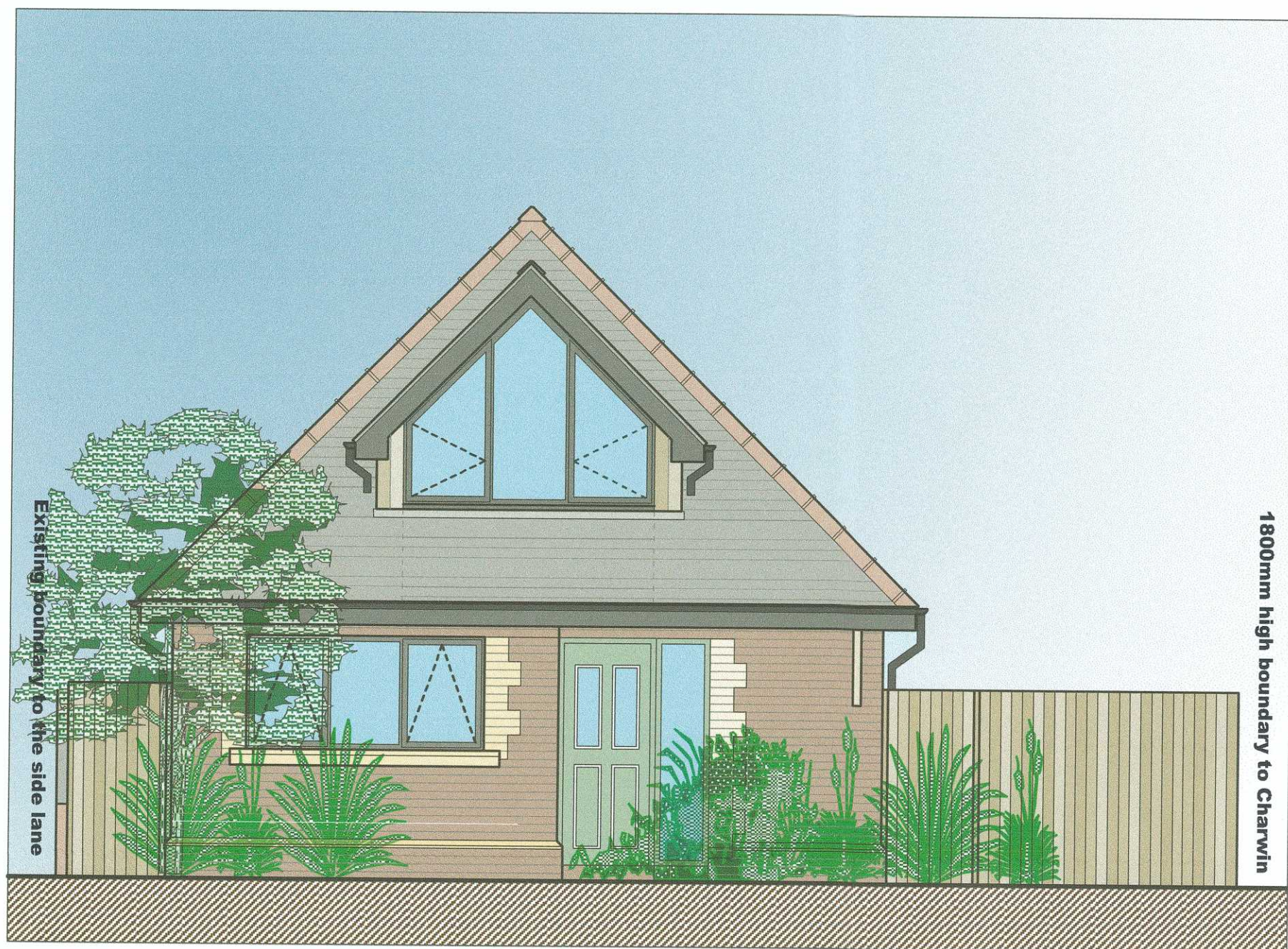
SCHEME
SITE TO THE REAR AND SIDE OF:-
CHARWIN,
2A HEOL-Y-GORS,
WHITCHURCH,
CARDIFF,
CF14 1HE
FOR
MRS SANDRA ANNE SMITH
PROPOSED CONSTRUCTION OF A
DETACHED ONE BEDROOM DORMER
BUNGALOW.

DRAWING :
FLOOR AND ROOF PLANS :
AS: **PROPOSED**

STAGE :
FULL PLANNING APPLICATION

SCALE : 1 : 50
DRAWING NO : S.A.S:HYG:2A:03:2021:03 (FP)
DATE : JUNE 2021
DRAWN BY : D L C DAVIES

AMENDMENTS	DATE



FRONT ELEVATION
WEST ELEVATION:
SCALE 1 : 50

FACING THE MAIN ROAD - VIOLET PLACE



SIDE ELEVATION
NORTH ELEVATION:
SCALE 1 : 50

FACING NUMBER 23 VIOLET PLACE ACROSS LANE

FINISHES SCHEDULE

WALLS	-	RED FACING BRICKWORK WITH CONTRAST BUFF BATH STONE PLINTH COURSE WITH CONTRASTING CASTELLATED QUIONS TO OPENINGS
WINDOWS	-	GREY UPVC
DOORS	-	GREY POWDER COATED ALUMINIUM
ROOF	-	FIBRE CEMENT SLATE WITH TERRACOTTA RIDGE TILES
DORMER	-	TIMBER EFFECT CLADDING
CHEEKS	-	

SCHEME

SITE TO THE REAR AND SIDE OF- CHARWIN, 2A HEOL-Y-GORS, WHITCHURCH, CARDIFF, CF14 1HE

FOR

MRS SANDRA ANNE SMITH

PROPOSED CONSTRUCTION OF A DETACHED ONE BEDROOM DORMER BUNGALOW.

DRAWING :

ELEVATIONS AND SECTION:

AS: PROPOSED

STAGE :

FULL PLANNING APPLICATION

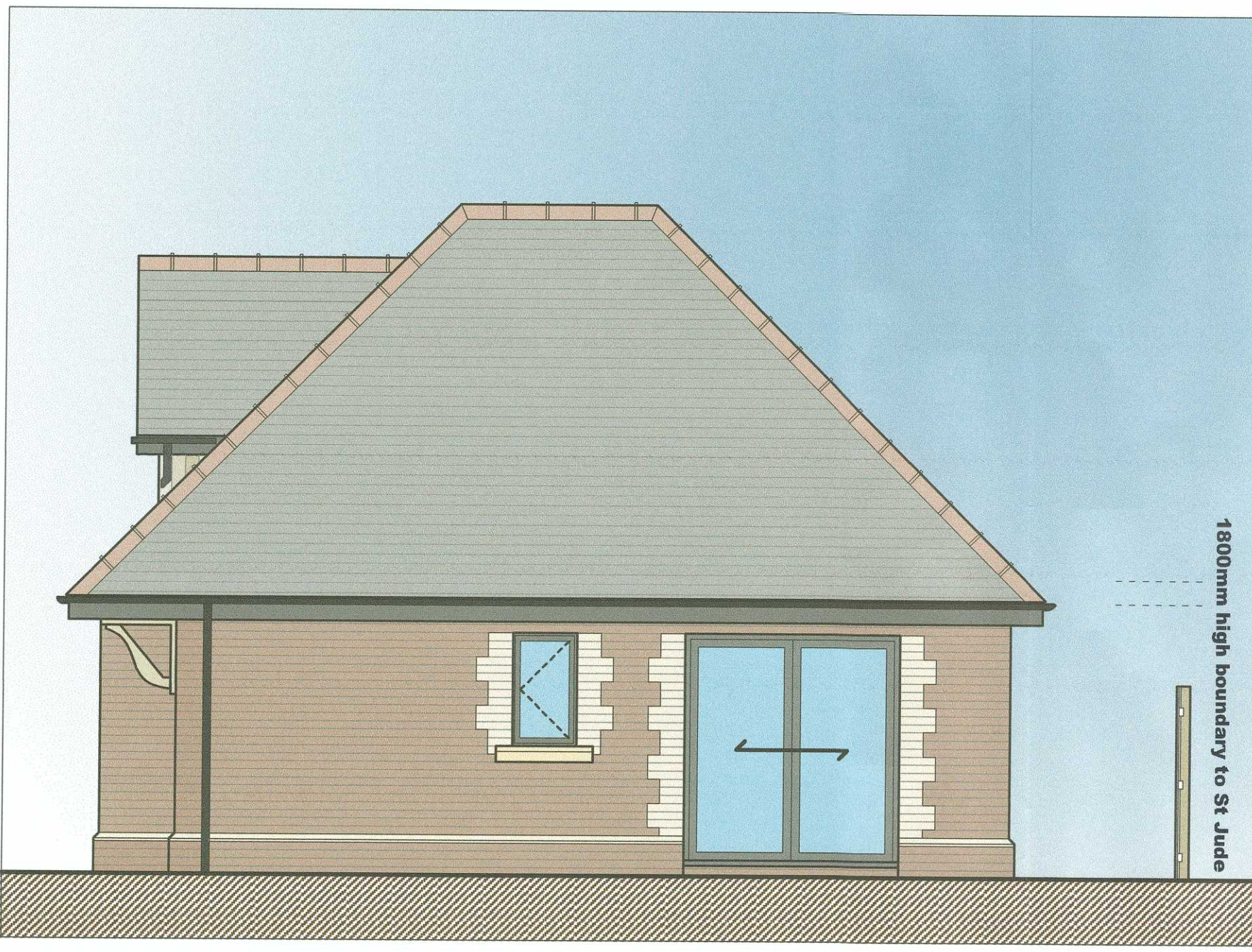
SCALE : 1 : 50

DRAWING NO : S.A.S:HYG:2A:03:2021:04 (FP)

DATE : JUNE 2021

DRAWN BY : D L C DAVIES

AMENDMENTS	DATE



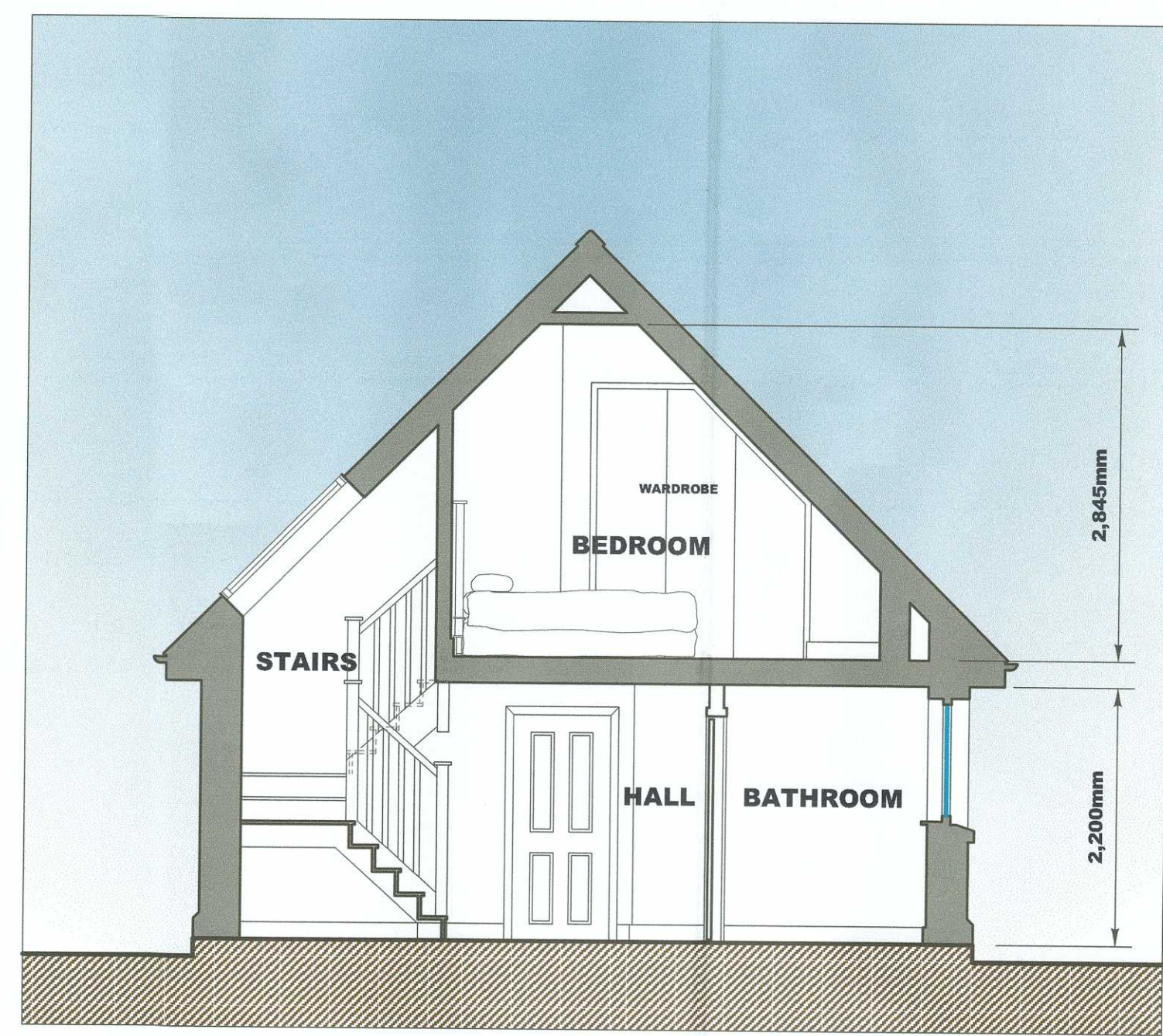
SIDE ELEVATION
SOUTH ELEVATION:
SCALE 1 : 50

FACING TOWARDS HEOL - Y - GORS



REAR ELEVATION
EAST ELEVATION:
SCALE 1 : 50

FACING THE GARDEN OF THE ADJOINING DWELLING



SECTION AA
SCALE 1 : 50



SCHEME
SITE TO THE REAR AND SIDE OF:-
CHARWIN,
2A HEOL-Y-GORS,
WHITCHURCH,
CARDIFF,
CF14 1HE
FOR
MRS SANDRA ANNE SMITH
PROPOSED CONSTRUCTION OF A
DETACHED ONE BEDROOM DORMER
BUNGALOW;

DRAWING :
Perspective Street View
AS: PROPOSED

STAGE :
FULL PLANNING APPLICATION

SCALE : N/A
DRAWING NO : S.A.S:HYG:2A:03:2021:06 (FP)
DATE : JUNE 2021
DRAWN BY : D L C DAVIES

AMENDMENTS	DATE