

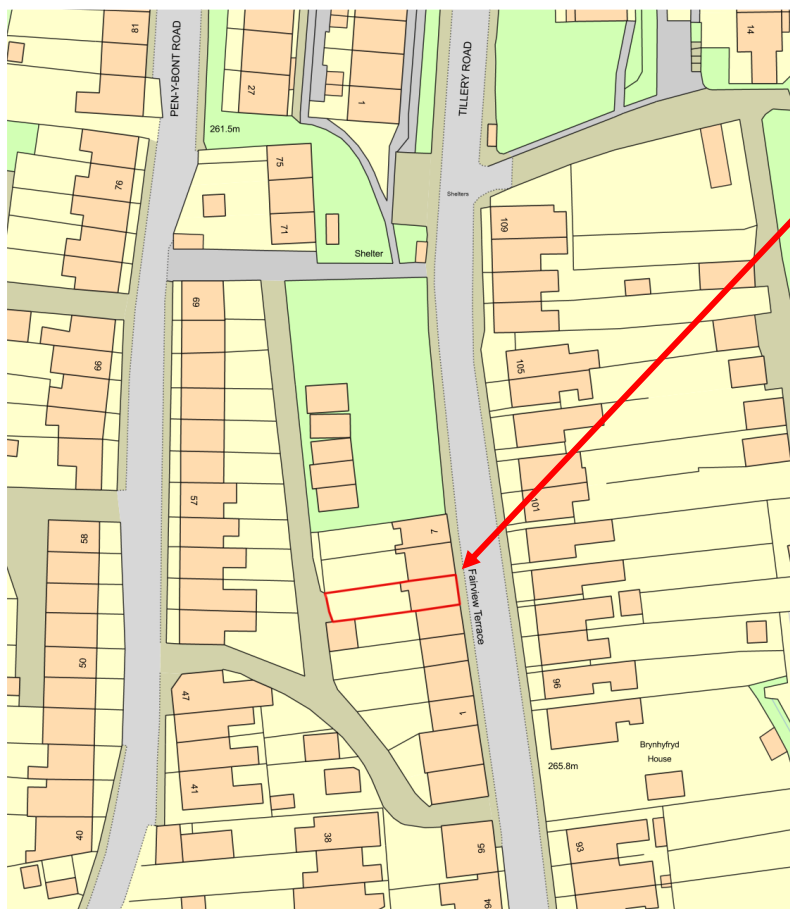
<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>Planning Applications Report</b>
<b>Report Author</b>	<b>Team Manager Development Management</b>
<b>Report Date</b>	<b>27<sup>th</sup> May 2021</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>11<sup>th</sup> June 2021</b>

### **Report Information Summary**

<b>1. Purpose of Report</b>
To present planning applications for consideration and determination by Members of the Planning Committee.
<b>2. Scope of the Report</b>
Application Address No.
C/2020/0246 5 Fairview Terrace, Tillery Road, Abertillery, NP13 1JD
C/2021/0023 39 Brecon Heights Victoria Ebbw Vale
<b>3. Recommendation/s for Consideration</b>
Please refer to individual reports

## Planning Report

<b>Application No:</b> C/2020/0246	<b>App Type:</b> Retention
<b>Applicant:</b> Mr Andrew Phelps 5 Fairview Terrace Tillery Road Abertillery NP13 1JD	<b>Agent:</b> n/a
<b>Site Address:</b> 5 Fairview Terrace, Tillery Road, Abertillery, NP13 1JD	
<b>Development:</b> Retention of balcony and canopy over single storey rear extension, French doors and installation of CCTV system comprising 3 cameras to front and 3 cameras to the rear	
<b>Case Officer:</b>	Joanne White



Application Site

## 1. Background, Development and Site Context

- 1.1 The property is a mid-terrace stone-fronted dwelling located in a hillside position along Tillery Road, Cwmtillery. Due to the topography of the area, which slopes from east to west, dwellings along the terrace are split level. As such, dwellings along the terrace appear to be two storey when viewed from Tillery Road but are three storey when viewed from the rear.
- 1.2 The application property fronts a row of dwellings (to the east) which sit at a higher level comparative to the road. To the rear (west) is an access lane and beyond that are the rear gardens of properties along Penybont Road.
- 1.3 Planning permission is sought to retain a balcony and French doors to the rear elevation together with the installation of a retractable canopy over. The application also seeks to retain 6 CCTV cameras; 3 to the front elevation of the dwelling and 3 to the rear of the property. During the application process the plans and description were amended to include details of the canopy to which this application now relates.

1.4

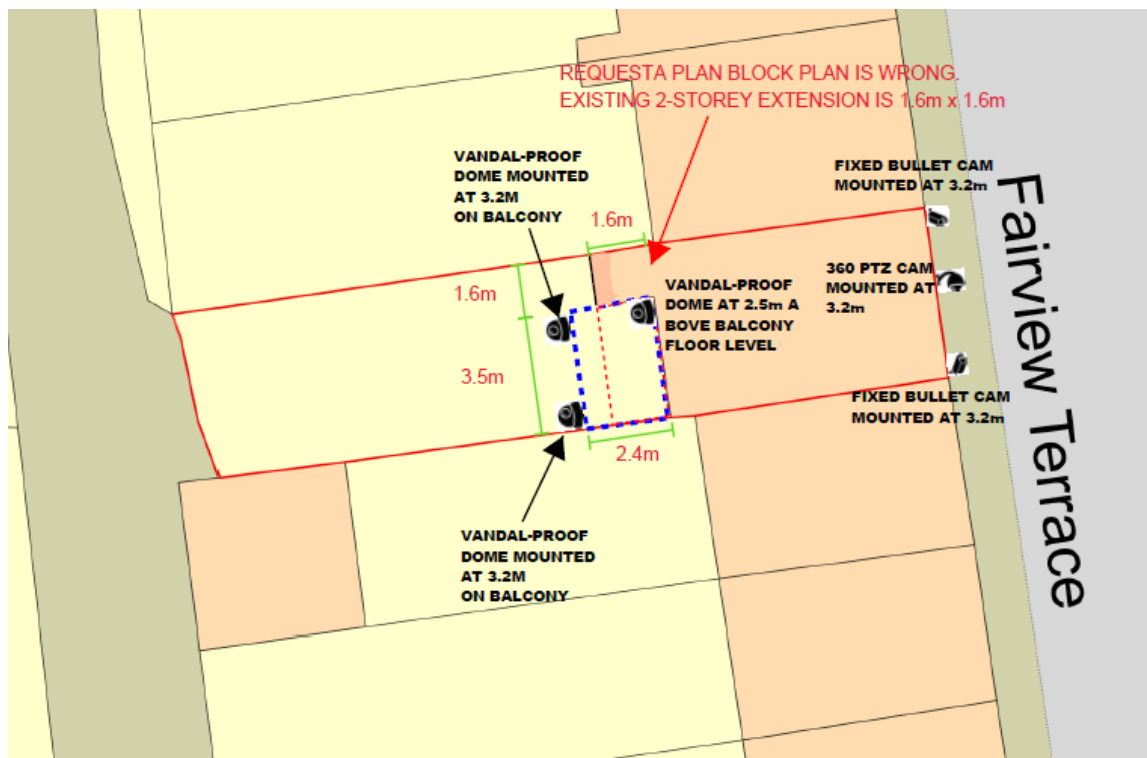


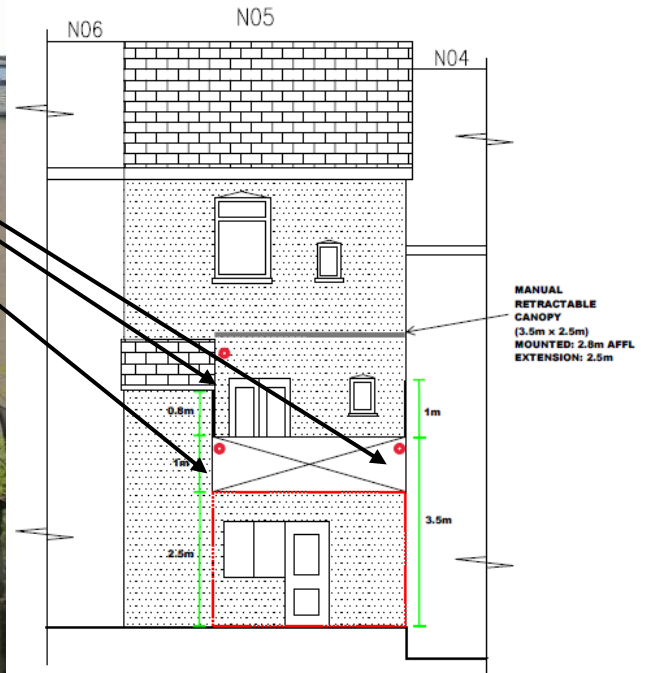
Fig 1 (above): Block Plan showing outline of balcony (blue), existing single storey extension below (dotted red line) and position of cameras to front and rear.

1.5



Fig.2 (above): Front elevation showing position of cameras  
Fig.3 & 3A (below): Rear elevation showing balcony, doors, canopy and proposed camera positions.

1.6



1.7 The property already benefits from a two-storey and single storey extension to the rear. The balcony sits on top of the existing single storey extension, essentially 'infilling' the area between the two storey extension and the side boundary, albeit the balcony projects 800mm further into the garden than the existing extensions.

1.8



Fig.4 (Above: Balcony as viewed from the rear access lane.  
Fig.5 (Below): Balcony within context of street scene.

1.9



1.10



Fig.6 (above): Balcony in current form with retractable canopy above.

- 1.11 The balcony measures approximately 3.4m wide and projects from the rear wall of the dwelling by approximately 2.4m. The front of the balcony has a height of 1m with side privacy panels extending a further 1m in height to the south and 0.8m to the north.
- 1.12 A materials list has been provided that states the balcony is of timber construction. Currently the balcony wall and side panels are covered in a grey polythene/tarpaulin. However, the materials schedule stipulates that the walls will be clad, rendered and painted. The side privacy panels are timber construction.
- 1.13 The retractable canopy is 3.5m wide, sits approximately 2.8m above the balcony floor and extends out to 2.5m. The canopy is grey fabric with steel frame.
- 1.14 The CCTV comprises of 3 'vandal-proof' dome cameras to the rear; 2 on the balcony at 3.2m above garden level and 1 on the rear elevation of the dwelling at 2.5m above the balcony floor level. The 3 cameras to the front elevation comprise 2x 'fixed bullet' style cameras positioned adjacent to either side boundary and one centrally located 360 degree rotating camera. All three cameras are located approximately 3.2m above ground level.
- 1.15 The dome cameras measure approximately 9.3cm x 10.5cm. The fixed bullet cameras measure approximately 6.8cm wide x 6.7cm high and project from

the wall by a maximum of 18.6cm (10.6cm camera size, the remaining being the fixing unit).

1.16 The rotating camera has an overall height (inc fixing unit) of 20.1cm and a projection of 21.8cm.

1.17



Fig 7 (above left): Front Stree scene looking south

Fig 8 (above right): Front street scene looking north with application property to far right.

## 2. Site History

2.1 None.

## 3. Consultation and Other Relevant Information

### 3.1 Internal BG Responses

#### 3.2 Team Leader Building Control:

An application has been deposited with Building Control for this development.

#### Service Manager Infrastructure:

3.3 Highways: No objection

### External Consultation Responses

3.4 Town / Community Council: No response received

#### Welsh Water:

3.5 Requested standard condition that no surface water as result of any increase in roof area shall be allowed to drain to public sewerage system.

3.6

**Public Consultation:**~~Strikethrough to delete as appropriate~~

- 8 (*insert no*) letters to nearby houses
- site notice(s)
- website public register of applications
- ward members by letter
- all members via weekly list of applications received
- ~~other~~

3.7

**Response:**

Seven emails/letters were received in response to the initial consultation including an objection from the chair of Tillery Road Tenants & Residents Association. No further letters were received following re-consultation on amended plans and description. The letters/emails raise objections to the proposal on the following grounds:

3.8

- Intrusive to privacy. The cameras on the front of the property includes 2 static cameras and 1 that looks up and down Tillery Road
- Put together by “cowboys”. Looks and sounds noisy, ugly and unsafe being clad in polythene that looks unsafe in windy conditions.
- The balcony is made of timber not brick, surely this is a fire hazard?
- Object to cameras overlooking our home and making us feel uncomfortable
- Balcony overlooks gardens and properties in Fairview Terrace and Penybont Road
- Cannot relax or have visitors over as the applicant overlooks and can hear my conversations
- Feel intimidated by the applicant hanging over his balcony looking into my garden
- The balcony is an eyesore and invasion of privacy.
- The balcony blocks my light as I live 2 doors away
- Don't see the need for CCTV when the applicant doesn't even look after his own garden – it is full of rats and a disgrace
- If it wasn't for COVID then a petition would have been submitted
- CCTV cameras are intrusive surveillance
- The R.I.P.A was introduced to ensure human rights of the general public are not infringed; in this instance I believe a line has been crossed.
- What is the need for 6 cameras, especially when they're recording public pavement and the general public walking past. Of biggest concern is the central front camera which is rotating.



3.9	<ul style="list-style-type: none"> <li>The applicant has a sign in his front window requesting people do not park outside his house and that any car details will be passed onto the police as it is dangerous to park there. But the applicant has no issue in parking his own car there.</li> </ul> <p>A Ward member requested that the application be presented to Planning Committee for consideration due to concerns raised by local residents in respect of overlooking.</p>
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**4. Planning Policy**

4.1	<p><u>Team Manager Development Plans:</u>  <u>LDP Policies:</u>  DM1 - New Development  DM2 - Design and Place making  SB1 - Settlement Boundaries</p> <p>SPG Householder Design Guidance (February 2016) Note 1: Extensions and Conservatories.</p>
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**5. Planning Assessment**

5.1	<p>The site falls within the settlement boundary within which development is normally acceptable subject to policies in the Local Development Plan (LDP) and other material considerations.</p>
5.2	<p><u>Balcony, French door and Canopy</u>  The adopted Supplementary Planning Guidance (SPG) for Householders Note 7: 'Raised decks, balconies and retaining walls' specifies that a balcony should respect the character and appearance of the house and should not dominate the elevation to which it is attached, or the appearance when viewed from the street. I am mindful that the balcony projects 800mm further than the existing extensions. However, it is not considered to be excessive in scale and does not unduly dominate the rear elevation of the house in accordance with the SPG. Whilst there are no other balconies along this terrace I do not consider that the balcony with access via French doors is inappropriate to the local context nor does it have an adverse visual impact upon the street scene or character of the area. I am therefore satisfied that the development accords with LDP Policies DM1(2)a, b and DM2(a).</p>
5.3	<p>Similarly, the retractable canopy is considered to be acceptable in design terms and does not have a detrimental visual impact upon the character of the area.</p>

	<p>I note the concerns raised by objectors in respect of the construction and finishes of the balcony. Members are reminded that the planning system cannot control the workmanship of a development. Building Regulations are required for the development. Whilst Building Control cannot control workmanship they can secure compliance with the Building Regulations in terms of ensuring the safe and satisfactory construction of the balcony, and any associated fire hazards.</p>
5.4	<p>Furthermore, I acknowledge objectors comments that the polythene finish on the balcony is noisy and ugly. From a planning perspective, I agree that the existing finishes of the balcony are not considered to be acceptable. However, the materials schedule submitted with the application states that the balcony is a timber construction which will be clad and rendered and painted grey whilst the privacy panels are timber. These finishes are considered to be acceptable and should address the noise and visual concerns of the objectors. The applicant has confirmed his intention to complete the works in line with the schedule. A condition can be imposed requiring the works to be completed in accordance with the schedule within 6 months.</p>
5.5	<p>In considering the impact upon the neighbouring amenity, the balcony is positioned away from the neighbouring boundary with number 6 Fairview Terrace (to the north) and is largely screened by the existing two storey extension. Thus, the balcony is not considered to have an overbearing impact or cause any overshadowing upon no.6. In terms of overlooking, in addition to the screening from the existing extension, the development features a 0.8m high privacy screen to the north side elevation of the balcony in order to minimise any overlooking impacts into the neighbouring garden. It is also worth noting that views can already be gained into neighbouring gardens from the existing upper floor windows.</p>
5.6	<p>Dwellings along Penybont Road (to the west) are in excess of 23m away at a lower level and with high level boundary walls. I am therefore satisfied that the development does not cause any adverse overlooking impact upon these properties.</p>
5.7	<p>I acknowledge that there is some overlooking from the balcony into the neighbouring garden to the south (number 4 Fair View Terrace). However, it is worth noting that the level of overlooking into the adjacent garden is not dissimilar to the previous arrangement whereby the window on the rear elevation of the dwelling overlooked the garden. Similarly, as mentioned in para 5.5 above, views into the neighbouring garden can also be gained from existing upper floor windows. In order to minimise any overlooking impact from the balcony, there is a high level privacy screen to the south side elevation. I</p>

	therefore recommend a condition is imposed that would require a privacy screen (amended to accord with the materials schedule) to be retained in perpetuity in order to protect the neighbouring amenity.
5.8	On balance, I do not consider the privacy of the neighbouring occupiers at no.4 Fairview Terrace will be adversely affected by the provision of the balcony to warrant refusal of the application. Similarly, having regard to the size of the balcony, the orientation of the neighbouring property (located to the south) and the fact that the neighbouring window at this level is located away from the boundary, I do not consider that the balcony will have an adverse overbearing impact or cause unacceptable levels of overshadowing upon no.4 Fairview Terrace. I am therefore satisfied that the development complies with LDP Policy DM1(2)c.
	<u>CCTV</u>
5.9	In considering the merits of the 6 camera units, Members are reminded that the planning merits of the case are restricted to the physical appearance of the cameras and the visual impact they have on the host building. The content of what is being recorded and how that data is handled is not a material planning consideration.
5.10	The recording of data via CCTV is regulated by The Information Commissioner's Office (ICO). The ICO regulates and enforces the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).
5.11	In simple terms, if the cameras capture images of people outside the boundary of the applicant's property i.e. neighbouring homes or gardens, or on a public footpath then neighbours, passers-by and anyone else caught on camera will have rights under separate data protection laws. Members of the public should contact the ICO if they believe the applicant is not complying with the data laws or not respecting the data protection rights of the people whose images are being captured.
5.12	In response to an objector's comment regarding RIPA (The Regulation of Investigatory Powers Act 2000), this is not a material planning consideration. The RIPA Act also refers to the regulation of how public bodies carry out surveillance and does not relate to domestic CCTV.
5.13	Having regard to the planning merits of the case, it is worth noting that the property is a mid-terrace dwelling, approximately 5m in width. The provision of 3 cameras to the front elevation located between 1-3m apart would

	<p>therefore appear to be excessive and could be considered as visual clutter. Conversely, it could be argued that the modest size of the cameras and the fact that they have been positioned on white painted bricks goes some way to masking their appearance. More notably, the sheer amount of visual clutter already in existence along the terrace brings into the question what visual harm the CCTV cameras have on the property and wider street scene.</p>
5.14	<p>In my opinion, whilst the principle of 3 cameras on the front elevation of a property this size is excessive, in the context of the street scene as shown in Fig. 7 &amp; 8 above, they do not appear to be visually obtrusive nor dominate the frontage. Indeed, the presence of the numerous satellite dishes could be considered far more visually harmful to the street scene. Similarly, whilst it is questionable as to why 3 cameras are proposed to the rear of the property and in such close proximity to each other (2 on the balcony frontage and 1 within the balcony area), in planning terms, the physical appearance of the cameras approximately 10cm x 9cm in size are not considered to be visually oppressive.</p>
5.15	<p>Given that the rear garden backs onto a rear access lane and the rear of properties along Penybont Road are in excess of 23m away, the physical appearance of the cameras will not be visually prominent within the street scene.</p>
5.16	<p>On balance, I am of the opinion that the appearance of the cameras will not have a detrimental impact upon the street scene or wider area in accordance with LDP Policy DM1(2)a.</p>
5.17	<p>The development accords with LDP Policies DM1(2)a,b,c DM2(a) and (d) and Householder Supplementary Planning Guidance (SPG) Note 7: Raised decks, balconies and retaining walls. I therefore recommend approval subject to conditions.</p>

## 6. Legislative Obligations

6.1	<p>The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.</p>
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6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.
<b>7. Conclusion and Recommendation</b>	
7.1	<p>Planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <ol style="list-style-type: none"> <li>1. The development is approved as per the following plans: <ul style="list-style-type: none"> <li>• Site Location Plan, Scale 1:1250, received 26.10.2020;</li> <li>• Block Plan, Scale 1:200, received 26.10.2020;</li> <li>• Revised Side Elevation showing overhang, received 15.03.2021;</li> <li>• Revised Rear Elevation, Scale 1:50, received 15.03.2021;</li> <li>• Front Elevation, scale 1:50, received 26.10.2020;</li> <li>• Balcony Material List, received 21.04.2021</li> </ul> </li> </ol> <p>unless otherwise specified or required by condition 2-3 listed below.</p> <p>Reason: To clearly define the scope of this permission.</p> <ol style="list-style-type: none"> <li>2. Within 6 months of the date of this permission, the balcony shall be rendered and painted in accordance with the approved materials list, unless otherwise agreed in writing by the Local Planning Authority.</li> </ol> <p>Reason: To ensure an appropriate form of development.</p> <ol style="list-style-type: none"> <li>3. Within 6 months of the date of this permission, the privacy screens to the balcony shall be completed in accordance with the approved plans and materials list. The privacy screens shall then be retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.</li> </ol> <p>Reason: In the interests of neighbouring amenity.</p>
<b>8. Risk Implications</b>	
8.1	None.

## Planning Report

<b>Application No:</b> C/2021/0023	<b>App Type:</b> Retention
<b>Applicant:</b> Mr Wayne Dix 39, Brecon Heights Victoria Ebbw Vale	<b>Agent:</b> N/a
<b>Site Address:</b> 39 Brecon Heights Victoria Ebbw Vale	
<b>Development:</b> Retention of summer house in rear garden	
<b>Case Officer:</b> Eirlys Hallett	



Position of  
summerhouse

### 1. Background, Development and Site Context

1.1 The application site is a detached residential property located on a housing site on the former Garden Festival site at Victoria. The property which is surrounded by residential properties enjoys a small open plan garden at the front and an enclosed garden to the rear.

- 1.2 This application seeks planning permission to retain a summerhouse erected in the rear garden close to the rear boundary it shares with no.35 and in part with no.'s 34 and 36 Brecon Heights.



View of building as seen from the applicants garden.

- 1.3 The summerhouse is irregular shaped having been constructed to accord with the configuration of the plot. It is 5.4m in depth on the north elevation tapering to 1.5m on the south elevation. The front elevation, facing the garden, is 6.4m wide whilst the rear (east facing) elevation is 7.5m. At the highest point above original ground level the building measures 2.8 m.
- 1.4 The building is of timber frame construction and is clad with oak coloured upvc timber style panels. It features a patio/french door and pedestrian door on the front elevation. The roof is finished in a grey rubber based membrane.
- 1.5 The summerhouse has been constructed off concrete pads and a timber. The height of this base has been included when measuring the overall height of the structure above ground level. Raised timber decking has also been provided across the front of the building which varies in height between 150mm and 300mm due to small differences in ground level across the width and depth of the garden. This decking does not require planning permission.

## 2. Site History

There are no planning apps of direct relevance to consideration of this application – the dwelling was erected as part of the wider estate post the Garden Festival in 1991.

### 3. Consultation and Other Relevant Information

#### 3.1 **Internal BG Responses**

##### Team Leader Building Control:

3.2 Building Regulations consent required.

#### 3.3 **Planning Compliance Officer**

A site visit made in response to a complaint confirmed that the summerhouse required planning permission. The complainant was advised of the submission of the application to retain the building.

#### **External Consultation Responses**

##### Welsh Water:

3.4 Advised that there are public sewers crossing the development site.

#### **Public Consultation:**

- 3.5
- 5 letters to nearby houses
  - ~~site notice(s)~~
  - ~~press notice~~
  - website public register of applications
  - ward members by letter
  - all members via weekly list of applications received

##### Response:

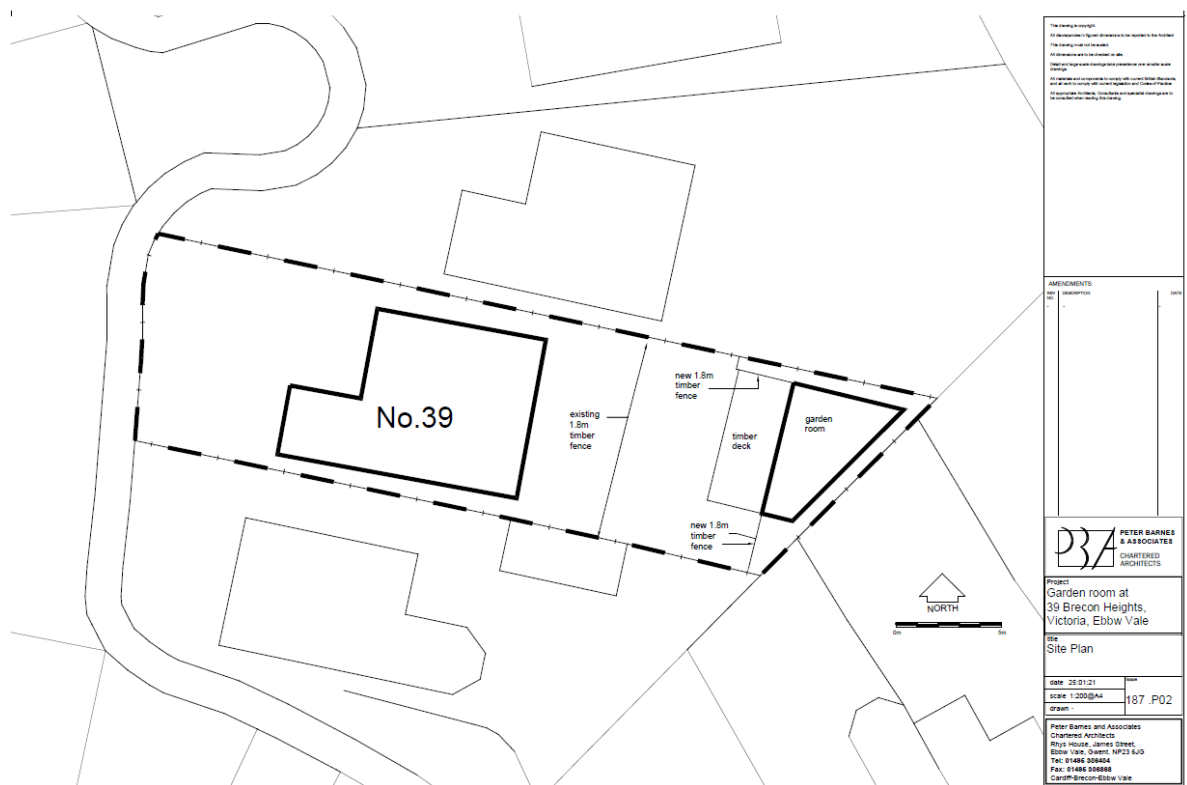
3.6 A detailed objection with photographs was received from a nearby resident. The issues raised are summarised below:-

- frustration over the time period between submitting a complaint and the submission of the application. Criticism regarding the time taken and method of investigation and an allegation that enforcement procedures were not adequately followed;
- questions raised regarding the description of development and the accuracy of the application details;
- concern over the materials used and methods of construction, their resistance to fire and its potential to attract vermin;
- queries regarding the disposal of surface water and the potential effects of surface water on the site and neighbouring gardens;
- concerns over the proximity of the summerhouse to neighbouring boundaries and questions raised regarding why the summerhouse was not positioned closer to the host dwelling;
- concern that the use of the timber structure and its timber floor would cause noise issues to neighbours;
- dissatisfaction that building was erected without consultation with neighbours;



3.7	<ul style="list-style-type: none"> <li>• question whether the building size breach restrictions imposed by legal covenants relative to garden structures;</li> <li>• contention that the size and scale of the development and its visual impact was unacceptable with particular reference made to the roof which was alleged to be reflective;</li> <li>• claim that the summerhouse has an unsympathetic and unnatural finish akin to a static caravan that does not compliment materials used in surrounding areas/gardens;</li> <li>• concluded that whilst not opposed to a neighbour having a summer house, it should be of a <i>'suitable size, finish and distance from the boundary'</i> and that one of <i>'permissible development size'</i> would have <i>'made sense'</i>, and would have avoided the need for a retrospective application, additional costs and issues with building regulations.</li> </ul> <p>A Ward Member on Panning Committee also requested that the application presented to Committee given his concerns over the visual effect of the development on neighbouring properties owing to its height and close proximity to neighbouring properties.</p>
<b>4. Planning Policy</b>	
4.1	<u>Team Manager Development Plans:</u> <u>LDP Policies:</u> SB1 - Settlement Boundaries DM1 - New Development DM2 - Design and Place making
4.2	SPG Householder Design Guidance Note 2 Garages and Outbuildings (February 2016)
4.3	<u>PPW &amp; TANs:</u> Planning Policy Wales (PPW) Edition 11/February 2021 Future Wales: The National Plan 2040
<b>5. Planning Assessment</b>	
5.1	<u>Procedural matters</u> It will be noted from the consultations sections of this report that an objector has raised concerns regarding the accuracy of the development description and the application details submitted.
5.2	I have considered this issue carefully and I am satisfied that the description - 'Retention of summerhouse in rear garden' - suitably represents the construction and use of the building. Whether part of the structure is accessed

	separately and may be used for incidental purposes is considered to be of no relevance to the determination of the application
5.3	It was recognised however that the initial plans indicated that the summerhouse had a timber rather than a upvc finish. This has been clarified and the plans have been corrected to read oak coloured upvc. The applicant has also confirmed that the roof covering is grey rubber EDPM. Based on the above I am satisfied that the description of development, the plans and the details confirmed provide the information necessary for Members to determine the application.
	<u>Assessment</u>
5.4	The development site lies within a residential area where garages, sheds and other outbuildings within curtilages of houses are characteristic features.
5.5	Members will be aware that in certain circumstances sheds and other ancillary structures of specified dimensions and siting (e.g. sheds and garages) can be erected in residential curtilages without planning permission. Such buildings enjoy deemed planning permission, typically referred to as ' <i>permitted development rights</i> '. However, in this instance the siting and height of the structure erected exceeds the criteria specified in the relevant Order. The building requires planning permission as its height exceeds 2.5 metres within 2 metres of the boundary.
5.6	The Local Planning Authority is now required to determine whether to approve the retention of the summerhouse. In making such a decision Members need to have regard to the position, scale, and materials of the building as erected. They must consider whether by virtue of any of these factors the development has an unacceptable adverse impact on the visual and residential amenity of occupiers of neighbouring dwellings, and whether it's appearance is in keeping with the host dwelling and the surrounding area. Such an assessment should be made in light of Policies DM1 and DM2 of the adopted LDP and the Council's adopted SPG Note 2 for Garages and Outbuildings
	<u>Siting</u>
5.7	The summerhouse which has been erected has been positioned in the rearmost section of the rear garden of the host property (see block plan below).



5.8 The wedge shaped building has been constructed in a manner to take full advantage of the angled shape of the garden. The width of the building (facing the garden of the host property) is 6.4 metres whilst its maximum depth (along the north facing side boundary) is 5.4 metres. The submitted block plan shows that the building has been set off the boundaries with its neighbours by a consistent distance of approximately 600mm. Whilst this measurement has been established as being correct along some elevations it is accepted that this measurement may be slightly less along certain sections (as contended in the objector's submission). However, I do not feel that such variations are so significant as to warrant requesting the submission of corrected plans. This is particularly the case as (a) this application is for the retention of a structure, the impact of which can be clearly seen on site and (b) that site inspection and photographs clearly show that there is a sufficient gap between the summerhouse and the boundary fences that surround for it not to encroach onto neighbouring land. The deviances highlighted by the objector between what can be measured on site and what is indicated on the block plan (maximum deviance of 200mm) are considered to be within acceptable tolerances, particularly as these are explained in most instances by changes in ground levels across the garden.

5.9 Having visited the site and having seen the building in its context I consider the siting to be appropriate in planning terms. The footprint is one that can be comfortably accommodated within the existing garden and allows more than

adequate amenity land to be retained for the enjoyment of the occupiers of the host property. The building has been positioned sufficiently off the boundaries as not to cause any encroachment and whilst concerns have been raised by third parties regarding access for the future maintenance of the side and rear wall of the building such matters are essentially private matters which should not influence the decision of the Local Planning Authority.

Scale and Appearance

5.10 The photograph provided at para 1.2 clearly shows the scale and appearance of the summerhouse as viewed from the applicant's garden.

5.11 The maximum height of the summerhouse as measured off original ground level is 2.8 metres (including the platform that was provided to ensure a level base for its construction).

5.12 Having regard to the specific objection raised by a resident regarding the height of the building and its impact on the amenity of the occupiers of neighbouring properties I have visited the gardens of the properties most likely to be affected by its construction and have assessed the impact of the structure as viewed from such perspectives. Any impact can be best explained by the photographs provided below



Photograph taken from garden of property immediately to the rear

5.13



Photograph taken from a neighbouring property showing summerhouse in context of the rear of neighbouring properties.

5.14

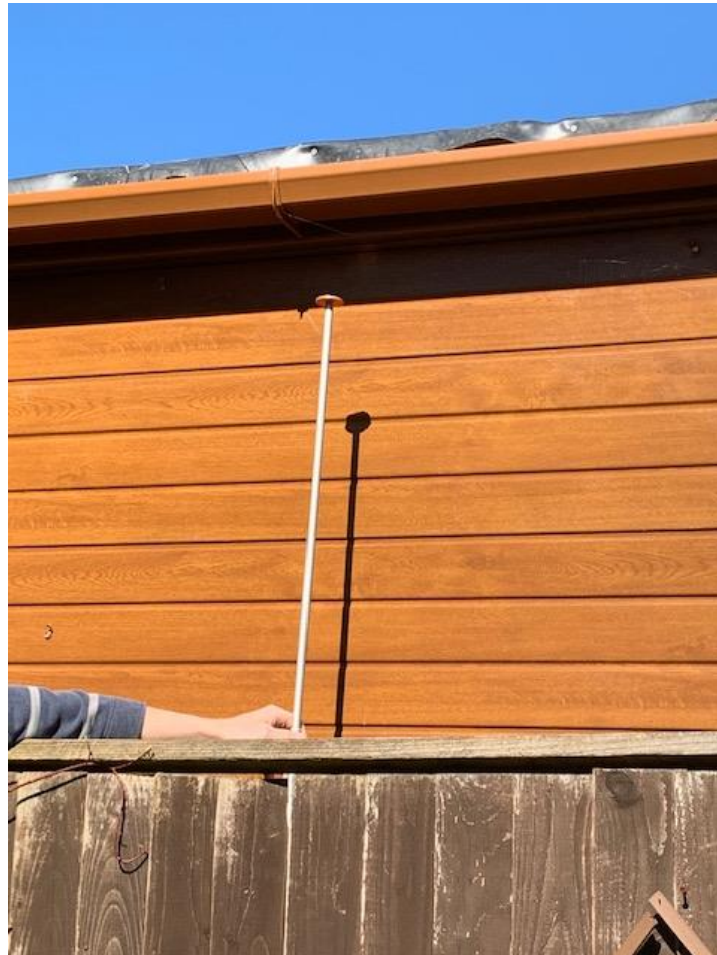
Whilst acknowledging that the construction of the summerhouse will have inevitably have had some impact on the amenity and outlook enjoyed by residents of the adjacent properties (particularly those to the rear) I have concluded on balance that the building cannot be construed as being visually overbearing. In making this judgement I have had regard to the overall height of the structure and its distance and relationship with neighbouring properties and associated gardens. In my opinion it would be difficult to argue that the scale of the building is such that it does not meet the requirements of the Authority's approved SPG of being smaller and subservient in scale to that of the main house and of not having an over dominant impact on the existing house and surrounding properties.

5.15

In considering the acceptability (or otherwise) of the development I also consider it reasonable to afford some weight to the height of the building relative to the height of a building that could be erected in this location without planning permission. Members are reminded that the fact that this building exceeds permitted development limits (by approximately 300mm) is not of itself a reason to justify refusal of the application – it merely means that the structure warrants being assessed relative to relevant LDP policies and

5.16

recognised planning criteria. The photograph below seeks to show Members the height difference between what could be erected in this location without planning permission relative to the structure which the applicant now seeks permission to retain.



Tip of measuring rod shows height of structure that could be constructed without planning permission

5.17 Having taken all these factors into consideration I consider that the scale of the building is acceptable in this location.

5.18 In terms of appearance (external finishes) it will be seen from the photographs that the building has been finished in brown upvc and has a grey rubberised roof finish. In my opinion whilst the finishes used may not match those on the host building I am satisfied that they complement those used in the area and are arguably of a better standard than those often used in garden settings. In this respect outbuildings in neighbouring gardens have a variety of finishes and several nearby conservatories have been constructed in upvc. Whilst comments have been made by the objector regarding the workmanship and

	<p>how the roof has been finished these are not matters that can be reasonably controlled by the planning system.</p>
5.19	<p>In considering what impact the building may have on its surroundings regard must not only be given to the height of the building but also its proximity to neighbouring properties. In this case the houses surrounding the application property enjoy relatively generous garden areas and those neighbouring houses most likely to be affected are positioned at least 11 metres from the rear boundaries of their own rear curtilages. In my opinion this summerhouse is sited sufficiently far from neighbouring dwellings so as not to cause an overbearing or unacceptable level of overshadowing over any adjacent properties. Again, whilst the objector has suggested that the building should have been erected closer to the host property it is not for the planning authority to suggest where the building might best be sited, it must confine itself to determining whether the building as erected is acceptable (or not).</p>
5.20	<p>Whilst I note the specific objections raised to the roof of the building I am mindful having regard to its shallow roof pitch that views of the roof will primarily be from the first floor level of properties to the rear, hence any alleged negative effect caused by its reflective finish is likely to be minimal. Such impact would not be so detrimental to amenity as to justify refusing planning permission. It is also of note that the shallow pitch of the building has ensured that the mass of the building is less than it might have been had a more traditional dual pitch been selected. This approach accords with advice on roof design included in the adopted SPG.</p>
5.21	<p>Members will also note from the objection received that residents are aggrieved by the manner in which this structure has impacted on their outlook. It is fully appreciated that whilst neighbours may have preferred to have retained a greener outlook from their property in my opinion the loss of outlook which may have resulted from the construction of this summerhouse is not of a scale that would justify refusal of the planning application.</p>
5.22	<p>Members are reminded that in granting permitted development rights to outbuildings in a residential curtilage the planning process accepts the principle of allowing some ancillary buildings and structures in the curtilage of residential properties. Notably the criteria which are used to define permitted development rights for garden structures are fairly generous and in several circumstances can result in the construction of buildings significantly larger than the structure which has been erected in this case. This building only requires planning permission as its height is 300mm above the relevant limit within 2 metres of the property boundary. In terms of explanation the applicant</p>

	has advised that this only occurred because he failed to take account of the height of the platform that was required to provide a level base for the building.
5.23	<p><u>Other matters</u></p> <p>Reference has been made by third parties to surface water disposal. The plans provided do not show the position of guttering or a method of disposal of surface water run-off. During my site visit however it was noted that guttering has been provided to the rear of the summerhouse and a down pipe discharges water to an area of garden to the south side of the building. The applicant has indicated however that he intends to install a water butt to collect any run off water. I am satisfied that there is sufficient space to provide this and a condition can be imposed to ensure this is put in place within a given time period.</p>
5.24	Welsh Water have indicated there is a public sewer crossing the site, but a plan shows this to be to the front of the property and will not be affected.
5.25	It will also be noted that an objector raised a number of issues which are <u>not material planning considerations</u> . I have responded briefly to each of these points below :-
5.26	The time taken to investigate the initial complaint and the method of investigation are procedural matters that should not prejudice the consideration of this application. Members are advised however that officers have addressed these issues separately in full accordance with the Council's Corporate Complaints procedures.
5.27	Concerns regarding the fire resistance of the summerhouse and whether this is detrimental to other properties, is a matter for Building Control to consider. The applicant has been made aware of the need for Building Regulations consent but has elected to have the planning merits considered first. An informative note can be appended to any planning decision to make the applicant aware of the need to address this issue separately.
5.28	It has been alleged that the size of the structure exceeds limits imposed on covenants. Again this is not a matter which should influence the Local Planning Authority's consideration of the application. The Planning Authority should restrict its consideration of the merits of the application to material planning considerations.
5.29	The objector is aggrieved that the applicant did not consult neighbours before erecting the building. The applicant contends that he erected the building on the understanding it was permitted development. The applicant is not required



5.30	<p>to consult neighbours prior to submitting an application to retain a development of this scale. The Local Planning have however undertaken all necessary statutory consultation procedures relative to the current application.</p> <p>It has been alleged that the building has the potential to attract vermin and that residents have seen an increase in such nuisance. In my opinion it would be unreasonable to attribute any problems of vermin in the area to the construction of one specific building however any problems of vermin experienced in the area should be addressed to the relevant regulators and should not be afforded significant weight in determining the planning application.</p>
<p><b>6. Legislative Obligations</b></p>	
6.1	<p>The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.</p>
6.2	<p>The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.</p>
<p><b>7. Conclusion and Recommendation</b></p>	
7.1	<p>This application seeks permission to retain an outbuilding that provides amenity space for residents to enhance their enjoyment of their property.</p>
7.2	<p>The building is of a size, scale and appearance that is considered acceptable in the context of the host dwelling and its wider surroundings. Its siting and design are such that it does not raise any issues of overlooking and does not cause unacceptable overbearing or visual impacts on the amenities of the occupiers of nearby residential properties.</p>
7.3	<p>On such basis the development satisfies the requirements of Policies DM1 and DM2 of the adopted BGCBC Local Development Plan (November 2012).</p>
7.4	<p>I accordingly recommend that planning permission be <b><u>GRANTED</u></b> for the retention of the development subject to the following conditions and reasons(s):</p>

	<p>1. The development hereby approved shall be retained in accordance with the following plans and documents</p> <ul style="list-style-type: none"><li>• Drg no. 1879.PO1 Location plan (scale 1:1250);</li><li>• Drg no 1879.PO2 site plan (scale 1:200);</li><li>• Drg no. 1879.PO3 Plan and elevations as amended 23<sup>rd</sup> March 2021;</li><li>• Correspondence received 25<sup>th</sup> March 2021 confirming the roof covering of the development hereby approved.</li></ul> <p><u>Reason:</u> To clearly define the scope of this permission.</p> <p>2 Within 1 month of the date of this permission, the developer shall provide a water butt within his garden to capture any surface water run off which is discharged off the roof of the approved summerhouse. Such provision shall remain in place thereafter.</p> <p><u>Reason:</u> To minimise the effects of surface water run-off on the development site and adjoining land.</p>
8.1	None