

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 22/07/2020

APPLICATION No. **19/03179/DCH** APPLICATION DATE: 06/12/2019

ED: **CATHAYS**

APP: TYPE: Householder Planning Permission

APPLICANT: MS BAHROTOLOOM
LOCATION: 24 LETTY STREET, CATHAYS, CARDIFF, CF24 4EL
PROPOSAL: RETENTION OF GROUND FLOOR SIDE/REAR
EXTENSION & PROPOSED FIRST FLOOR EXTENSION
AND ALTERATIONS TO EXISTING C4 HOUSE OF
MULTIPLE OCCUPANCY

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:
 - CED5/3/a - Proposed Elevations

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in any wall in the first floor side elevations facing 22 and 26 Letty Street.
Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.
4. The materials to be used in the construction of the external surfaces of the first floor extension hereby permitted shall match those used on the existing building.
Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.
5. Within one month of the date of this approval 6 cycle parking spaces, as indicated on the approved site layout plan (plan no CED 5/3/a) shall be provided within the property and shall retained thereafter.

Reason: To ensure that secure cycle parking facilities are provided to encourage other modes of transport over the private car.

6. Within one month of the date of this approval, a refuse storage area as indicated on the approved site layout plan shall be provided within the curtilage of the property. The refuse storage area shall be retained thereafter.
Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Cardiff Local Development Plan 2006- 2026.
7. No more than 6 occupants shall reside at this property at any one time.
Reason: For the avoidance of doubt as the permission hereby granted relates to the use of the property as a C4 HMO.
8. Within one month of the date of this approval, the rear boundary enclosure shall be erected as indicated on the approved site layout plan (plan no CED5/3/a) and shall be retained thereafter
Reason: : To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the 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: 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.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought for the retention of a single storey side extension and proposed first floor rear extension.
- 1.2 The submitted plans show the single storey side extension is approximately 2.2m wide, 5.7m deep and 3m high with sloping roof (approx. 2.3m to eaves level). The first floor rear extension is to be 5.2m long, 3.2m wide and 5.2m high with a pitched roof.
- 1.3 Internally the property accommodates two bedrooms, three bathrooms, kitchen/lounge and dining area and cycle storage area on the ground floor. The first floor contains five bedrooms and a WC.

- 1.4 The proposal would facilitate the use of the property as a 6 bed House of Multiple Occupation. The Use class of the property would remain as C4.

2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises a two-storey end of terrace property on the junction of Letty Street and Fanny Street. The existing property consists of a 4 bedroom House of Multiple Occupation (C4 Use Class), with a single and two-storey existing rear annexe. To the side elevation is an existing single storey extension, which is to be retained as part of this application.
- 2.2 The area is a primarily residential which consists of mainly two-storey terraced dwelling houses with an area of vacant land to the rear of the site with a flat roofed detached infill dwelling-house beyond.
- 2.3 The site is not within a Conservation Area, nor within an area of Flood Risk.

3. **SITE HISTORY**

Application No : 19/02794/MNR
Proposal : SINGLE STOREY EXTENSION TO THE HMO AND THE
CREATION OF 2NO. 1 BED FLATS
Application Type: FULL
Decision : Withdrawn
Decision Date : 22/10/2019

4. **POLICY FRAMEWORK**

National Planning Policy

- *Planning Policy Wales (10th Ed) 2018*
- *Technical Advice Note 12: Design*
- *Technical Advice Note 21: Waste*
- *Development Management Manual*

Cardiff Local Development Plan 2006-2026 (2016)

- *Policy KP5 (Good Quality and Sustainable Design)*
- *Policy T5 (Managing Transport Impacts)*
- *Policy W2 (Provision for Waste Management Facilities in Development)*
- *Policy EN10 (Water Sensitive Design)*

Supplementary Planning Guidance

- *Managing Transportation Impacts (Incorporating Parking Standards) SPG 2018*
- *Residential Extensions and Alterations (2017)*
- *Waste Collection and Storage Facilities (2016)*
- *House of Multiple Occupation (2018)*

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager (Transportation) – Advise that details submitted are satisfactory and advise no objection subject to insertion of condition 5.
- 5.2 The Operational Manager, Waste Management - State that the storage of waste and recycling within the amenity area at the rear of the property has been noted and is considered acceptable.

The property will require the following for recycling and waste collections:

- Bespoke bags equivalent to 140 litres for general waste
- 1 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 140 litres)

The storage of which must be sensitively integrated into the design.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 None

7. **REPRESENTATIONS**

- 7.1 Councillors Merry, Weaver and Mackie, object for the following summarised reasons :
- i) Application is incomplete - application refers to retention of ground floor extension yet no dates for works starting or completed.
 - ii) New partition walls cut across windows in contravention of guidance.
 - iii) Remaining amenity space would not sufficient.
 - iv) Outlook/loss of privacy to adjoining neighbours.
 - v) Overdevelopment of site.
 - vi) Ask that Cycle store be used as described and not as an additional bedroom.
 - vii) First floor extension will have an unneighbourly impact.
 - viii) Ask for application go before planning committee and a site visit is undertaken.

- 7.1 Neighbouring occupiers have been consulted. No responses have been received.

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 There is no change of use associated with this application as use Class C4 allows for between 3 and 6 people to live together in tenanted accommodation without the need for planning permission. As such the only issue for this application is the impact the extensions will have upon the character and appearance of the area and on the living conditions of neighbours.

- 8.3 Although the application site is located where the existing concentration of HMOs within 50m exceeds the threshold applied when considering applications involving changes of use to new class C4 or Sui Generis HMOs, it should be noted that the application does not propose a change of use to a Class C4 or Sui Generis HMO. Whilst planning permission has not been granted for use of the property as a Class C4 HMO, it would be unreasonable to suggest that the lawful use of the property would not fall within use class C4 as prior to the introduction of use class C4 on 25th February 2016 planning permission was not required to use the property as a small HMO for up to 6 persons. Evidence has been obtained indicating that use of the property as a 4 person HMO began prior to 25th February 2016, which would fall within use Class C4. Whilst the total amount of bedrooms would still fall within use class C4 as specified by the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016. The proposal will not result in the loss of family accommodation as the use of the property already falls within use class C4. In this particular instance the proposal has also been assessed against the HMO SPG in respect of amenity space provision and as a result of the minimum standard for 6 persons will be met.
- 8.4 The proposed rear first floor extension and single storey side extension to be retained are considered acceptable in regards to their scale and design and will not prejudice the general character of the area. The single storey extension is of a modest size and sited in a 'side-return' between the site and no. 26 Letty Street, adjoining the existing rear annexe of that property. The submitted plans show that the rear first floor extension does not exceed beyond the footprint of the existing annexe and does not project above the roofline of the existing rear annexe. The dwelling is a 'book-end' of the terrace and it is not an unusual addition for these properties in the surrounding area and it would not prejudice the privacy or amenities of the adjoining neighbours.
- 8.5 The scale of the development and its relationship with the existing dwelling and that of neighbouring properties is considered acceptable. The submitted plans show the two-storey element of the extension would project up to footway with Fanny Street and be sited approximately 2.2m from the boundary with no. 26 Letty Street. The single storey side extension abuts the boundary with no. 26 Letty Street, with an eaves height of approx. 2.4m high, however it does adjoin the existing rear annexe of no.26, so would have minimal impact upon the amenities of the adjoining neighbours. It is considered that the proposal would not be overbearing or generally unneighbourly which would justify concern for the Local Planning Authority.
- 8.6 With regard to garden space, the proposal has been assessed in accordance with the 'Residential Extensions and Alterations' Supplementary Planning Guidance' and the House of Multiple Occupation which states, "*A minimum of 25 square metres of an appropriate shape and siting should be retained, although this figure is dependent upon the individual context and size of the house and garden.*" Approximately 27 square metres of garden area would be retained to the rear of the property and this would exceed the minimum requirement for amenity space provision in this regard and this is accomplished by extending the existing space into land under the control of the applicant and providing a new boundary

enclosure (see condition 8) .

8.7 Subject to conditions, it is not considered that the proposal would prejudice the privacy of neighbours. The submitted plans show that no windows are to be inserted into the side elevations of the extensions proposed and it is considered necessary to ensure that no windows are inserted into these elevations in the future, so as to protect the privacy of adjoining neighbours (see condition 3). The plans also show the provision of a first floor rear window, which is sited approximately 4m from the rear boundary, however, the land adjoining is vacant land with no development within it and beyond this is the flank wall of an existing dwelling house approx. 11m away.

8.8 In regard to comments received from the Ward Councillors, would comment as follows;

- i) Application as submitted in considered acceptable in regard to the details submitted
- ii) Noted, these works appear to have done in relation to the internal works relating to the existing use of the property as a HMO and are not controlled under planning legislation.
- iii) The submitted plans show that sufficient amenity space would be available for occupiers that exceeds the minimum requirements of the HMOSPG.
- iv) See para 5.8
- v) The proposal is not considered to be an overdevelopment of the site as there is sufficient space remaining within the plot, with sufficient amenity space is available for occupants
- vi) See conditions 5 and 6
- vii) See para 5.6
- viii) Request is noted.

8.9 Other Legal Considerations

Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010 – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect

on, persons who share a protected characteristic.

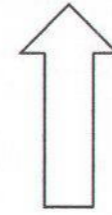
Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement.

- 8.10 Having regard to the policy context above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

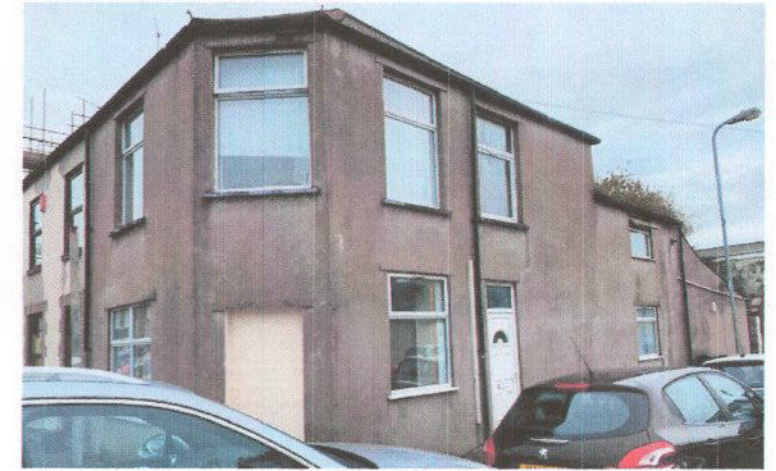


SITE LOCATION PLAN 1:1250

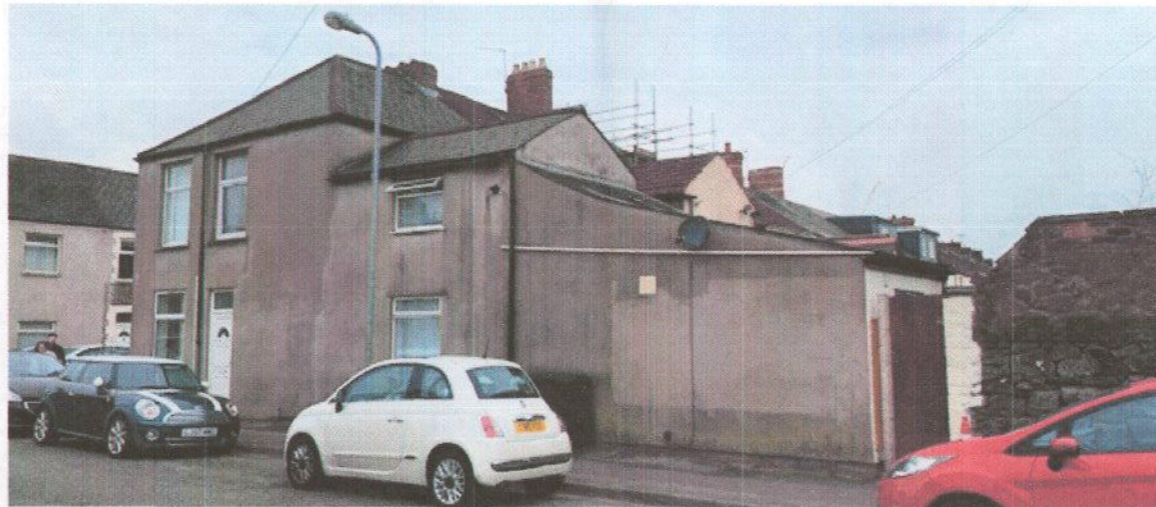
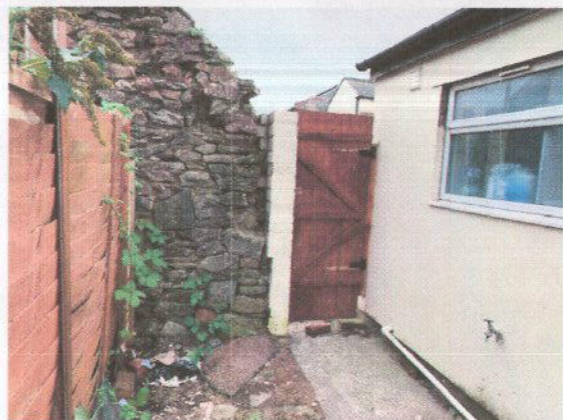
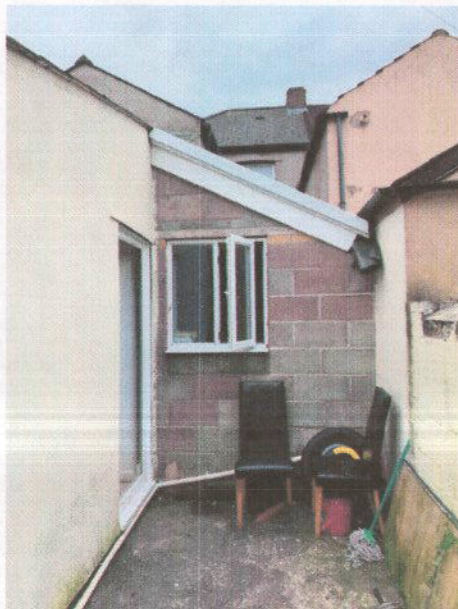
NORTH



**DEVELOPMENT AT
24 LETTY STREET
CARDIFF**

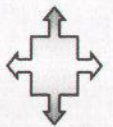


EXISTING ELEVATIONS



19/03/179 *TP*

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

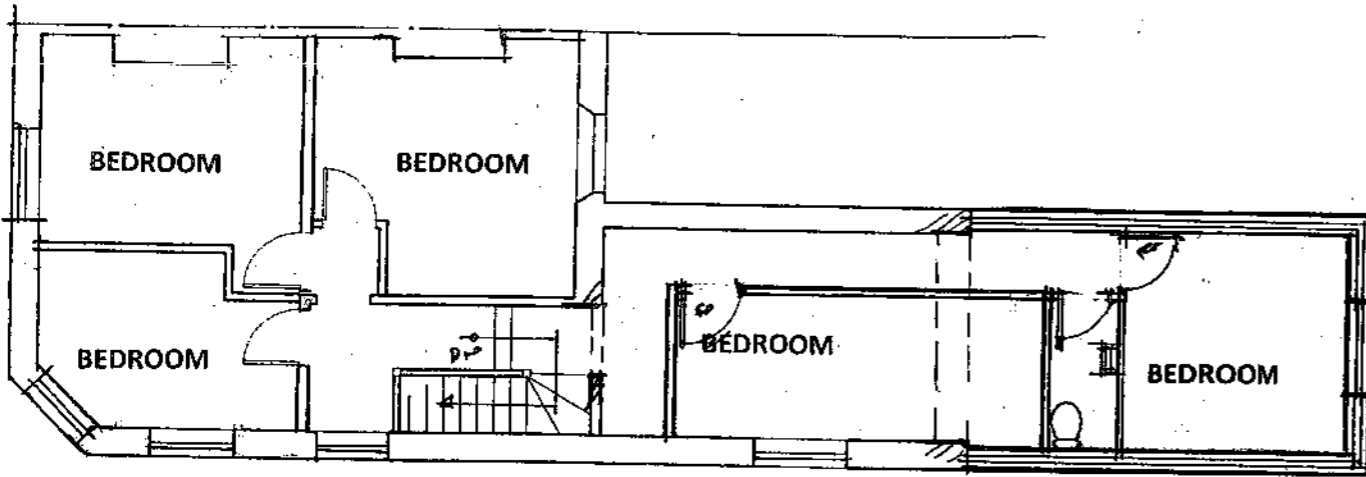
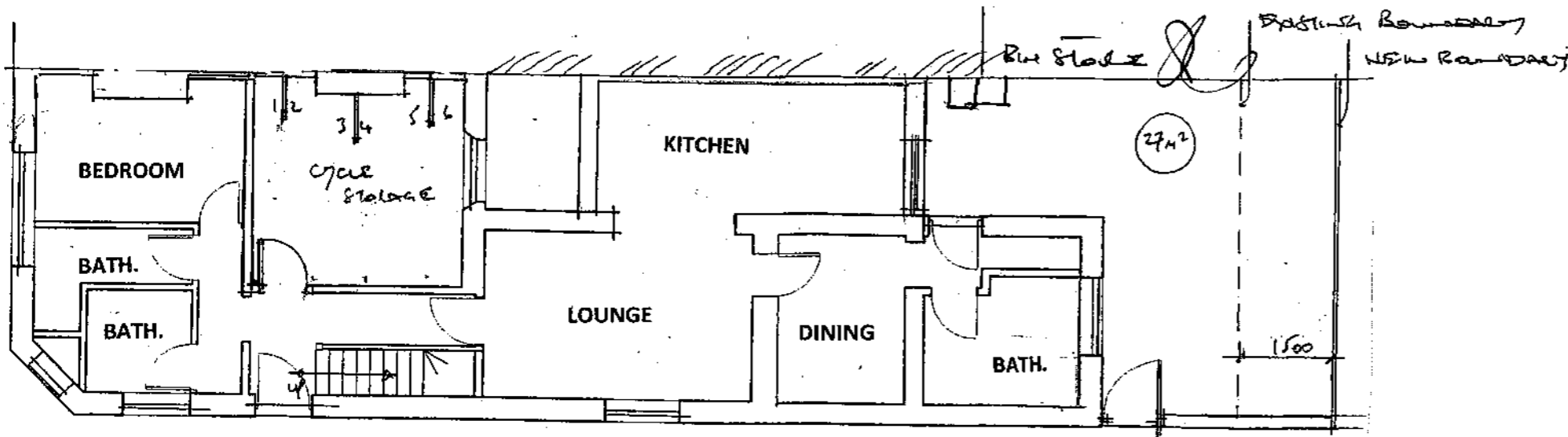


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**DEVELOPMENT AT
24 LETTY STREET
CARDIFF**

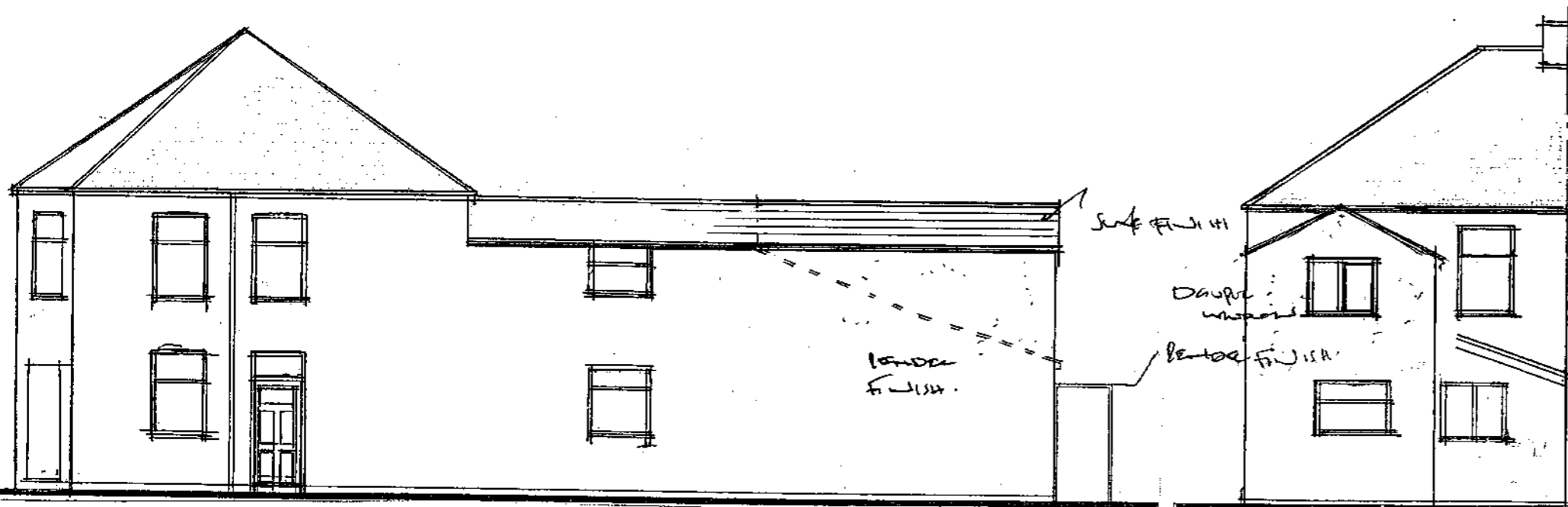
DATE NOV 2019

PLAN NO: CED5/1



GROUND & FIRST FLOOR
PROPOSED 1:100 at A3

SIDE & REAR ELEVATIONS
PROPOSED 1:100 at A3



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DATE NOV 2019		PLAN NO. CED513/a		

