

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 25 JANUARY, 2023

REPORT OF THE HEAD OF REGENERATION AND PLANNING

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

Decision Codes:

A	Accepted
AC	Approved Conditionally
AW	Accepted (Welsh Water)
R	Refused

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2022/0006/PV	A	12, Raglande Court, Llantwit Major, CF61 1TB	New roof structure incorporating solid panels on existing conservatory
2022/0007/PV	AC	Wellwood Dentistry, 5, Cornerswell Road, Penarth, CF64 2UW	Rear extensions and conversion of coach house to dental use
2022/0029/PO	AC	65, Mynachdy Road, Cardiff, CF14 3DX	Conversion of the property into 2 self contained flats with single storey rear extension. Remedial works to loft conversion with rear dormer and hip to gable extension
2022/0032/PO	AC	78, Fidas Avenue, Llanishen, Cardiff, CF14 0NZ	Loft conversion with hip to gable and rear dormer
2022/0389/BN	A	27, Burdons Close, Wenvoe, CF5 6FE	Single storey orangery extension to rear
2022/0802/BR	AC	37, Crompton Way, Ogmore By Sea. CF32 0QF	Single storey rear extension with a small front extension to porch way on front and part garage conversion.

2022/0814/BR	AC	Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	Demolition of existing school, and development of 30 no. apartments in two blocks and 4 no. houses together with associated works
2022/0852/BR	AC	42, Phyllis Street, Barry, CF62 5UW	Dormer loft conversion with Juliet balcony
2022/0854/BN	A	30, Meadow Vale, Barry, CF63 1ER	Conservatory roof replacement
2022/0855/BN	A	21, Heol Yr Ysgol, St Brides Major, CF32 0TB	Conservatory roof replacement
2022/0857/BN	A	The Barn, Chapel Road, Wick, CF71 7QJ	Proposed rear single storey extension
2022/0859/BR	AC	Llantwit Major Surf Lifesaving, Lifeguard Station, Llantwit Major, CF61 1RT	First-floor balcony and addition of roof lights and associated internal works.
2022/0860/BN	A	45, Elizabeth Avenue, Barry, CF62 9XD	Installation of log burner
2022/0863/BN	A	7, Church View, Marcross. CF61 1ZF	Oak framed orangery, single storey extension with roof lantern
2022/0864/BN	A	10, Grants Field, The Downs, St. Nicholas. CF5 6SE	Double storey extension
2022/0867/BN	A	6, Thaw Close, Rhoose. CF62 3FX	To replace 7 windows and 1 door
2022/0870/BR	AC	3, Swanbridge Grove, Sully, CF64 5TA	Removal of two internal walls. New sliding doors to replace existing door and existing window in the current kitchen area.
2022/0871/BN	A	Hallowdene, St Athan Road, Cowbridge, CF71 7EQ	Single storey extension including disabled access and facilities to existing bungalow
2022/0873/BN	A	116, Westbourne Road, Penarth, CF64 3HH	Replacement timber sash windows (less than 20)

2022/0874/BN	A	Ty Fry Farm, Llandow, CF71 7NT	Convert an existing cowshed into a plant room and home gym
2022/0875/BN	A	18, Newbarn Holdings, St Athan Road, Flemingston, CF62 4QL	Removal of chimney breast, replacement of wooden beams with steel, installation of lintels for log burner and re-install patio doors
2022/0876/BN	A	23, Enfield Drive, Barry. CF62 8JE	Two storey rear extension.
2022/0877/BR	AC	1, St. David's Crescent, Penarth. CF64 3LZ	Two storey rear extension
2022/0878/BN	A	The Lodge, Llandow Village. CF71 7PX	Single storey corner extension under 10m2
2022/0879/BR	AC	3, Badgers Brook Drive, Ystradowen. CF71 7TX	Alteration and extension work including two storey extension to the side (46m2 ground floor, 42m2 first floor) and 12.4m2 single storey rear extension
2022/0880/BN	A	Old Mill, Llantrithyd, Cowbridge, CF71 7UB	Internal alterations to include forming hallway, new staircase, first floor bathroom and window to front elevation. Flat to pitch roof and alterations to roof lights on existing roof
2022/0881/BN	A	34, Coronation Terrace, Penarth. CF64 1HN	Construction of a bedroom and ensuite and internal material alterations
2022/0883/BN	A	78, Fonmon Road, Fontygary, Rhoose, CF62 3BE	Install wood burner and flue system
2022/0884/BN	A	Belvedere House, Boverton Road, Boverton, Llantwit Major, CF61 1UH	Installation of a log burning stove
2022/0885/BN	A	4, Great House Meadow, Llantwit Major. CF61 1SU	Single Storey extension
2022/0886/BR	AC	12, Bramble Avenue, Barry, CF62 7JN	Single storey side and rear extension

2022/0887/BN	A	Paget Rooms, Victoria Road, Penarth, CF64 3EG	Localised hacking off and re-rendering of some external walls. Several windows to be removed and replaced with new double glazed timber windows. Minor roof works to existing roof in areas.
2022/0888/BN	A	9, Westbourne Road, Penarth. CF64 3HA	Removal of external wall to open up with bifold doors and removal of kitchen / dining wall partition and fit RSJs to support. Fireplace removal with one supported on RSJ. Creation of three new door openings on first floor. Replacement of internal roof insulation.
2022/0889/BR	AC	25, Dinas Road, Penarth. CF64 3PJ	Double story side and single storey rear extension and form new opening for front door and window.
2022/0890/BN	A	13, Dunraven Close, Cowbridge. CF71 7FG	Garage conversion
2022/0891/BN	A W	27, Highwalls Road, Dinas Powys, CF64 4AJ	Single storey extension to rear and side to enlarge kitchen and create downstairs bathroom. Replace all existing windows (8 no.) and relocate bathroom on first floor to back bedroom
2022/0892/BR	AC	New House, St. Hilary. CF71 7DP	Garage conversion and internal alterations to lower ground floor and single storey extension at ground level
2022/0893/BN	A	88, Westbourne Road, Penarth. CF64 3HG	Addition of a double doorway between two ground floor living rooms 2100mmx2000mm with steel support as load bearing

2022/0894/BN	A	The Old Vicarage, Pendoylan, CF71 7UJ	Single storey extension
2022/0895/BR	AC	13, Rutland Close, Barry, CF62 8AR	Take down existing conservatory and construct new rear extension and internal alterations

(b) Building Regulation Applications - Reject

For the information of Members, the following applications have been determined:

2022/0856/BN	R	Heritage Coast Campsite, Monknash, CF71 7QQ	2 Holiday Lets
2022/0862/BN	R	18, Samson Street, Llantwit Major. CF61 2SH	Loft conversion
2022/0869/BN	R	Manor House, Sully Road, Penarth, CF64 2TQ	Single storey extension to side and double storey extension to rear
2022/0872/BN	R	Tregolan House, Bradford Place, Penarth, CF64 1AG	Conversion of 4 flats into 1 residential dwelling
2022/0898/BN	R	8, Britten Road, Penarth. CF64 3QJ	Loft conversion with gable on front and dormer on back

(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received:

2022/0209/AI	A	Unit F, Windmill Park, Hayes Road, Sully, CF64 5RZ.	1 No. industrial unit (shell only)
2022/0210/AI	R	Tyr Coleg, College Gardens, Llantwit Major. CF61 1SH	Garage conversion with link extension to dwelling (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0211/AI	C	4, Cae Pella, Cowbridge. CF71 7FN	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2022/0212/AI	A	7, Lletyr Eos, Rhoose, CF62 3LL	Replacement of existing conservatory roof with a Warm Roof System
2023/0001/AI	A	73, Cornerswell Road, Penarth, CF64 2UY	Dormer loft conversion
2023/0002/AI	A	5, Lon Pinwydden, Ystradowen, Cowbridge, CF71 7SF	Replacement conservatory roof
2023/0003/AI	A	17, Lynmouth Drive, Sully, CF64 5TP	New build 3 no bedroom detached dwelling
2023/0004/AI	A	10, Downs View, Aberthin, Cowbridge, CF71 7HF	Single storey rear extension and internal structural alterations

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 JANUARY, 2023**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C - Unclear if permitted (PN)	B - No observations (OBS)
EB EIA (Scoping) Further information required	E Split Decision
EN EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2021/00957/FUL	A	8A, Kymin Terrace, Penarth	Construction of a single storey garage opening out onto Kymin Lane
2021/01572/FUL	A	Broadacres, Cog Road, Sully	Conversion and extension of outbuilding to create a three bedroom dwelling
2022/00204/FUL	R	Land to the rear of 21, Victoria Road and 2, Victoria Square, Penarth	Demolition of 1 garage to the rear of 2 Victoria Square, Penarth and 2 garages to the rear of 21 Victoria Road. Construction of 2 new dwellings with rear gardens, accessed off Jacks Lane- AMENDED

			PLANS (previously 3 dwellings)
2022/00224/FUL	A	15, Brunel Close, Barry	Single storey rear extension
2022/00278/3/N MA	A	Dock Office, Subway Road, Barry	Non Material Amendment - Amend Wording of Condition 5 - CEMP; Remove Condition 11 and revise Condition 10 as follows: Prior to any reuse or disposal of topsoil, the following shall be submitted to and approved in writing by the Local Planning Authority: 1. A soils resource analysis provisions in accordance with the 2009 DEFRA Construction Code of Practice for the sustainable use of soils on construction sites that delineates, characterises and quantifies all re-usable topsoil and subsoil resources on the site. 2.A soil resource plan (SRP) prepared by a qualified soil scientist, based on the soil analysis, shall set out the methods and equipment to be used for re-use and/or disposal of all site topsoil and subsoil and shall included details of an auditable system of site monitoring by a qualified soil scientist to ensure the correct implementation of the SRP. Works shall thereafter be carried out in accordance with the approved details. Also revision of the wording of Condition 5 CEMP to 'should be submitted and be sufficiently developed to allow construction to

			<p>commence, then updated accordingly and approved by the local planning authority where required'. Planning permission ref: 2022/00278/RG3 - Transport interchange to integrate bus and rail travel. The transport interchange will utilise the existing council ground level car park area to the east of the Docks offices, creating a circulatory route for buses and taxis, with a central landscaped area with seating, cycle stands and allowing for potential cycle hub / cafe unit and 'Next-bikes' in the future (this would be a separate planning application). The scheme will also have secure cycle lockers and future proof for electric vehicle charging of both buses and taxis. New bus shelters with interactive displays, and new LED lighting to current standards will also be installed</p>
2022/00342/FUL	A	Post Office, 106, South Road, Sully	Change of use from Post Office (A1) to mixed use Post Office/Coffee Shop (A1/A3)
2022/00512/FUL	A	86, Westbourne Road, Penarth	Retention of single storey extension to side and rear
2022/00521/LBC	A	The Old Vicarage, Wick Road, St. Brides Major	Removal of section of later sub-dividing partition between utility and store
2022/00562/FUL	A	15, Merlin Close, Penarth	Two Storey side and front extension

2022/00580/FUL	A	Caravan Repair Centre Ltd., Coed Emlyn Park, A48, St. Hilary	New single storey office facilities
2022/00586/FUL	A	The Meadows, 45, Cog Road, Sully	Demolition of existing roof/canopy over front entrance door and the erection of a first-floor extension, alterations to rear extension roof to include demolition of existing pitched roof and construction of new roof terrace, privacy screen, and external steps
2022/00651/FUL	A	23A, Cardiff Road, Barry	Change of use from 2 self contained flats to 10 bedsitting rooms
2022/00667/FUL	A	10, Gibbonsdown Close, Barry	First floor extension, ground floor garage conversion and single storey rear elevation extension
2022/00740/FUL	A	Samreboi, 30, Cog Road, Sully	Loft conversion with the addition of new gable dormers to front elevation
2022/00834/FUL	A	Land at Sycamore Cross	Variation of Conditions 1 and 2 (Approved Plans) of Planning Permission 2021/01489/FUL: Development of 120 homes including affordable homes, new vehicle, pedestrian and cycle access, improvement works to Pendoylan Lane, regrading of site, drainage, landscape works, provision of public open space, demolition of existing modern timber stables and all associated works

2022/00868/FUL	A	Heathcliffe, Clive Crescent, Penarth	Proposed loft extension with rear dormer and Juliet balconies to the rear
2022/00902/FUL	A	Unit C and Unit D, Valegate Retail Park, Culverhouse Cross	Amalgamation of Unit C and Unit D to allow use of the units for the sale of a wider range of goods including clothing, footwear, fashion accessories, jewellery, cosmetics, toiletries, pharmaceutical products and up to 30% net retail floorspace for convenience goods
2022/00926/FUL	A	163, Holton Road, Barry	Change of use of a commercial building, currently offices, into a domestic dwelling.
2022/00988/FUL	A	11B-11C, Royal Buildings, Stanwell Road, Penarth	Retrospective planning application for the proposed installation of ventilation equipment at the premises
2022/01008/FUL	A	Unit 445, District Centre, Barry Waterfront, Ffordd Y Mileniwm, Barry	Change of Use from A3 Restaurant to Sui Generis Beauty Salon
2022/01015/FUL	A	The Dales, Little Brynhill Lane, Barry	Demolition of existing side extension and replacement with two storey side extension. One and a half storey extension and dormer to principal elevation. Modernisation and alterations to existing dwelling
2022/01023/FUL	A	63, Stanwell Road, Penarth	New installation of photo voltaic panels to front and side roofs. No alteration to roof

2022/01025/FUL	A	24, Trem Y Bae, Penarth	Proposal to glaze over first floor terrace above kitchen to create first floor extension to existing three storey dwelling
2022/01027/FUL	A	17, Glastonbury Road, Sully	Single storey rear extension, high cill side window and internal renovations
2022/01028/FUL	A	British Airways Maintenance Cardiff, Dragonfly Drive Rhoose	Retention of the existing three storey Nose in Facility (NIF2) aircraft maintenance structure located on the south-west corner of the main BAMC hangar
2022/01029/FUL	A	Newton Farm, Newton, Cowbridge	Proposed single storey orangery with external swimming pool and terraces
2022/01046/FUL	A	3, Penny Lane, Cowbridge	Change of use from shop (A1) to betting office (Sui Generis)
2022/01048/FUL	A	6, Kenson Close, Fontygary, Rhoose	New extension to side of existing bungalow with dormers in new extension roof and existing bungalow roof
2022/01061/FUL	A	290, Barry Road, Barry	Single storey rear and side extension, car port to side elevation and new front porch and car port canopy
2022/01067/FUL	A	The Lodge, Flemingston	Installation of flush mounted solar panels as part of a solar pv project by Rhoose Electrical

2022/01071/FUL	A	Hellas, St. Nicholas	Ground floor side extension and alteration to roof of existing. Creation of first floor over existing. Garage side extension. Alterations to elevations and changes to fenestration.
2022/01074/FUL	A	Milverton, Peterston Super Ely	Two storey side extension with Juliet Balcony. Two storey rear extension to replace existing conservatory. New roof over existing and proposed areas, dormer window to rear with Juliet balcony. Internal reconfiguration
2022/01079/LAW	A	Bryn Y Ddafad, Cowbridge	Use of house and annex, shown in red line area of the location plan, as a single C3 residential dwelling.
2022/01090/FUL	A	Foxes Hollow, Michealston Le Pit Road, Michaelston Le Pit	Retention of tree house
2022/01103/FUL	A	Rhoscelyn, 36 Eastgate, Cowbridge	Proposed reinstatement of chimney
2022/01108/FUL	A	Upalong House, Penyturmpike Road, Dinas Powys	Single storey rear extension, new dormers and alteration to roof
2022/01110/FUL	R	Tunnelside Yard, Snell Yard, Alps Quarry Road, Wenvoe	Proposed change of use from agricultural land to storage units
2022/01126/FUL	A	26, Archer Road, Penarth	Increase of rear approved extension
2022/01133/FUL	A	46, St. Josephs Mews, Penarth	Proposed single storey rear extension. Infill of open porch to front
2022/01134/FUL	A	17, Masfield Road, Penarth	Single storey rear extension

2022/01150/FUL	A	7, Paget Place, Penarth	Take down and rebuild chimney stack to match the old red engineering bricks with bands of creme eng/bricks. Terracotta pots, with cowells and matching mortar
2022/01151/FUL	A	Forage Farm Shop and Kitchen, Penllyn Estate Farm, Llwynhelig, Cowbridge	Development of a hot food takeaway unit (Use Class A3) associated with the existing Forage Farm Shop and retention of enclosure of approved covered seating area.
2022/01152/FUL	A	6, Grove Place, Penarth	Two storey side extension, ground floor rear extension and loft conversion with rear dormer
2022/01160/FUL	A	Cafe, Amelia Trust Farm, Walterston	The project involves the re-purposing of the existing café building on the farm. The building form comes from two adjacent dairy sheds attached, one against the other, parallel. We propose to extend a pair of gables to form a new entrance elevation defining the new Community Cafe
2022/01163/FUL	A	8, Church Avenue, Penarth	Replace warped and rotten front door with like for like replacement. Etch '8 Church Avenue' onto the glass pane above the door.
2022/01167/FUL	A	8, Tair Gwaun, Penarth	Retention of dark grey windows to front and back of property.

2022/01169/FUL	A	McDonalds Restaurants Ltd., Ty Verlon Industrial Estate, Barry	Minor alterations to elevations to include the construction of a 5.5 sqm extension bumped out under eaves, the relocation of the entrance with new sliding door, a new access door installed, replacement glazing and associated works to the site
2022/01176/FUL	A	37, Sherbourne Close, Barry	Ground floor bedroom and en-suite. Single storey lean to side extension with a pitched roof. All finishes to match existing
2022/01186/FUL	A	27, Pencoedtre Road, Barry	Demolition of existing conservatory. New rear extension and front porch replacement
2022/01189/FUL	A	Land adjacent to The Windmills, St. Athan Road, Cowbridge	Retrospective planning application for amended upgraded agricultural access with inclusion of barrier vehicle restraint system.
2022/01195/FUL	A	9, Purcell Road, Penarth	Loft conversion with rear dormer extension, kitchen extension and granny annex extension
2022/01199/FUL	A	43, Heol Eryr Mor, Barry	Front terrace and Juliet balcony and internal remodel
2022/01209/FUL	A	18, Tyle House Close, Llanmaes	Two storey extension on right hand side elevation (above existing garage footprint) incorporating additional master bedroom. Rear single storey extension (on existing conservatory footprint) incorporating dining room and family area

2022/01224/FUL	A	2, St. Lythans Road, Barry	Demolition of existing rear extension and build new single storey extension to rear of property
2022/01249/LAW	A	9, Eurgan Close, Llantwit Major	Proposed conservatory adjoined to rear elevation of house
2022/01253/LAW	A	46, Tathan Crescent, St. Athan	Rear dormer added to existing loft conversion

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **25 JANUARY 2023**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

None.

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

LPA Reference No:	2022/00025/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02053-C9M7B0
Appellant:	Valiant Pub Company Limited
Location:	The Park Public House, Park Crescent, Barry
Proposal:	Erection of a timber framed shelter in existing beer garden; installation of some fixed seating beneath shelter; construction of timber bin enclosure; forming of new door end gable
Decision:	Appeal Dismissed
Date:	11 January 2023
Inspector:	A McCooey
Council Determination:	Delegated

Summary

The main issue was considered to be the effect of the proposal on the living conditions of nearby residents due to noise and disturbance.

The appeal site was a substantial public house on the corner of Bell Street and Park Crescent with a number of nearby properties in residential use. The beer garden contained moveable tables and a covered smoking area and the proposed shelter was to be sited to the rear with tables indicated throughout the area. It was located close to residential properties and local residents had referred to regular noise and disturbance and anti-social behaviour from patrons in the beer garden and outside the public house. There had been two complaints to the Council regarding noise and disturbance from the beer garden and the Council's Shared Regulatory Services (Pollution) had objected to the proposal on these grounds.

The Inspector identified that the provision of covered seating, outdoor heating, lighting and a large TV would encourage more extensive use of the beer garden for longer and mean that it would become a more attractive space even during inclement weather. This would lead to an intensification of the use and further noise and disturbance to the detriment of the living conditions of nearby residents.

Whilst acknowledging that residential properties were likely to experience some noise and disturbance, the Inspector noted that most of the other commercial uses in the area closed around 17:00 to 18:00 and the traffic on the main road would ease after the evening rush hour. The rear of the premises was close to a number of residential properties and the Inspector did not agree that the background noise levels justified the approval of the proposal or that the proposed wooden structures would attenuate noise.

The Inspector agreed with the Council that conditions would not satisfactorily address the concerns with the proposal and considered that the appellant's suggestion of a restriction on the use of the beer garden after 22:00 would still allow for an unacceptable intensification in its use and be difficult to enforce. It was therefore concluded that the proximity of the site to neighbouring dwellings and the intensification in the proposed use would lead to further noise and disturbance to the detriment of the living conditions of nearby residents contrary to Policies MD2, MD5 and MD7 of the LDP and the appeal was dismissed.

(d) Enforcement Appeal Decisions

None.

(e) April 2022 – March 2023 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	11	5	16	3
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		11 (69%)	5 (31%)	16	3
Committee Determination		1	2	3	1
Other Planning appeals (inc. appeal against a condition)		-	-	-	1
Enforcement Appeals	W	2	-	2	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		2 (100%)	-	2	1
All Appeals (excludes non validation appeals)	W	13	5	18	4
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		13 (72%)	5 (28%)	18	4

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 JANUARY, 2023**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved

R - Refused

E Split Decision

2022/01207/TCA	A	The Horizon, 7, Church Place South, Penarth	Removal of old conifer tree C1. Believed to be Cypress Leylandii tree. Tree is not healthy, very brown and growth interfering with nearby Poplar tree P2. Roots are damaging retaining wall surrounding garage
2022/01239/TCA	A	45, Porth-y-Castell, Barry	T1 (Elaeagnus Umbellata) - Fell. G1 (Ivy) - Remove section to give a minimum of 4 metres clearance to the garage. G2 (Passion Flower) - Fell. The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.
2022/01271/TCA	A	Coopersale House, Piccadilly, Llanblethian, Cowbridge	Works to tree in Llanblethian Conservation Area: T1 - Foxglove Tree - removal

2022/01272/TCA A Ashbrook, Llandow

T1- Ash - removal
T2- Ornamental cherry -
removal
T3- Sycamore - crown
raise (2.5m) / removal of
lower limbs

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 JANUARY, 2023**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

2022/00918/FUL Received on 11 August 2022

APPLICANT: Glen Thomas Architecture 112 Kimberley Road, Penylan, Cardiff, CF23 5DN

AGENT: Mr Richard Wood 112 Kimberley Road, Penylan, Cardiff, CF23 5DN

96, Lavernock Road, Penarth

Loft conversion with rear dormer. Rear single storey, flat roof extension with first floor extension. General internal remodel. Modernisation of front porch. Alteration to front fenestration

REASON FOR COMMITTEE DETERMINATION

This application is reported to Planning Committee under the Council's approved scheme of delegation at the request of Councillor Ernest to assess the development and for a Committee Site Visit. It is stated, "*The proposed development, in my view, is of an overbearingly large extension to the dwelling, and the creation of a balcony which would impact on the privacy of the neighbour to an unacceptable degree, as well as a major impact on the ridge line and also its proximity to No.94.*"

The extensions would create a dwelling which would be substantially larger than existing, create a discordant feature in the street scene, and generally be out of character with a number of neighbouring properties, which would impact on the character of the area."

EXECUTIVE SUMMARY

The application was considered by the Planning Committee on 21 December 2022 and Committee resolved not to approve the application in accordance with officer's recommendation.

The application relates to 96, Lavernock Road, a detached dwelling located within the settlement boundary of Penarth. Permission is sought for rear extensions and a dormer; in addition to other alterations.

Objections have been received by one neighbour, raising concerns such as overbearing impacts and overlooking, amongst other concerns. Penarth Town Council and Councillor Ernest have also objected to the proposals. One letter of support with regard the appearance of the proposal has been received.

The following report sets out reasons for refusal reflecting the concerns raised by Members of Planning Committee on 21 December 2022.

SITE AND CONTEXT

The application site is 96 Lavernock Road in Penarth, which is a detached property. The property is located within the Penarth settlement boundary. Below is an extract of the site location plan:



DESCRIPTION OF DEVELOPMENT

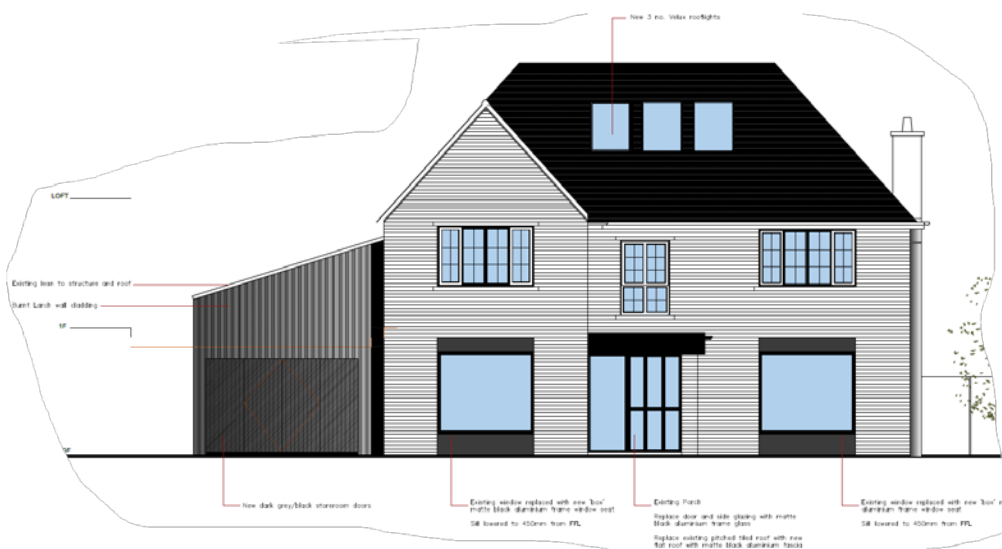
Full planning permission, as amended, is sought for a loft conversion with rear dormer. Rear single storey and first floor flat roof extensions. General internal remodel. Modernisation of front porch. Alteration to front fenestration.

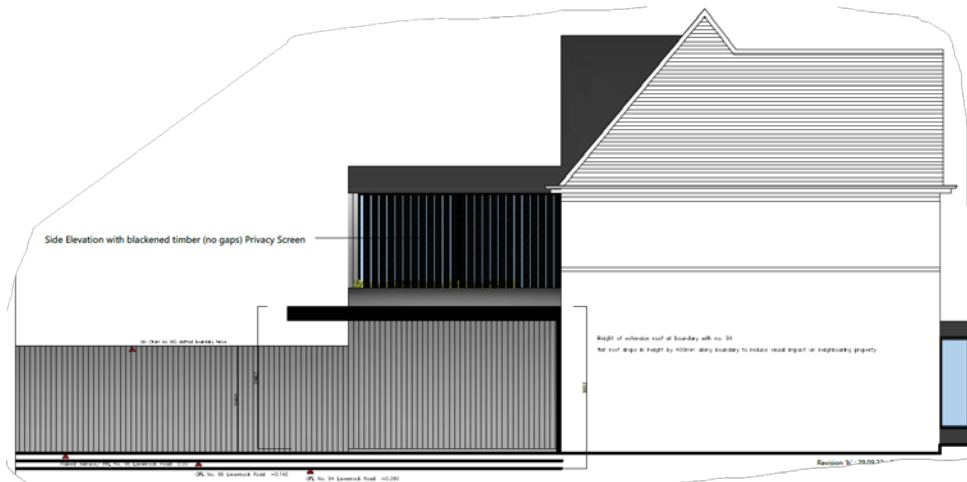
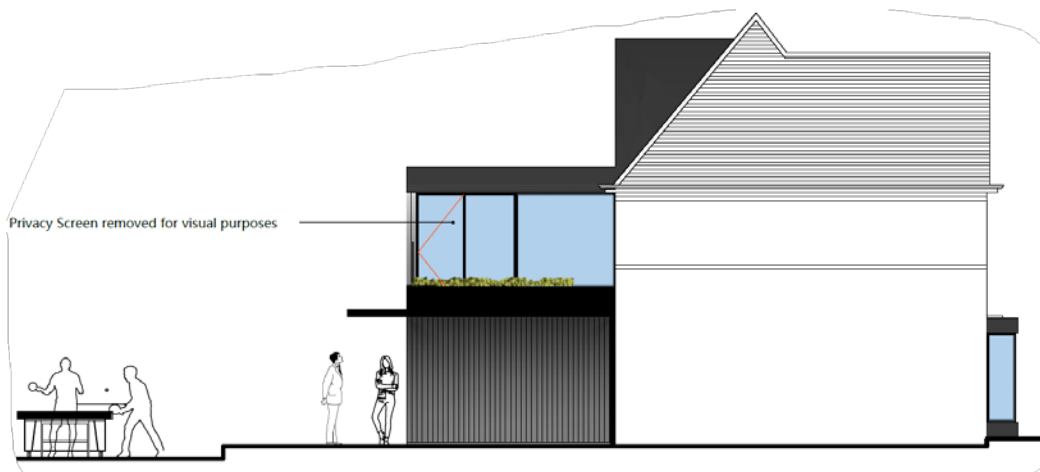
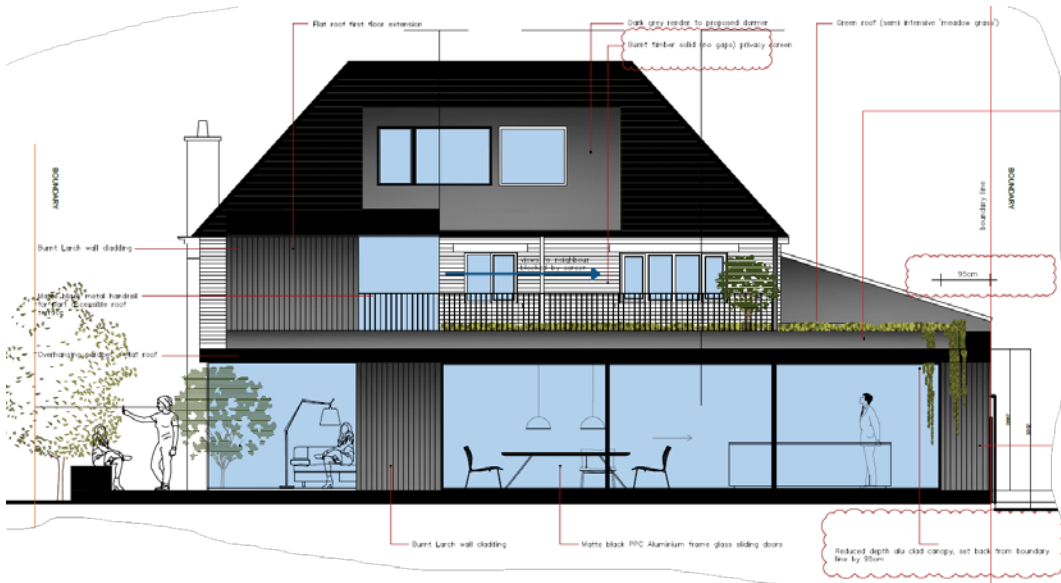
The single storey rear extension would measure approximately 4m in depth, 15m in width and with a flat roof 3.1m in height. It would be provided with a flat 'green' roof with part of it being used as a roof terrace. The plans detail a handrail to the rear and a 'with no gaps' burnt timber privacy screen on the flat roof. An overhanging canopy would be provided at the rear.

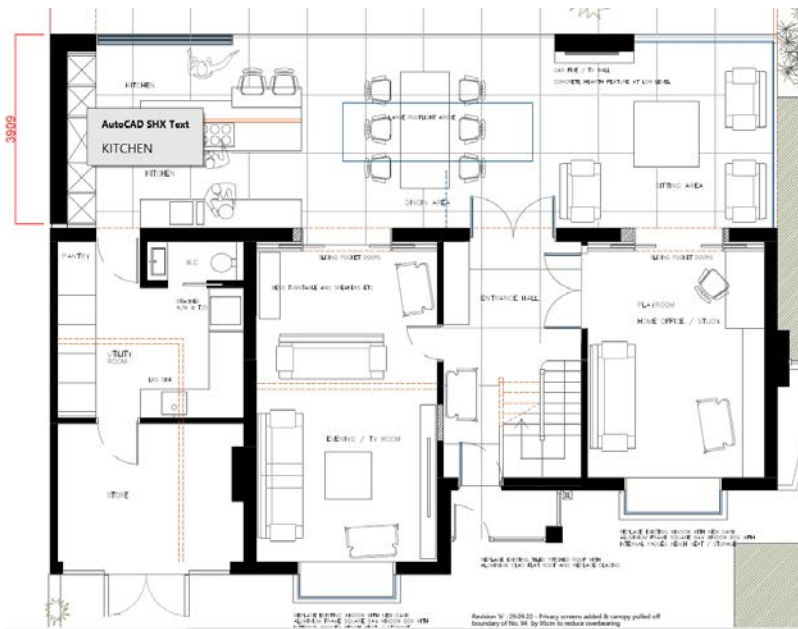
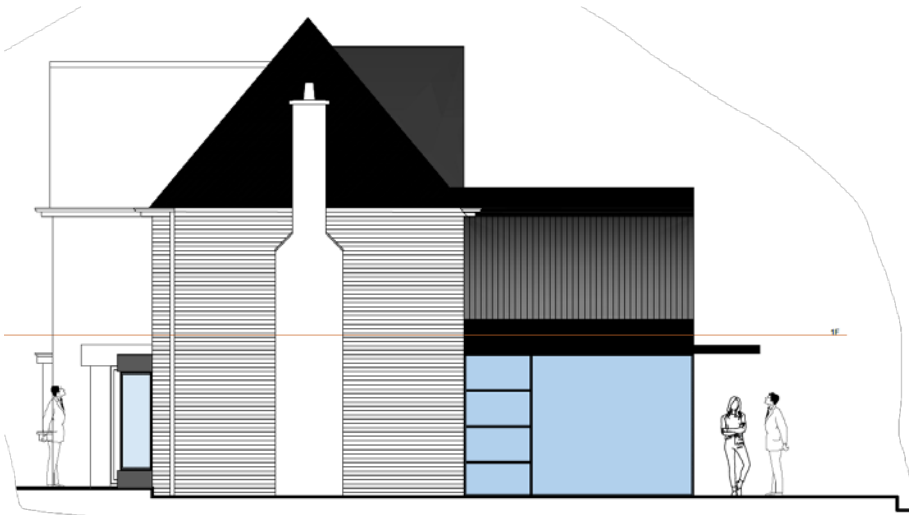
A two storey flat roof projection would be provided on top of the single storey extension and would measure approximately 4m in depth, 4m in width and with a height of 5.5m. The elevations would be finished with burnt larch cladding.

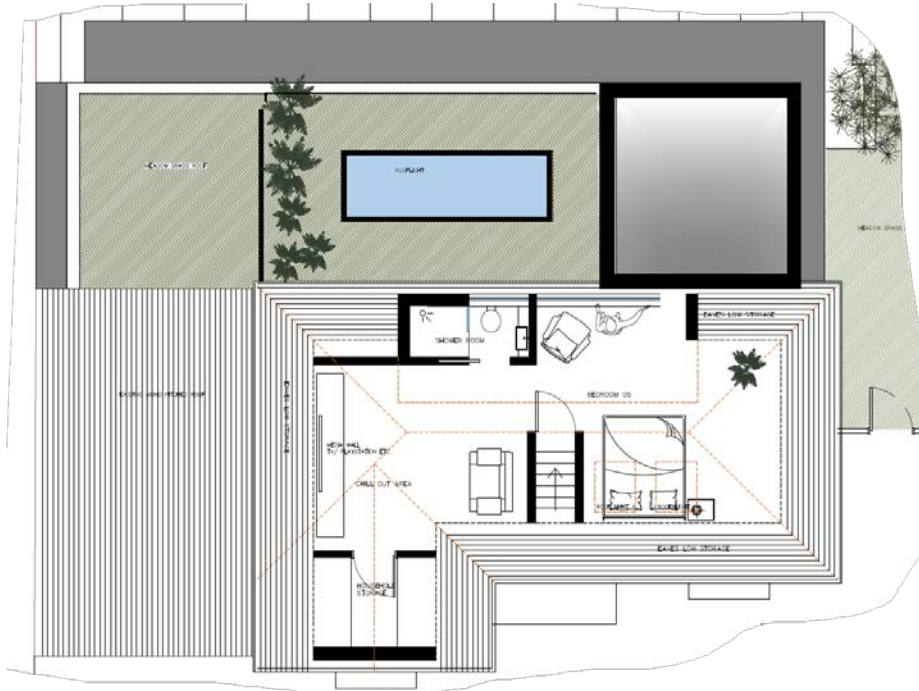
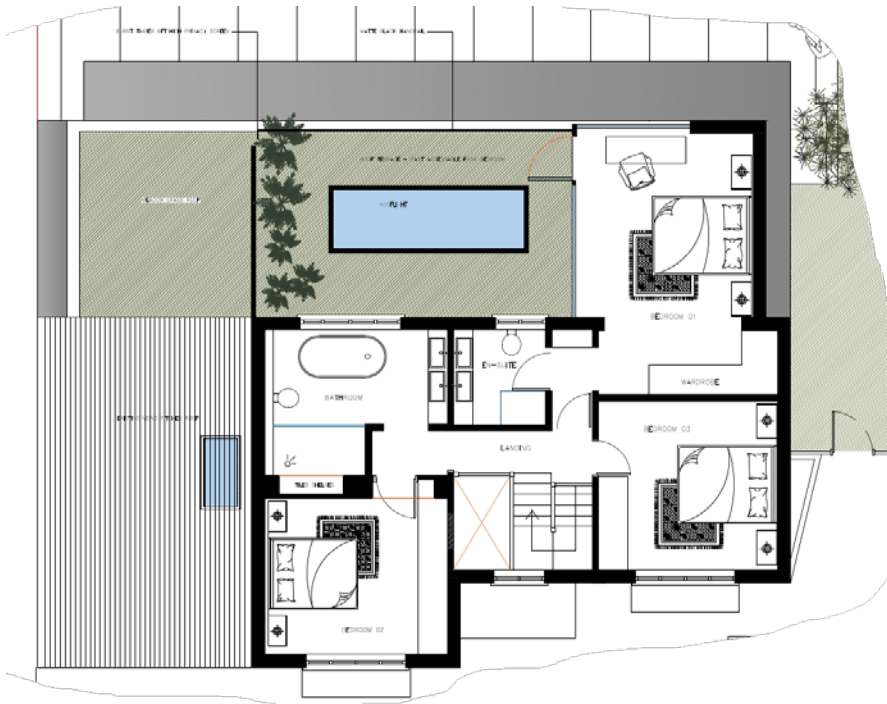
A box style dormer would be provided on the rear elevation. It would measure approximately 4.9m in width, 2.2m in depth and with a height of 2.8m. The elevations would be finished in dark grey render.

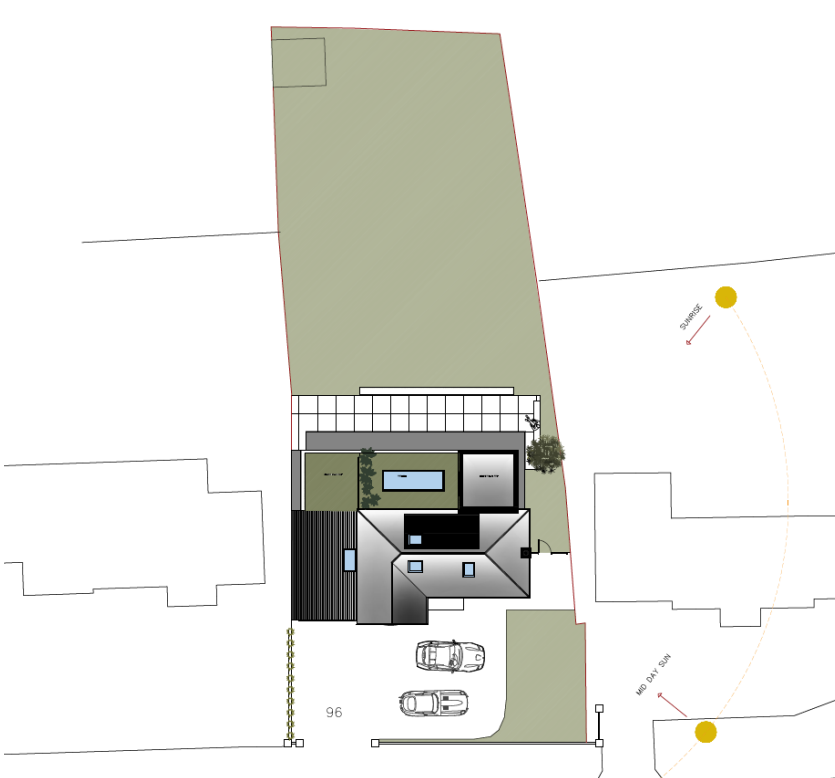
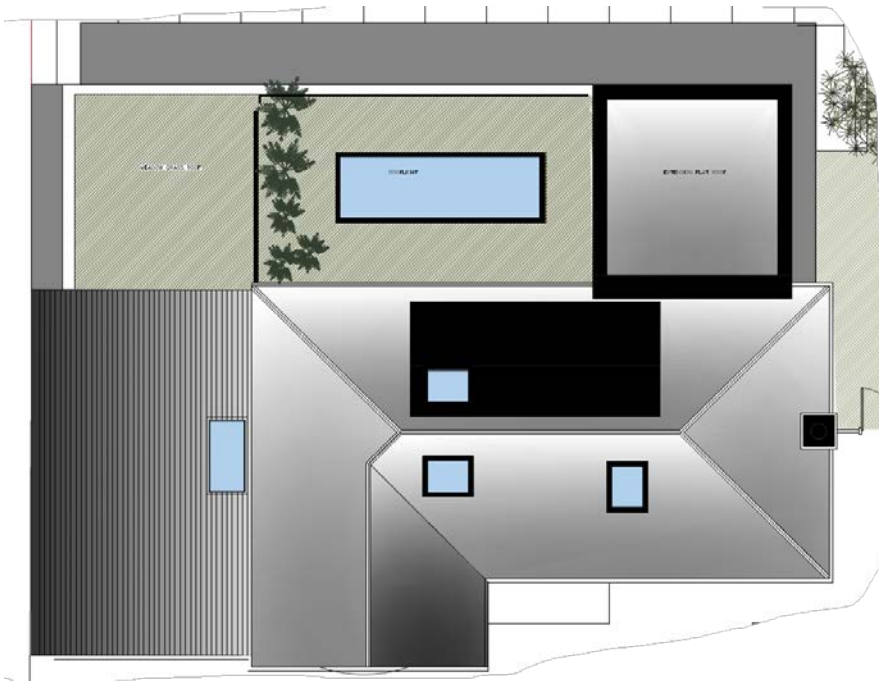
Extracts from the proposed plans are provided below:











Some external alterations would be provided on the front elevation including new ground floor 'square bay' windows, roof lights, burnt larch wall cladding and new doors to the 'lean to' side extension and alterations to the porch roof, glazing and door.

PLANNING HISTORY

None

CONSULTATIONS

Penarth Town Council were consulted on 23 August 2022. They have responded as follows, *“Concerns are raised to the proposed rear dormer, it is recommended that the dormer is set further up from the eaves. Concerns are also raised to the proposed first floor flat roof extension, which exceeds the eaves of the dwelling”*.

Following amended plans being received Penarth Town Council were re-consulted on 8 November. The above comments were re-stated.

Plymouth Ward Members were consulted on 23 August 2022. Councillor Ernest has responded calling the application for a Committee site visit and determination. The following comments are provided, *“ The proposed development, in my view, is of an overbearingly large extension to the dwelling, and the creation of a balcony which would impact on the privacy of the neighbour to an unacceptable degree, as well as a major impact on the ridge line and also its proximity to No.94.*

The extensions would create a dwelling which would be substantially larger than existing, create a discordant feature in the street scene, and generally be out of character with a number of neighbouring properties, which would impact on the character of the area.”

Following amended plans being received Plymouth Ward Members were re-consulted on 8 November. Councillor Ernest has commented further as follows:

Despite the applicant's modification. I remain opposed to this application on the grounds of its being overbearing to its neighbour, and an infringement of the latter's privacy.

REPRESENTATIONS

The neighbouring properties were consulted on 23 August 2022. The following responses have been received.

One objection has been received from the occupiers 94 Lavernock Road and their comments are summarised below:

- The proposal is out of context and character to the surrounding built environment. The rear extensions and dormer are over dominant and design is not in keeping with the surroundings.
- The gaps between dwellings are important. The extension abutting our garden would not respect the existing character would be disproportionate to the original dwelling and would be over development.
- The position on the boundary will have an overbearing impact on our amenity of internal and external living environment. There is also a level change which would exacerbate this.
- There would be overlooking from the side of the first floor extension of internal and external living areas.
- Concerned trees could be removed along boundary.
- Concerned with regard construction on party wall.

One letter of support has also been received and their comments are summarised below:

- Well thought out design. More avant-garde and contemporary houses are need in Penarth.

Following amended plans having been received the neighbours were re-consulted on the 11 October 2022. One letter of objection has been received at the time of writing this report from 94 Lavernock Road and their comments are summarised below:

- The original objections are reiterated
- The main objection relates to the position on the boundary. It will have an overbearing impact on our amenity of internal and external living environment. There is also a level change which would exacerbate this.
- The difference in levels between the properties isn't shown accurately. The accuracy of the drawings on the boundary is questioned.
- Concerned trees could be removed along boundary.
- Our property had a condition restricting the use for amenity and we would expect the same restriction as it would overlook our garden.
- It would result in a loss of light to our garden/patio.

Following amended plans having been received setting the parapet wall of the rear extension back the neighbours were re-consulted on 8 November 2021. One further response has been received from the occupiers of 94 Lavernock Road and their comments are summarised below:

- The amendments do not address our concerns.
- It remains overbearing on the boundary.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 12 – Design (2016)

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Parking Standards (2019)
- Residential and Householder Development (2018)

9.1. Overbearing and overshadowing impacts

9.1.1. *Development can have a negative impact on a neighbour's amenity, depending on the size of it and its location in relation to the principal outlook of a neighbour's garden or rooms. Similarly, development that causes a harmful level of over shadowing will be considered un-neighbourly and, therefore, unacceptable. New development must ensure that your neighbour's existing residential amenity is safeguarded.*

9.1.2. Key principles:

- i. Two-storey development, large single storey extensions and/or large structures should in most cases be set away from the boundary adjacent to the garden of a neighbour's property.*
- ii. Development should not unreasonably enclose a neighbour's immediate outlook.*
- iii. Development should not cast large shadows onto a neighbour's house or garden.*
- iv. Development that results in a significant loss of daylight and / or sunlight to habitable rooms (i.e. living room, main bedroom, kitchen and dining room) or private garden areas of neighbouring properties are likely to be harmful.*
- v. Thought should be given to the orientation of the development in relating to the sun so as to minimise its overshadowing impact on a neighbour's property.*
- vi. Consideration should be given where there is a change in levels between your property and a neighbouring property must ensure that your neighbour's existing residential amenity is safeguarded.*

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

The principal issues when determining this application against the above policies and guidance will be the design and scale of the proposal and its visual impact on the character of the existing dwelling and street scene and the impact on neighbouring amenity. The impact on amenity space and parking and highway safety is also to be considered.

Design and visual impact

Concerns have been raised with regard the size and scale of the extensions and the impact of their design on the character of the dwelling and area as a whole. One issue that has been raised is their modern appearance, with the flat roof above the eaves level of the existing dwelling. It is noted the dwelling is situated within a street where there is a mix of sizes and designs of dwellings and many have been altered from their original form. The proposed extensions would be mainly to the rear of the dwelling. Whilst they would be relatively large in size and scale and of a contemporary design they are not considered to be of such a size and scale and/or of a design that would be harmful to the character of the dwelling. Furthermore, as they are at the rear, they would not be easily visible from the street scene. The property also benefits from a large curtilage and relative to this, the extensions would not however be seen as an overdevelopment of the site. Their proposed finishing materials would also be considered acceptable in this varied context.

The rear dormer would not be widely visible from public vantage points. Notwithstanding this, it is considered that the proportions are appropriate, being set off from either side of the roof and down from the ridge. Its elevations would be rendered, however, they would be a similar grey colour to the roof coverings. As such its size, scale and design would be subservient and it would be an acceptable addition to the roof.

The alterations to the front elevation would modern in character and would change the character of the dwelling somewhat, however in a street scene where there is a mixture of designs and finishes these would be acceptable.

Overall, the extensions and dormer would be acceptable additions to the dwelling, with no harmful impact on the surrounding street scene, they are therefore considered to be compliant with Policies MD2 and MD5.

Impact on neighbours

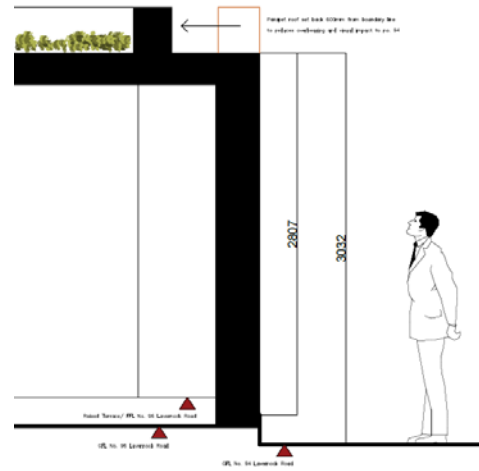
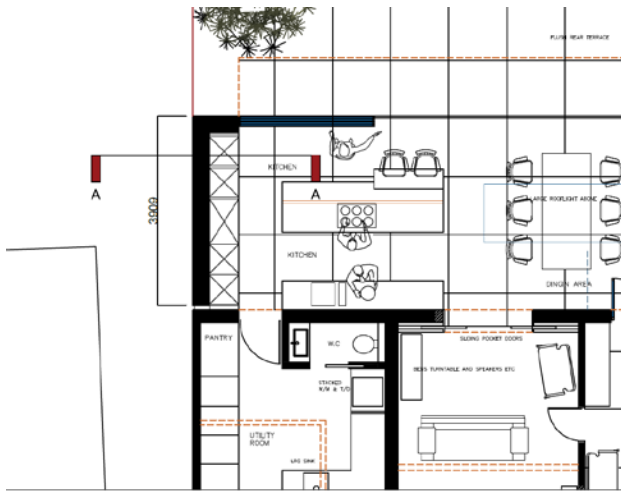
With regard to the neighbouring property at 94 Lavernock Road, the single storey extension would be constructed along the side boundary. Concerns have been raised by the occupiers of number 94, mainly with regard the close proximity of the extension, its height and potentially overbearing impact. They have provided the photo below which indicates the level of the top of the extension by the lower horizontal on the marker and the top of the 'set-back' parapet by the upper horizontal marker. They contend that the extension would therefore be higher than shown on the plans and that they are not accurate. This issue is addressed below.



The extension has been amended from its original submission, mainly by reducing the depth of the fascia and setting back the overhanging canopy from the boundary. The extension would extend approximately 4m from the rear elevation of the dwelling. However, it is noted approximately 1.2m would be behind the rear elevation of the affected dwelling.

The single storey extension would be relatively tall at approximately 3.3m and it is noted that there is a level difference between the two properties detailed on the plans as being 14cm.

A further amendment has been made to the elevation on the boundary with number 94. The parapet would be set back approx. 60cms from the boundary. As a result, taking into account the level differences between the two properties, the elevation on the boundary would be over 3m in height. The plan below identifies the changes and the difference in levels and therefore the assessment is based on an approx. 3m height of the proposed extension from number 94's ground level on the boundary.



In assessing the impact of this, the extension would result in an imposing and overbearing impact on the outlook from the occupier's amenity space and ground floor windows nearest the side boundary (See photos below provided by occupier of number 94).



It is considered due to the height of the proposed extension, its depth and its location on the boundary, the development would unreasonably enclose the occupier's outlook and that impact would be harmful enough to warrant the refusal of the application.



In terms of the impact on light, the affected windows are to the north west of the extension. There would likely be some impact in the morning and the applicant has provided the picture below, detailed as being taken at 14:30, when the existing building at 96 and boundary treatment would result in some overshadowing of the garden area. It is likely the proposal would increase the overshadowing down the garden and would adversely affect light reaching the garden and the nearest facing windows.



A concern has been raised with regard overlooking from the side window of the two storey projection to a side window of the affected dwelling that faces the boundary. This window is approximately 16.5m from the side window of the extension. The Council's SPG Residential and Householder requires a gap of 21m between habitable windows. A wooden privacy screen 'with no gaps' has been proposed on top of the single storey projection and between the two. Its design is considered acceptable and it would restrict direct views between the two windows.

Concerns have also been raised with regard overlooking as a result of the use of the roof terrace on neighbouring properties. The proposed privacy screen would be approximately 4.3m from the boundary with number 94. It would restrict views directly towards the boundary and it would also restrict access closer to their boundary. A condition requiring the privacy screen to be provided would be necessary to protect the neighbour's amenity. There would be some angled views towards the gardens of number 94 (and 98), however these views would be mostly towards the middle and rear portions of the gardens. Views from the balcony would be similar to those that would already be available from rear facing windows. It is considered the level of overlooking would not be so significant or invasive that it would be demonstrably harmful to the living conditions of the neighbouring occupiers.

With regard the impact on number 98 the two storey projection would be approximately 2.8m from the boundary. It would also only extend beyond the rear elevation of the affected dwelling by approximately 1.2m. As such it would not result in a significant impact on the amenity of the occupier's outlook or on light.

No windows are proposed on the side elevation towards the affected dwelling. The window on the rear would only provide angled views to the garden area. However, the existing windows already overlook to some extent and there would not be a significant increase in the impact on privacy.

Whilst the dormer and rear windows will provide some views towards neighbouring gardens, given the fact that there are existing windows at first floor that would be closer to neighbour's gardens, it is considered that additional views from the dormer would not result in any materially more harmful overlooking of neighbouring gardens.

The garden of Byways on Augusta Road is situated relatively closely, approximately, 11m away from the proposed extension. However, the garden is relatively large and the dwelling is over 35m away. Consequently, there would be no significant impact on the amenity of the occupiers.

Similarly, the garden of April Cottage, is situated relatively closely, approximately, 15 m away from the proposed extension. However, the dwelling is approximately 21m from the single storey extension. The dormer and two storey element is further away and there would be no significant impact on the amenity of the occupiers.

Furthermore, the distance to the rear boundary is approximately 26m with the side boundary of Fairlawn on Meadow Lane.

In summary, given the overbearing impact on the outlook of the occupiers of 94 Lavernock Road, the proposed development is contrary to policies MD2 (criteria 2 and 8) and MD 5 of (criterion 3) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the Council's Residential and Householder Development Supplementary Planning Guidance (paragraphs 9.1.1. and 9.1.2.).

Parking and highway safety

The application site benefits from off-road parking to the front of the property. The proposal would provide an additional bedroom. However, the level of parking that could be provided off road would be in line with the Councils SPG on Parking Standards.

Amenity space

The proposed extension would result in the loss of some amenity space to the rear of the property. However, the property benefits from a large garden and this would be in accordance with the Council's SPG on Residential and Householder Development.

Other issues

Concerns have been raised with regard to construction on the boundary. Whilst these are noted they are not issues that would warrant a refusal of the planning application. An informative note with regard to the requirement of a Party Wall Agreement can be added to any permission granted.

Concerns have been raised with regard to the impact on existing trees. A garden tree may require removing to make way for the extension. This is not however a significant specimen and there would be no adverse impact on the character of the area as a consequence.

RECOMMENDATION

REFUSE

1. By reason of its scale, form, and proximity to the boundary with the neighbouring property, the proposed extension would result in an imposing and overbearing impact on the neighbour at number 94, Lavernock Road to such an extent that it would unacceptably impact upon the living conditions of the occupiers and the amount of light reaching that property. The proposal is therefore contrary to the advice set out in the Council's Supplementary Planning Guidance on Residential and Householder Development, Policy MD2 (Design of New Development) and Policy MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026. Council's LDP.

REASON FOR RECOMMENDATION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.



100m

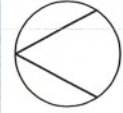
50m

10m 20m

1:1250

North

Client : Vicky & Ben Beach
Project : 96 Laverock Road, Penarth, Vale of Glamorgan
Drawing Title : Existing Site Location Plan
Drawing No. : 2021/LAVERNOCK/E02
Date : 17.01.22
Scale : 1:1250 @ A4



GLEN THOMAS ARCHITECTURE LTD

ARCHITECTURE & DESIGN STUDIO
112 Kimberley Road, Penylan, Cardiff CF23 5DN
www.glenthomasarchitecture.co.uk
e. glen@glenthomasarchitecture.co.uk
t. 07711 383313