

PETITION & LOCAL MEMBER OBJECTION

COMMITTEE DATE: 06/10/2022

APPLICATION No. **22/01411/DCH**

DATE RECEIVED: 01/07/2022

ED: **RADYR**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Coles

LOCATION: 43 Pentwyn, Radyr, Cardiff, CF15 8RE

PROPOSAL: GROUND FLOOR AND FIRST FLOOR EXTENSION WITH NEW CROSSOVER AND CARPORT

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 approved drawings numbered:
 - A001A – proposed site layout;
 - A003 – proposed ground floor plan;
 - A004 – proposed first floor plan;
 - A007 – proposed elevations 1;
 - A008 – proposed elevations 2.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 first floor windows in the east and west side elevations shall be non-opening below a height of 1.7m above internal floor level and glazed with obscure glass, and thereafter be retained.
Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Local Development Plan.

RECOMMENDATION 2: A section 184 permit is required for the replacement vehicular crossover to the adopted highway footway. The applicant is advised to contact Asset Management (029 2078 8166 assetmanagement@cardiff.gov.uk).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks planning permission to erect ground and first floor extensions and a vehicular crossover at a detached bungalow dwelling. The scale, design and position of the development is illustrated in full on the submitted drawings.

- 1.2 A first floor extension is proposed approximately 15.6m wide by 10.7m deep, with a hipped pitched roof 5.4m high at eaves and 8.1m at ridge, finished in render with a slate roof. A single storey extension is proposed, projecting approximately beyond the rear of the first floor extension by 2.6m at a width of 18.7m overlapping the east side by 3m. with a flat roof 3m high. A carport is proposed to the east side, projecting approximately 3.6m from the east side, with a flat roof 3m high.
- 1.3 A new vehicular crossover is proposed at the east end of the frontage, to replace the existing crossover at the west end.
- 1.4 The originally submitted proposed site plan drawing did not correctly show the extent of the rear garden, a revised drawing was submitted following re-measurement of the rear garden.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a detached bungalow dwelling on the south side of Pentwyn, adjoined by a detached bungalow to the east and in close proximity to a two storey detached dwelling to the west, separated by a public footpath. The site is adjoined by two storey detached dwelling houses to the rear. There is an area of public open space directly opposite the front of the site, the wider context of the opposite side to the west and east is two storey detached dwellings.

3. **SITE HISTORY**

- 3.1 21/02622/DCH – planning permission refused for ground floor extensions, overall first floor extension, new roof with dormer extensions and crossover.

4. **POLICY FRAMEWORK**

4.1 Relevant National Planning Guidance:

Planning Policy Wales (Edition 11, 2021)
Future Wales - the National Plan 2040
Technical Advice Note 12: Design

4.2 Relevant Cardiff Local Development Plan (2006-2026) policies:

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

4.3 Relevant Supplementary Planning Guidance

Residential Extensions & Alterations (2017).
Managing Transportation Impacts (Incorporating Parking Standards) 2018.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Transportation – The maximum car parking for a 2+ bedroom dwelling is 2 spaces. There is a car parking space proposed for this development, which is allowable in policy terms, and the space has acceptable dimensions. A new crossover has been proposed which is not considered to be an issue. Should permission be granted a vehicle crossover application will need to be submitted and the existing crossover will need to be removed and full height footway reinstated.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 None.

7. **REPRESENTATIONS**

- 7.1 The application was publicised by neighbour letter. A petition of objection was received, signed by 117 residents with addresses in Cardiff, 113 of which could reasonably be affected by the matter when passing the application site. Full details are viewable online.

- 7.2 Objections have been received from the following addresses:

- nos. 28, 30, 41, 45, 54 Pentwyn.
- no. 2 Clos Brynmelwyn.
Full details are viewable online, their comments are summarised as follows:
 - a) *Scale and design out of character;*
 - b) *Insufficient garden space retained;*
 - c) *Overbearing impact upon adjoining properties;*
 - d) *Overlooking of neighbouring gardens;*
 - e) *Adverse effect on parking and highway safety.*
 - f) *Tunnelling impact of two storey elevation upon adjoining public footpath;*
 - g) *Loss of bungalow accommodation which is suitable for disabled and elderly persons;*
 - h) *Loss of front hedge;*
 - i) *Potential use as a HMO;*
 - j) *Impact upon drainage;*
 - k) *Previous refusal of permission.*

- 7.3 Cllr Calum Davies objects to the application as follows:

- *Planning permission had previously been denied on a five bedroom house, yet this application is for six bedrooms. Despite claims that this revised plan better conforms to the criteria set out at the last refusal, it would not be possible to do this by a significant enough degree when taking into account more occupants and bedrooms.*

- *The size of No.43 should plans go ahead could have a detrimental effect on the mental health of residents at homes where natural light is blocked as a result.*
- *The necessary parking space for a home of this size is not accommodated for and, because of which, this can lead to a high degree of pavement parking, obstructing access for disabled residents, including the neighbour at No.41 who have lodged their own objections.*
- *With a petition with well over 100 signatures in objection to the application, it is clear that the project does not enjoy public support or, at least, has garnered a strong degree of opposition.*
- *It is true that this part of Pentwyn consists of a stretch of bungalows, suitable for the disabled and elderly, providing valuable space for those with mobility problems and the desire to downsize, freeing up existing housing stock for larger families. The application would remove this.*
- *The application allegedly consists of false information which should void it.*

7.4 Cllr Helen Lloyd Jones objects to the application as follows:

- *The proposed building is not in keeping with the street scene. This is an area of bungalows and the proposals on this application are for a large house.*
- *The proposed building will overlook other properties.*
- *The application is for six bedrooms, four of them with ensuite facilities and yet only one parking space. This is inadequate parking for such a large house.*
- *The neighbour who lives in 41 Pentwyn has a severe case of rheumatoid arthritis. She is able to live independently because of ramps which enable her to go in and out of her property on a disabled wheelchair. It would only take one car to be parked across her access point to her home to stop her independence.*
- *The building will take light from the neighbour's kitchen.*
- *The disabled lady will find herself overlooked and will lose privacy.*
- *There is a footpath beside 43 Pentwyn which children use to walk to Brynderi primary school. The school is encouraging families to walk their children to school. This is very much in line with the Council's desire for active travel.*
- *This application would alter the natural light on the footpath, making it darker, and the high wall would make the path intimidating to small children.*
- *Changing this route for the children would make the walk longer and many parents would turn to driving their children to school rather than spend extra time walking them on a longer route. This would reduce the amount of active travel in the area.*
- *The public transport in the Pentwyn area of Radyr is very unreliable. It is highly unlikely that the people living in 43 Pentwyn will not have more than one car in the foreseeable future. There is scope for twelve adults to be living in 43 Pentwyn if this application is allowed, with a real possibility of twelve car owners living there. There is not sufficient off-road parking for this dwelling.*

8. **ANALYSIS**

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

8.2 Design

The proposed first floor extension would result in the overall building being increased from single to two storey height, primarily at the centre and west side of the building, and single storey height being retained at the east side. Whilst this would result in replacement of a bungalow dwelling with a two storey dwelling, the height would not be out of character with the locality as there is a row of two storey detached dwellings immediately to the west, and two storey dwellings to the rear. Furthermore, the wider context of the opposite side of the street to the west and east is characterised by two storey detached houses of differing roof forms. The proposal would not result in a two storey dwelling being isolated between two bungalow dwellings. In addition, the two storey element of the extended building would also be set back from the east side boundary, presenting a visual step down in built form to single storey height near to the existing bungalow at no. 41 Pentwyn. The car port at the side would not protrude forward of the front elevation. Accordingly the increase in height at this particular location would not appear discordant within the street scene or out of character with the pattern of built form of the locality.

The overall footprint of the building is considered appropriate, and proportional with buildings within this residential estate. Approximately 160 square metres of useable private external amenity space would be retained at the rear, vastly exceeding the minimum recommended by the Residential Extensions & Alterations SPG.

The extensions would be finished in appropriate materials to match the existing building, in accordance with the Residential Extensions & Alterations SPG. It is noted that a mixture of facing brick and render are used on the existing buildings within the locality. Approximately 160 square metres of useable private external amenity space would be retained at the rear, which exceeds the minimum recommended by the Residential Extensions & Alterations SPG and is considered proportional with neighbouring properties.

It is noted that a previous application (21/02622/DCH) was refused for reasons including scale and design. However, having regard to the current proposal, it is considered that a refusal of planning permission for the same reason cannot be justified.

8.3 Residential Amenity

It is considered that the proposal would not be overbearing or generally un-neighbourly which would justify concern for the Local Planning Authority, the proposal complies with the advice contained within the Residential Extensions & Alterations SPG. The proposed first floor extension would be set off from

the boundary with no. 41 Pentwyn by 5.6m and from no. 45 Pentwyn by 3.5m. It should also be noted that there is an existing single storey structure within close proximity to part of the boundary at no. 41 and an existing single storey garage within close proximity to the boundary at no. 45 of similar depth as the proposed first floor extension. The proposed single storey rear extension would be set off from the boundary with no. 41 Pentwyn by approximately 1.8m. The rear facing first floor windows would be sited approximately 11m from the rear gardens of nos. 1 & 2 Brynmellyn and 2 Windsor Grove, compliant with the minimum 10.5m recommended by the Residential Extensions & Alterations Design Guide. The rear facing first floor windows would also be sited approximately 25m from the nearest windows of no. 2 Brynmellyn at the rear, exceeding the minimum 21m recommended by the Residential Extensions & Alterations Design Guide. It is noted that the first floor side facing windows in the existing side elevations would be sited approximately 5.6m and 3.5m from the side boundaries of nos. 41 & 45 Pentwyn respectively, which is less than the minimum of 10.5m recommended by the Residential Extensions & Alterations Design Guide. Condition 3 is considered necessary to ensure these windows are obscure glazed and non-opening below an internal height of 1.7m.

It is noted that a previous application (21/02622/DCH) was refused for reasons including loss of amenity virtue of overlooking to neighbouring properties. However, having regard to the current proposal, it is considered that a refusal of planning permission for the same reason cannot be justified.

8.4 Transportation

The Managing Transportation Impacts (Incorporating Parking Standards) SPG identifies no minimum car parking requirement and a maximum of two car parking spaces for a residential dwelling. The proposal is therefore considered to be car parking policy compliant. In respect of highway safety, Transportation have confirmed that there are no issues with the proposed new vehicular crossover. An additional recommendation is included that the necessary license is obtained for the replacement crossover.

8.5 Impact upon Public Footpath

It is considered that the proposal would not have any unreasonable affect upon the adjoining public footpath to the west of the site, having regard that the first floor extension would be set off from the west side boundary by approximately 1m. This distance is comparable with other two storey dwellings adjacent to public footpaths within this residential estate, including paths between nos. 16-18, 21-23, 25-27, and 79-81 Pentwyn.

8.6 Representations

The representations received from Cllrs Calum Davies and Helen Lloyd Jones, and local residents are noted. Specific issues are addressed as follows:

- a) Scale and design out of character. The proposed extensions are considered appropriate as detailed within the above design analysis.
- b) Insufficient garden space retained. Approximately 160 square metres of useable private external amenity space would be retained at the rear, which exceeds the minimum recommended by the Residential Extensions & Alterations SPG and is considered proportional with neighbouring properties.
- c) Overbearing impact upon adjoining properties. The proposed extensions are considered appropriate as detailed within the above amenity analysis.
- d) Overlooking of neighbouring gardens. It is considered that the proposal would not result in loss of privacy as detailed in the above amenity analysis. Condition 3 would ensure the first floor east and west side facing windows are obscure glazed and non-opening below an internal height of 1.7m.
- e) Adverse effect on parking and highway safety. The proposal is compliant with the Managing Transportation Impacts (Incorporating Parking Standards) SPG which identifies no minimum car parking requirement and a maximum of two car parking spaces for a residential dwelling, as detailed in the Transportation analysis.
- f) Tunnelling impact of two storey elevation upon adjoining public footpath. It is considered that the proposal would not have any unreasonable affect upon the adjoining public footpath as the first floor extension would be set off from the west side boundary by approximately 1m, which is comparable with the distance between dwellings and other public footpaths in the locality as detailed in the above impact upon public footpath analysis.
- a) Loss of bungalow accommodation which is suitable for disabled and elderly persons. There is no planning policy/guidance specifically requiring bungalows to be retained as single storey dwellings for reason that they are most suitable for disabled and elderly persons.
- g) Loss of front hedge. The hedge within the site is not subject to a Tree Preservation Order, and therefore afforded no statutory protection. Planning permission would not be required to remove part of the front hedge to facilitate the proposed new vehicular crossover, however in any case it is noted that replacement landscaping is proposed at the front where the current crossover is positioned.
- h) Potential use as a HMO. The application proposes extensions to an existing residential dwelling house (class C3) and does not propose any change of use to a house in multiple occupation (class C4). Planning permission would be required to change the use to class C4.
- i) Impact upon drainage. Drainage would be considered by the building regulations procedure. It should be noted that there is no planning control on the number of bathrooms/toilets within a single dwelling house, and the application does not propose any change of use or subdivision to flats.
- j) Previous refusal. It is noted that a previous application was refused for reasons of scale & design, and loss of amenity to neighbouring properties. However, the current proposal is policy compliant as detailed within the above design and residential amenity analysis.

8.7 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 of wellbeing objectives as a result of the recommended decision.

8.8 Conclusion

It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.



Extent of building at 1st floor

Flat Roof

Existing blockwork boundary wall

Vehicle access from Pentwyn Rd

Proposed pergola to car port

Proposed flat roof over existing ground floor

Line of existing rear wall of dwelling

Pedestrian Access

10875

2675

8200

Fence

9294

2675

6620

Existing Lane

11289

Fence

Existing Lane

Existing Lane

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All dimensions are indicative only.

Rev A. Boundary wall adjusted to reflect site dimensions 31.08.22

43, Pentwyn Road
Radyr, Cardiff

Proposed Site Layout

Project number 22001

Date June 2022

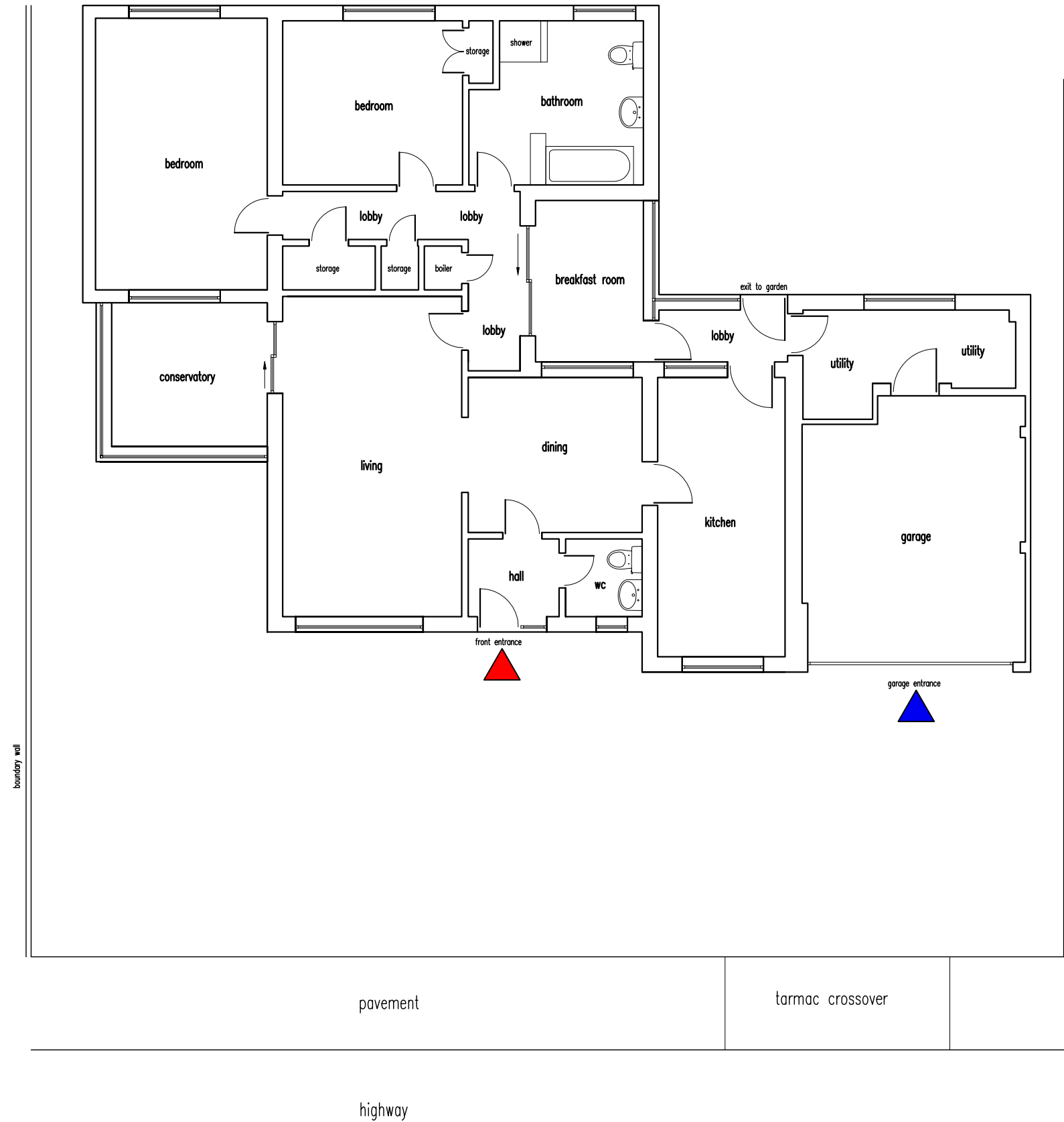
Drawn by PD

A001

Scale 1 : 100 Rev A

Proposed Site Plan

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Note
 Existing Survey Information
 Information provided by client agreement.
 Draft for information only

Existing Floor Plan

43, Pentwyn Road Radyr, Cardiff	
Existing Ground Floor Plan	
Project number	22001
Date	June 2022
Drawn by	PD
A002	
Scale	1:100 @A3

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Existing Front Elevation

Note

Existing Survey Information
 Information provided by client agreement.

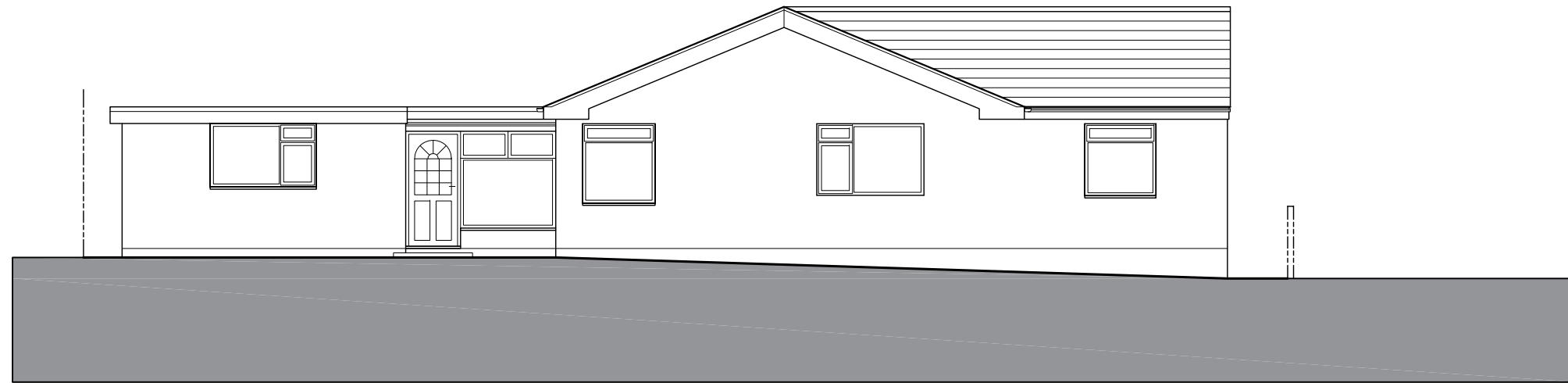
Draft for information only



Existing North Elevation

43, Pentwyn Road Radyr, Cardiff	
Existing Elevations 1	
Project number	22001
Date	June 2022
Drawn by	PD
A005	
Scale	1:100 @A3

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Existing Rear Elevation



Existing South Elevation

Note

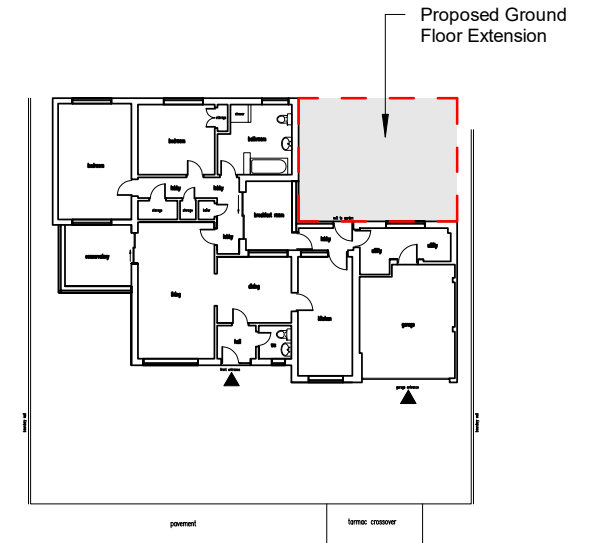
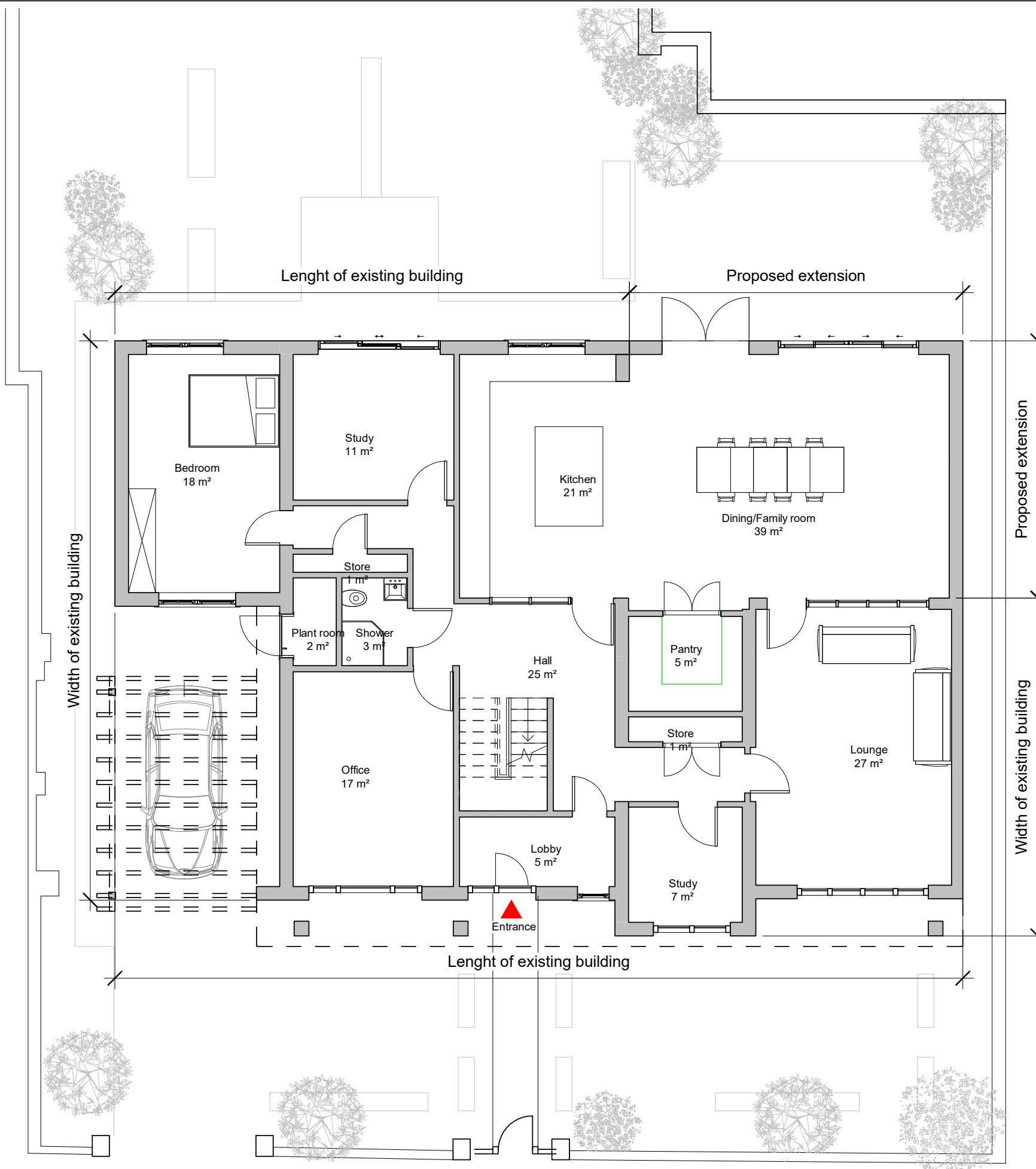
Existing Survey Information
 Information provided by client agreement.

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43, Pentwyn Road Radyr, Cardiff	
Existing Elevations 2	
Project number	22001
Date	June 2022
Drawn by	PD
A006	
Scale	1:100 @A3

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Note:
 Ground floor walls are existings

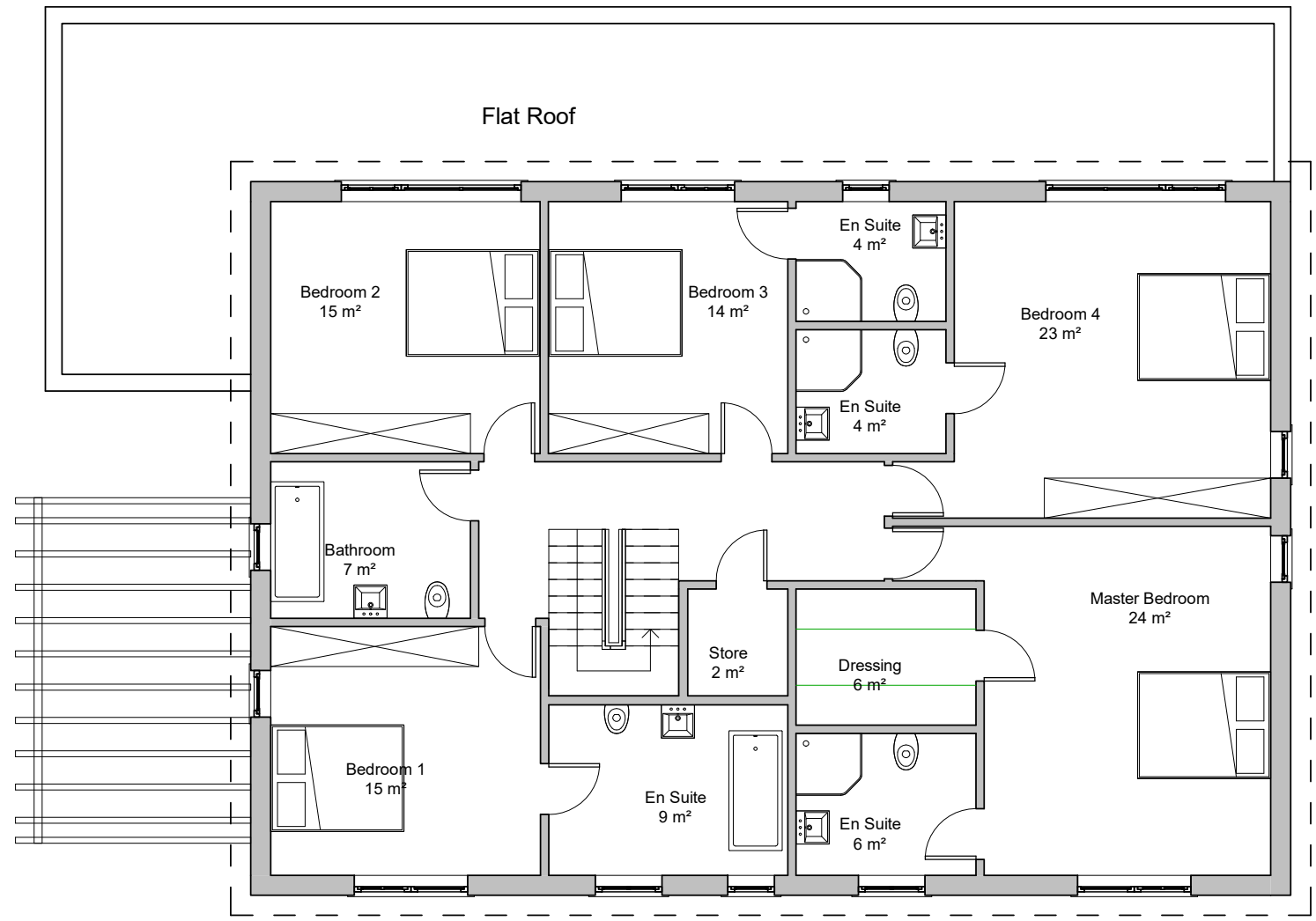


Existing Floor Plan - Do not scale

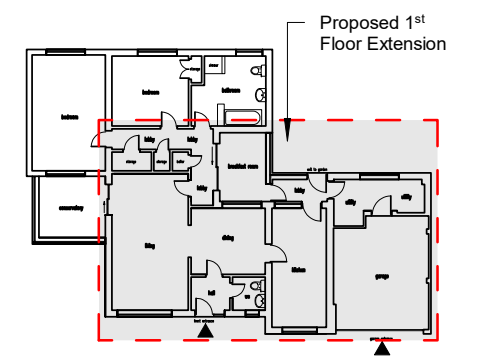
Proposed Ground Floor Plan

43, Pentwyn Road Radyr, Cardiff	
Proposed GF Plan	
Project number	22001
Date	June 2022
Drawn by	PD
A003	
Scale	1:100@A3

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Proposed First Floor Plan

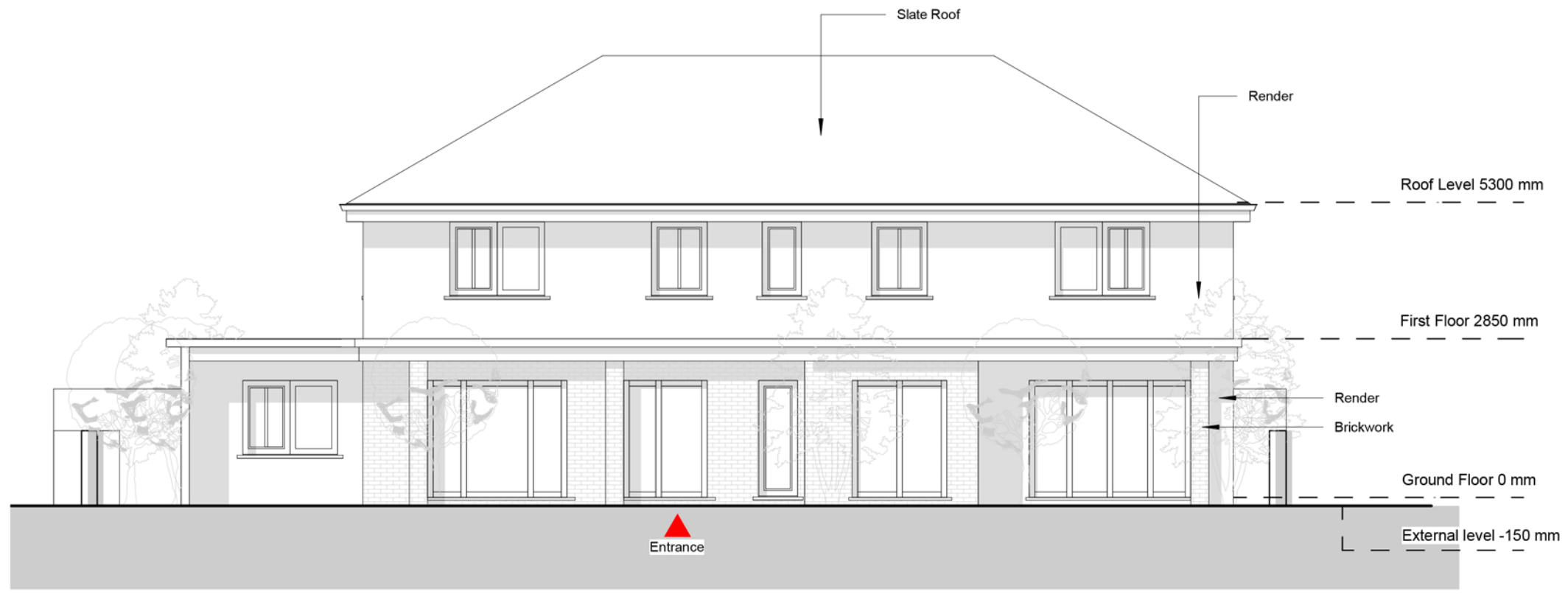


Existing Floor Plan- Do not scale

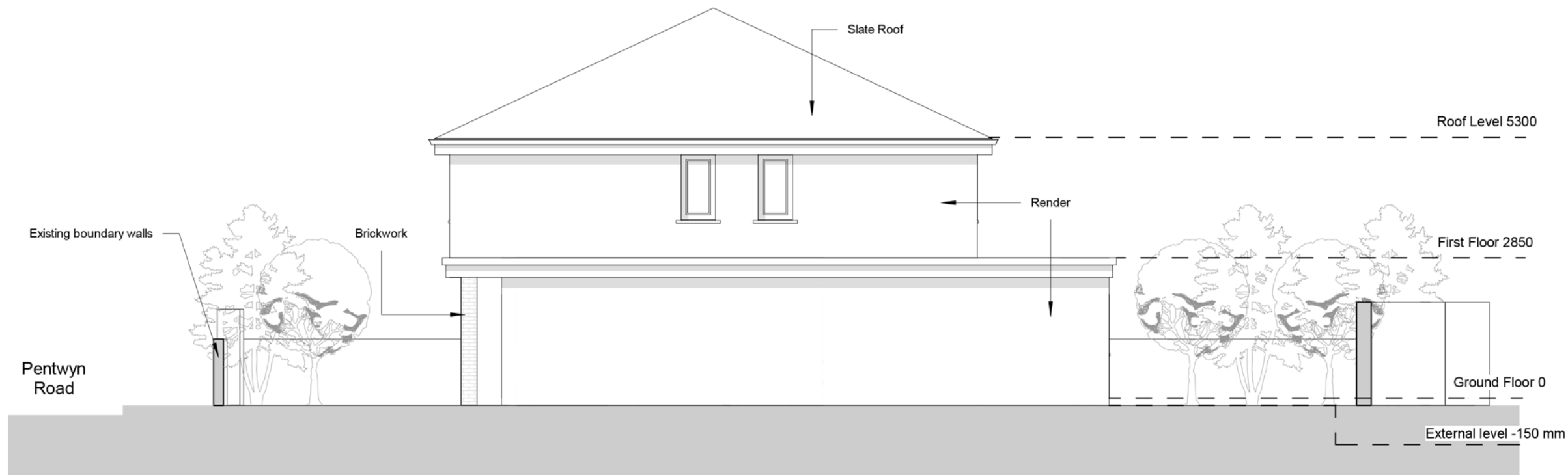
43, Pentwyn Road Radyr, Cardiff	
Proposed FF Plan	
Project number	22001
Date	June 2022
Drawn by	PD
A004	
Scale	1:100 @A3

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Note:
 Ground floor walls are existings



Proposed Front Elevation



Proposed North Elevation

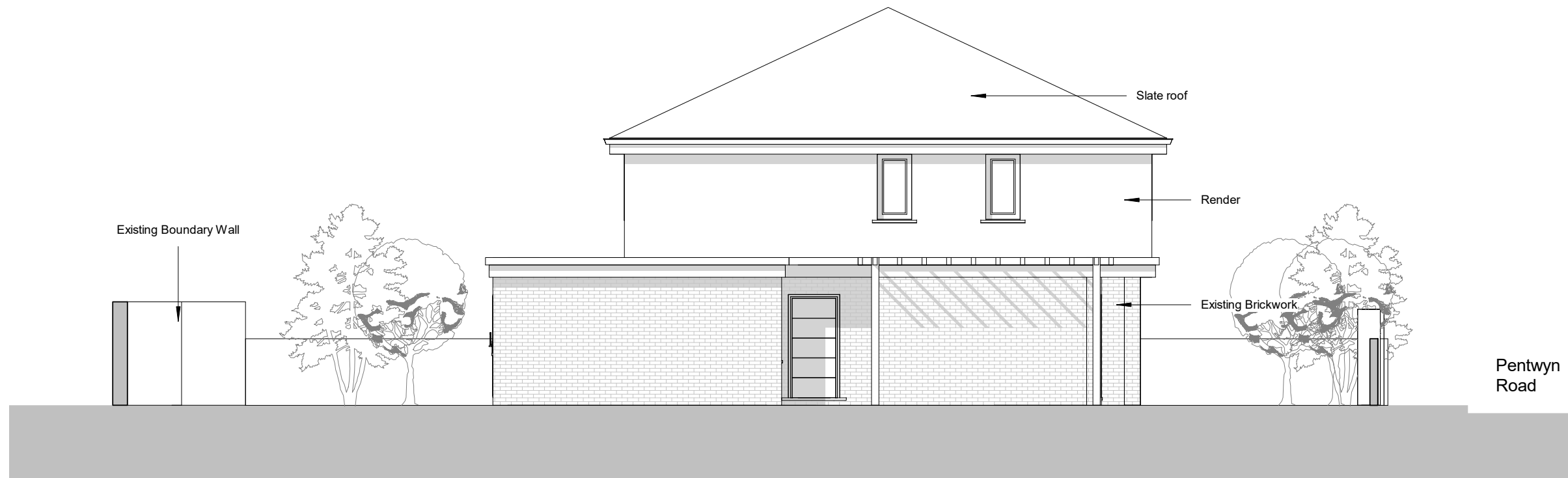
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Proposed Elevations 1	
Project number	22001
Date	June 2022
Drawn by	PD
A007	
Scale	1 : 100

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Note:
 Ground floor walls are existings

Proposed Rear Elevation



Proposed South Elevation

43, Pentwyn Road Radyr, Cardiff	
Proposed Elevations 2	
Project number	22001
Date	June 2022
Drawn by	PD
A008	
Scale	1 : 100 @A3