

## COUNCILLOR OBJECTIONS AND PETITION

COMMITTEE DATE: 16/10/19

APPLICATION NO. **19/02126/DCH** APPLICATION DATE: 31/07/19

ED: **CYNCOED**

APP. TYPE: Full Planning Permission

APPLICANT: Dr A Helu

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

PROPOSAL: SINGLE STOREY REAR AND TWO STOREY SIDE  
EXTENSIONS

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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 R4
  - 202 R4

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).

**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.

**RECOMMENDATION 3:** Dwr Cymru Welsh Water advise that the proposed development site is crossed by a public sewer and that no development will be permitted within the safety zone which is measured 3m either side of the centre line. For details please contact Developer Services on 0800 917 2652 or [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

## 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 side extension would have a small single storey element at the front, which would extend forward of the front elevation of the existing dwelling, following the building line of the existing front porch. The two storey element would extend out to the side by a maximum of 3.2m, becoming narrower towards the rear, following the broadly triangular shape of the site. The two storey element would be 2.9m deep with a pitched roof. The roof pitch would match that of the main roof, and would have a ridge line 1.5m below that of the ridge of the main roof. The wraparound single storey element would extend out a maximum of 3m to the side, becoming narrower towards the rear, and would extend beyond the rear wall of the existing house by 3.9m. It would have a sloping roof which would be 2.5m in height at the eaves and 3.3m at its highest point. The side elements would be set off the rear boundary of the houses along Westminster Drive by approximately 1m. The first set of amended plans submitted indicated an additional side facing door at ground floor level and an additional rear facing window at first floor level.
- 1.2 The proposals initially included a hip to gable roof alteration and a rear dormer. A certificate of lawful development has subsequently been granted for the hip to gable alteration and rear dormer, i.e. confirming that these elements can be carried out under permitted development rights and do not require planning permission from the Local Planning Authority. This application has, therefore, been amended to remove these elements from consideration. The second set of amended plans submitted demonstrate the roof elements, but are annotated to indicate that the hip to gable alteration and rear dormer will be carried out under permitted development rights.
- 1.3 Construction work has already commenced on the application site. The walls of the proposed extensions have been partially built at ground floor level. The hip to gable alteration and rear dormer are nearing completion.

## 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 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 line of houses along Westminster Drive. The site sits at a slightly lower ground level than the houses on Westminster Drive.

## 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.

#### 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 CONSULTEES RESPONSES**

5.1 None.

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

6.1 Dwr Cymru Welsh Water comment that the proposed site is crossed by a public sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

#### 7. **REPRESENTATIONS**

7.1 Neighbouring occupiers have been notified of the original and the amended plans by way of neighbour consultation letters.

7.2 A petition of 59 signatures has been received objecting to the proposal.

7.3 Councillor Hopkins and Councillor Malik write in support of constituents who have objected, requesting that the application is determined by Planning Committee and raising the following concerns:

- Building work commenced immediately after the house was purchased, prior to submission of a planning application;
- Plans represent a substantial over-development of a single residential property;
- Original roofline allowed for unhindered views of the skyline but the scale of the proposed dormer will significantly overshadow and overlook gardens of adjoining properties, compromising privacy;
- Dormer is unsightly in size and contrasts with the dormer on the adjoining property which has been extended in a manner more in keeping with the style and overall size of this and neighbouring properties;
- Potential adverse impact on resale value of neighbouring properties;
- Concerns about whether the proposals fall within permitted development limits;

- Commencing work on the property prior to receiving a planning determination may be a contravention of planning regulations;
- Concern the dormer is excessively scaled and may not meet guidelines contained in the SPG;
- Proximity of side extension to neighbouring properties means it should be subject to Party Wall Act and a party wall agreement;
- Planning application submitted was not accurate as it stated there would be no demolition, no alterations and enlargements to the roof and no loss of trees and hedges;
- Plans do not include dimensions, such information is material to decisions about the appropriateness of the plans;
- Concern Building Regulations approval may not have been sought;
- Ongoing development should be halted until a determination is made about the planning application as a whole;
- Development has caused disquiet and distress amongst a significant number of local residents. Developer has not followed good practice guidelines in the SPG advising developers to respect the context of the neighbourhood and to consult neighbours where the proposals affect their home or privacy. The development risks being un-neighbourly.

7.4 Letters of objection have been received in relation to the original plans and also the amended plans from the occupier of 3 The Fairway; the occupiers of 12, 14 and 18 Westminster Drive; the occupier of 4 Hampton Crescent West and Martin Carr of Building Logistics on behalf of an unspecified neighbouring occupier. They object to the proposal on the following summarised grounds:

#### **Design**

- The proposed extensions represent an over-development of the plot/overcrowding of the site;
- Out of keeping/out of character with surrounding houses and the area;
- Proposals are out of keeping with the form and scale of the existing house and do not sit comfortably within the street scene. Extension would not be subservient;
- Overall bulk and aesthetic appearance of the proposed dormer is not in keeping with the proportions of the existing house. Disproportionate to the existing property;
- Negative/adverse visual impact;
- Setting of a precedent which would allow further oversized caruncles to be approved;
- Dormer extensions which extend on all three elevations are bulky, incongruous and unsightly to neighbouring residents;
- Poor design which is hideous/unsightly in appearance;
- Large flat roof dormer will appear top-heavy. The rear of the property has the appearance of having a third storey added;
- Proposals will unbalance the pair of semis - extended house will be very large and will differ significantly from/be incompatible with the house that it is attached to (no.3);
- Dormer as constructed appears very similar to a diagram in the SPG which demonstrates unacceptable dormer design. Likely the proposals

exceed the requirements for planning permission to be granted set out in the SPG;

- Side extension would not fall under permitted development limits.

### **Impact upon Neighbouring Occupiers**

- Overbearing impact;
- Overlooking of neighbours' rear facing windows and gardens and detrimental impact upon privacy;
- Loss of view and outlook. Current skyline views will be dominated by the extended ridges, hips and verges of the proposed dormer structures;
- Loss of daylight and increased overshadowing;
- Increased shading of gardens and detrimental impact upon ability of neighbours to grow plants;
- Building work has caused disturbance, dust and noise preventing quiet enjoyment of homes and gardens, inability to have windows open, sit out or hang washing out etc.
- Building work has left the house without a roof and the internal party walls with no. 3 exposed to the elements.

### **Issues with the Commencement of Construction**

- Construction work commenced prior to the planning application being determined;
- Construction work under way differs from the submitted proposals and what the applicant has informed neighbours he is intending to build;
- Applicant has not filled in the application form correctly e.g. a garage has been demolished when he has indicated that no demolition will take place;
- Work on site should have been stopped.

### **Other Issues**

- None of the submitted drawings contain any measurements or details of materials, making assessment of whether the development falls within permitted development limits difficult;
- Construction of the dormer appears to exceed the limits of permitted development;
- No Party Wall agreement has been entered into;
- Health and safety concerns relating to building practices;
- Concern about level of insulation and soundproofing being installed between the roof space and the neighbouring house;
- Concern owner is a property developer who doesn't intend to live in the house;
- Decrease in value and saleability of neighbouring homes;
- Applicant should have bought one of the large 4 bedroom houses available for sale in the area;
- Damage was caused to garden fences when the garage was demolished. Cracks have appeared in the wall of the neighbour's playroom;
- Stressful experience for neighbours as construction has been carried out at a rapid pace and has not been stopped despite requests that it should be stopped;

- Likely that the proposed side opening door could not open fully due to the limited space between the extension and the neighbour's rear boundary wall;
- Small gap between the footings dug for the extension and the neighbour's boundary wall;
- Possibility of a raised balcony or roof terrace being constructed off the dormer;
- No objection to an appropriate extension being constructed, such as that built at the adjoining semi-detached property;
- Conditions should be imposed which will ensure that the development mirrors that constructed at the adjoining semi-detached property.

7.5 Neighbouring occupiers and objectors have been consulted on the second set of amended plans which are annotated to show the dormer and hip to gable alteration being carried out under permitted development rights. The 14 day consultation period ends on 10/10/19 and any representations received which raise additional issues will be reported as late representations.

## 8. **ANALYSIS**

8.1 The key material planning considerations are:

- The scope of the proposal;
- Impact upon the character of the area;
- Impact upon the occupiers of neighbouring properties;
- Other matters raised.

### 8.2 **The Scope of the Proposal**

The proposal initially included a hip to gable roof alteration and a rear facing dormer. Construction of the roof alterations and dormer began in July, with the building work initially appearing to exceed the parameters of development allowed under permitted development rights. The roof plane and the depth of the rear dormer were subsequently altered on site so that they fall within permitted development rights. A Lawful Development Certificate (19/02517/DCH) for the hip to gable alteration and rear dormer was granted on 23/09/19. Concerns raised regarding the design and scale of the dormer are noted, but a Lawful Development Certificate is concerned only with whether the development is within the parameters of what is lawful, with no consideration of the merits of the scheme proposed. Amended plans were subsequently submitted in relation to this application which indicate that the hip to gable alteration and rear dormer are being constructed under permitted development rights. For the avoidance of doubt, the hip to gable alteration and rear dormer are outside the scope of the determination of this application and have consequently been removed from consideration.

### 8.3 **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 are considered acceptable in terms of scale and design. The single storey element at the front would be

located in front of the principal elevation of the existing dwelling, which would normally not 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. It is noted that the two storey element would not be set back significantly from the principal elevation of the existing house. However, when considering the position of the existing porch forward of the principal elevation, the continuation of a single storey element in front of the two storey extension and the position of the ridge of the roof below that of the ridge of the main roof, these elements are considered sufficient to demonstrate subservience.

Several of the neighbouring properties have been substantially altered 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. 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.

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

The two storey and single storey side extension would run parallel with 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 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 the ends of the neighbouring gardens may occur as a result of the two storey element proposed. However, when taking into account the separation distance and the position of outbuildings at the end of some of the neighbouring gardens, it is not considered that the effect would be so significant that it would warrant a refusal of planning permission in this instance.

The two storey element would be located approximately 10.5m away from the closest point of the rear of 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 cover part of the existing side wall, it is not considered that there would be an overbearing impact upon the occupiers.

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

## 8.5 Other Matters Raised

- All planning applications are determined based on their own merits;
- Impact upon the value or saleability of neighbouring houses is not a material planning consideration;
- The availability for sale of larger properties in the area is not a material planning consideration;
- Issues relating to the party wall fall outside the scope of planning legislation and would be dealt with under the Party Wall Act 1996;
- Any damage potentially caused by construction works, demolition of the garage, or the internal party walls being open to the elements would be a civil matter to be resolved between the relevant parties;
- Health and safety concerns relating to building sites are outside the scope of planning legislation and are the responsibility of the Health and Safety Executive;
- No regard can be given to whether the applicant is a property developer or whether he intends to live in the property himself;
- Building Regulations is a separate approval process to the planning application;
- It is not an offence to commence development without the benefit of planning permission. The application will still be assessed upon its merits;
- 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 these limits;
- Scaled drawings were submitted which can be measured using a scale ruler. It is noted that applicants are not obliged to include figured measurements on their drawings;
- The application submitted does not contain proposals for a roof terrace or balcony off the rear dormer;
- The Council has no powers to compel the applicant to mirror the development carried out on the adjoining house. In determining this application, regard can only be given to the acceptability or otherwise of the proposals submitted by the applicant.

## 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.

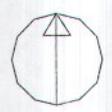
- 9.3 Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the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

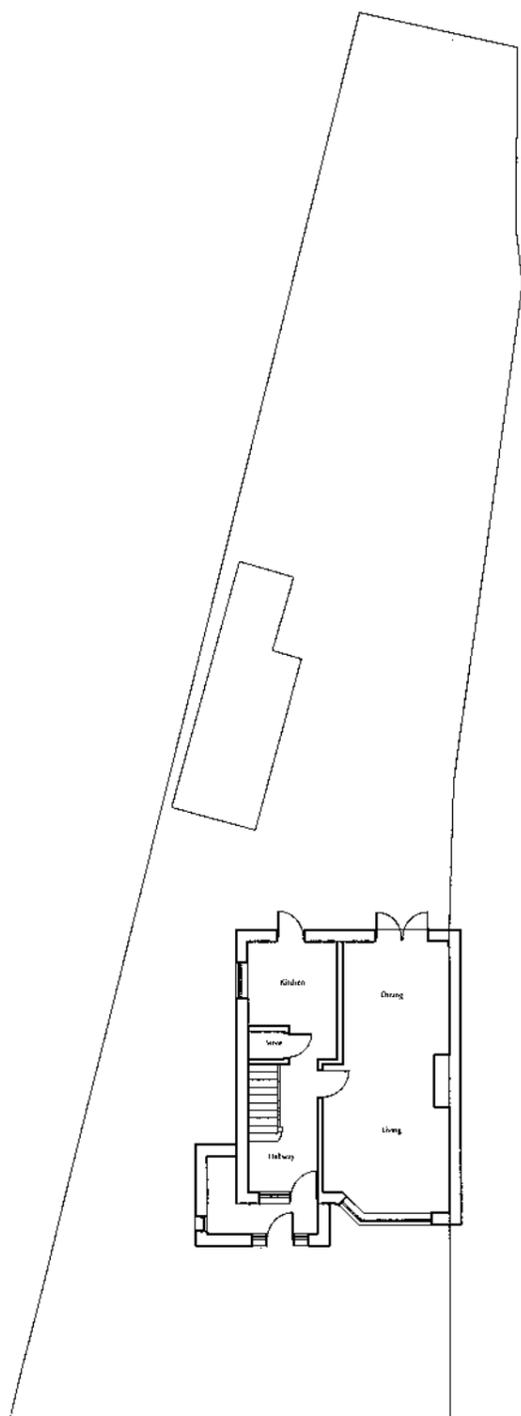


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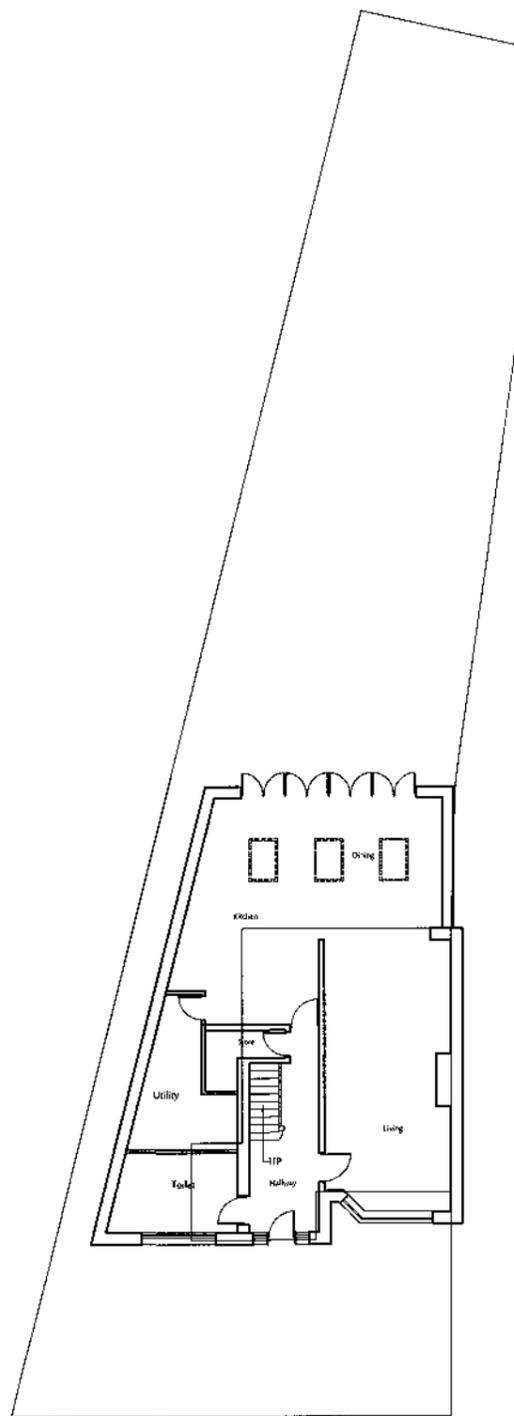


19/02123

# Site Location Plan



EXISTING  
SITE PLAN



PROPOSED  
SITE PLAN

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Date: JULY 2019

Project: 1 THE FAIRWAY

Client:

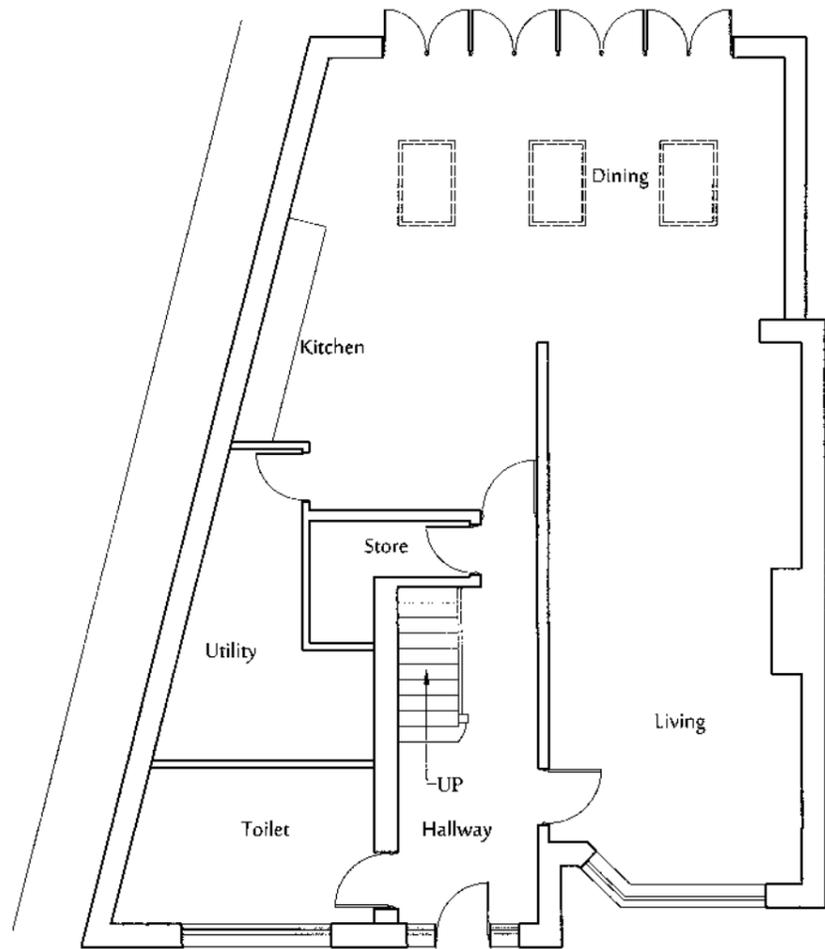
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SITE PLANS

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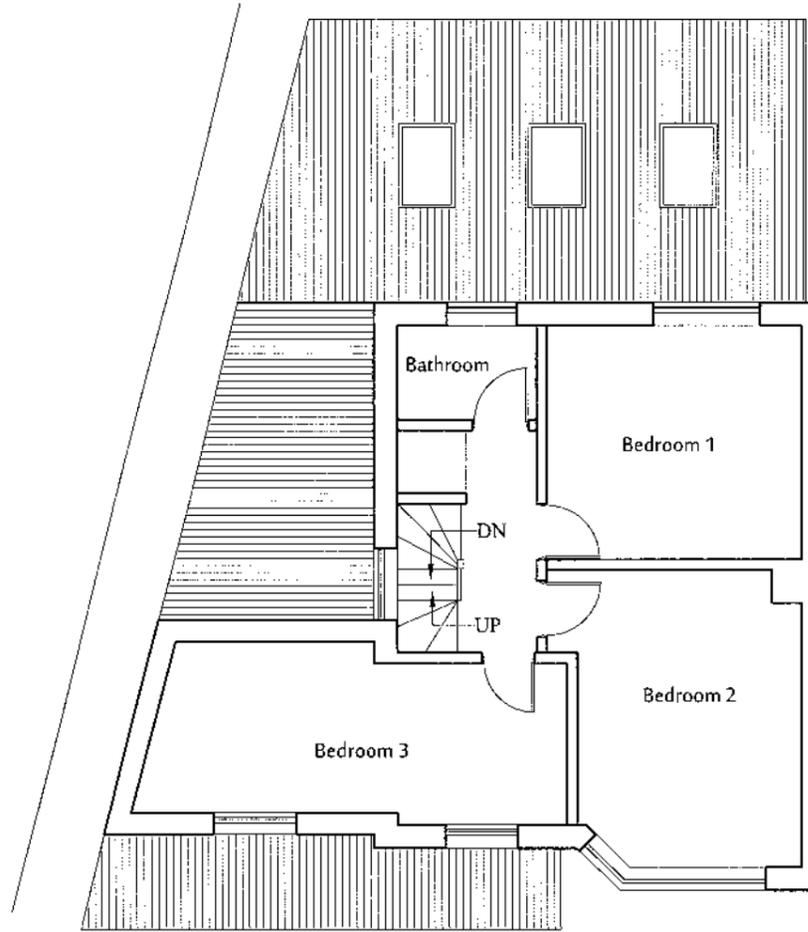
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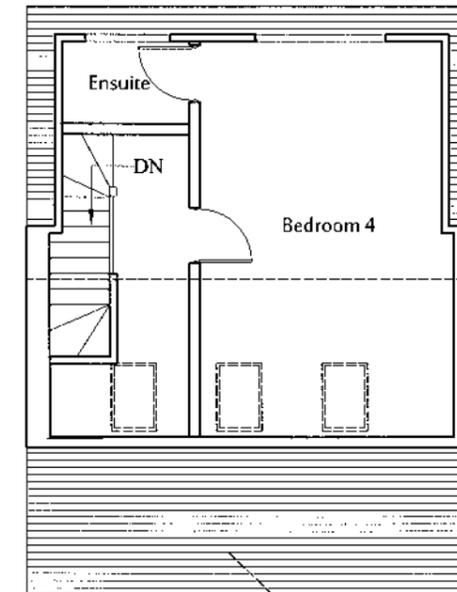
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Tel: 029 20 761 950  
Fax: 029 20 761 950  
Email: info@skdesigns.org.uk



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

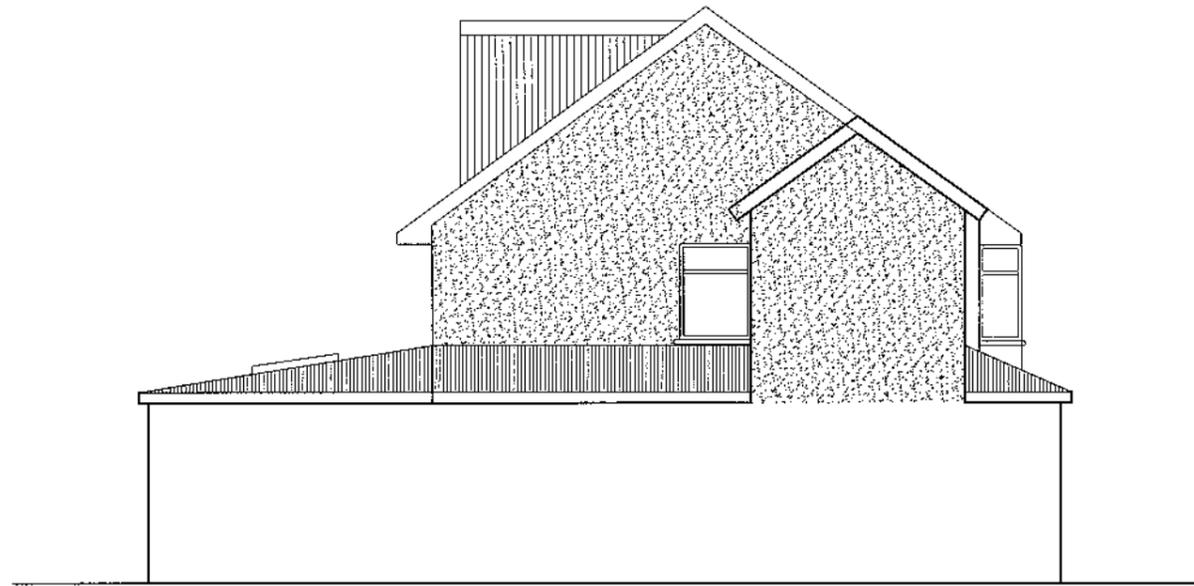


PROPOSED LOFT PLAN

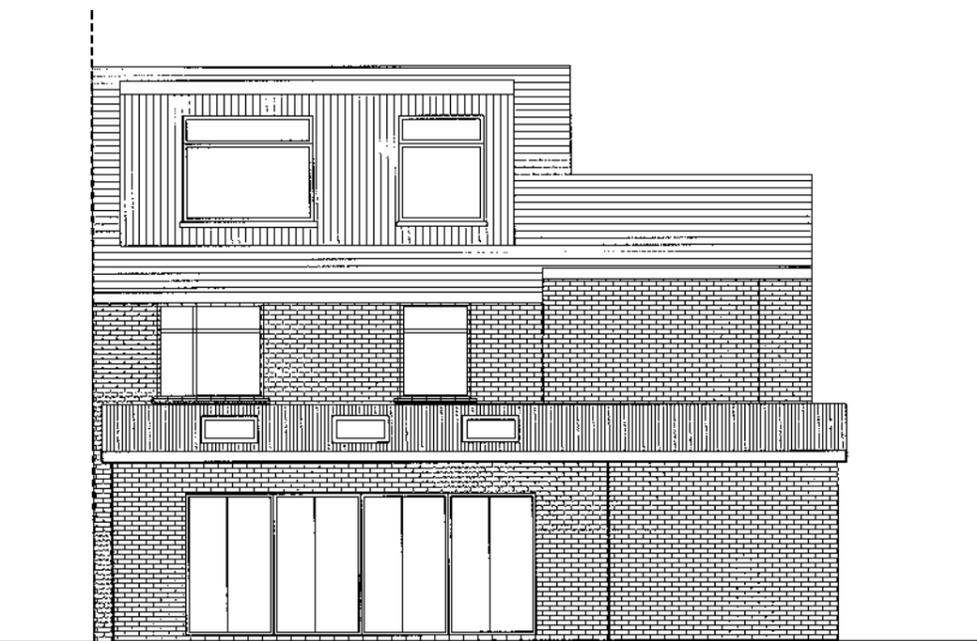
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Date: JULY 2019			
Project: 1 THE FAIRWAY			
Client:			
Description: PROPOSED PLANS	Job No:	Scale: 1:100	
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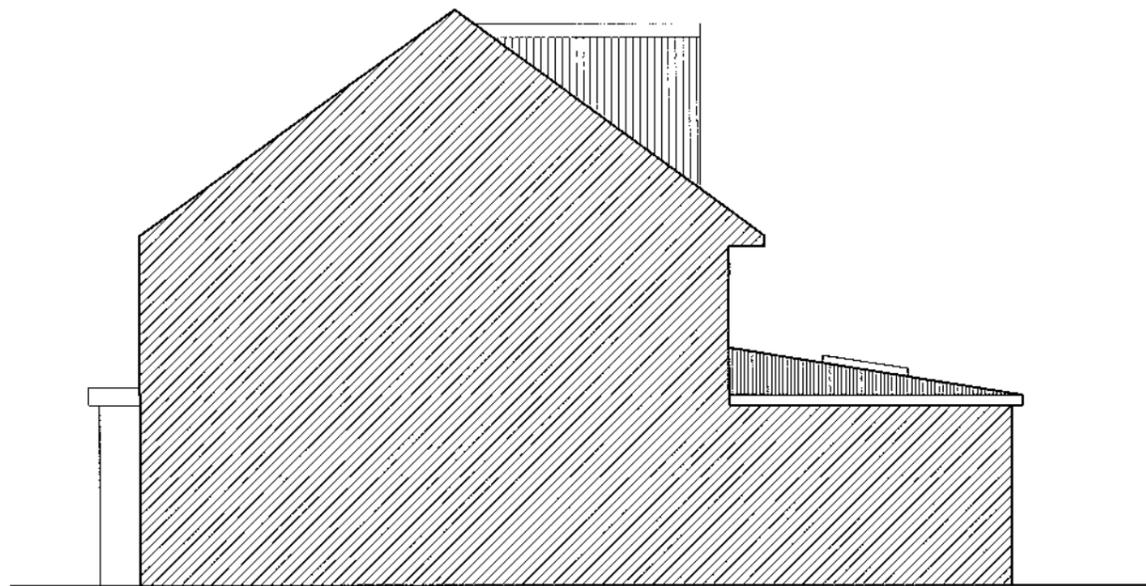
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

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Project: 1 THE FAIRWAY		
Client:		
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**SK DESIGNS**  
518, Charlotte Way, Luton, Bedfordshire, LU1 3EJ  
Tel: 029 20 761 950  
Fax: 029 20 761 950  
Email: info@skdesigns.org.uk