

JAMES CARTER : ALAN BARKER PARTNERSHIP
CHARTERED ARCHITECTS & PLANNING CONSULTANTS
BANK CHAMBERS 92 NEWPORT ROAD CARDIFF CF24 1DG

Tel : [REDACTED] e-mail : [REDACTED]



James W Carter Dip Arch dist (Wales) RIBA
Alan J Barker Dip Arch dist (Wales) RIBA

Our Ref : 09/889A/JWC/WL-PI 03
Your Ref : APP/Z6950/A/10/2130191/WF

Date : 10th August 2010

Mr Meic Crahart
The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ



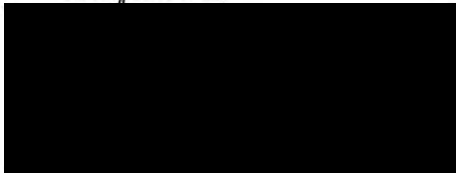
Dear Mr Crahart

Re: Town and Country Planning Act 1990
Appeal by : Mr & Mrs C.B Hancock
Site at : R/O 3 Alberta Place Penarth CF64 3DR

Thank you for your letter of 26th July 2010 with attachments.

Please find attached 2 copies of comments on the Council's Written Statement and Questionnaire.

Yours sincerely



James Carter

James Carter:Alan Barker Partnership

TOWN & COUNTRY PLANNING ACT 1990 - SECTION 78 APPEAL

APPEAL BY : Mr & Mrs C.B HANCOCK

SITE AT : R/O 3 ALBAERTA PLACE PENARTH

APPEAL REF : APP/Z6950/A/10/2130191/WF

COMMENTS ON THE COUNCIL'S WRITTEN STATEMENT & QUESTIONNAIRE
(comments enumerated to correspond with paragraphs in the statement)

- 3.1 As previously intimated, the appellants cannot comprehend the Council's insistence that the existing garage building would somehow transmogrify from something acceptable in the street scene into something else that is visually unacceptable simply through a change of actual use.

To question 9 of the Appeal Questionnaire, the Council affirm that contrary to our earlier perception, the site is not located within a conservation area and scrutiny of the Penarth Conservation Area map on the Council's website confirms that is undoubtedly the case. As such, references to the conservation area on behalf of the appellant in the Grounds of Appeal are erroneous, and similarly by the Council in the last sentence of para 3.1 of their Written Statement.

- 3.2 The floor area of the existing dwelling house at 3 Alberta Place is approximately 128 sq.m, including circulation space. To comply with the Council's Supplementary Planning Guidance on Amenity Standards would require a similar amount of amenity space - 89.6 sq.m (70%) within private rear garden and 38.4 sq.m (30%) elsewhere. Against that standard the total residual amenity space retained with the existing house would amount to 113.7 sq.m of which, 99.14 sq.m would be within the private garden at the rear and 14.56 sq.m within the existing front garden. Although small, the existing front garden would continue to provide visual rather than useable amenity space, whilst the residual garden at the rear, at 99.14 sq.m is larger than the minimum of 89.6 sq.m required for compliance with the Council's standard and the appellants consider that any deficit would be compensated by the ready access to the public open space immediately facing the site on the opposite side of Sully Terrace.

Moreover, whilst the guidance provides a useful reference it is nonetheless, applied discriminatively. As in the case of development at the rear of 30 – 32 Station Road Penarth, some 400 metres north of the appeal site where, planning permission was granted for development comprising 3 linked, detached dwellings (Appln No 07/00291/FUL dated 06/06/2007) one of which is a 4 – bedroom property of 141 sq.m with amenity space of 84 sq.m ie 59% of the provision set by the Council's amenity standard – a copy of the committee report is attached for reference with the relevant paragraph referring to amenity space highlighted in red. There was an element of planning gain that may have been a consideration in that instance that does not apply to the appeal site but the decision illustrates that the guidance on amenity standards is not immutable.

Ralph Watkins, Cecil Homes Ltd. 28A, Cardiff Road, Taffs Well, Cf15 7RF
Davies Sutton Architecture: Kevin Sutton, Penhevad Studios, Penhevad Street,
Grangetown, Cardiff. CF11 7LU

Rear of 30-32, Station Road, Penarth

3 new detached dwellings

SITE DESCRIPTION

The application site relates to two adjoining sites, a vacant commercial garage and forecourt area located to the rear of No. 31–32 Station Road and No's 1-5 Station Terrace (accessed via an archway from Station Road) and a builders yard located to the rear of No. 30 Station Road with separate access. The site as a whole is generally rectangular in shape and totals some 595 square metres.

It should be noted that both sites have been cleared of all existing buildings and the site and the site has planning permission for the construction of three dwelling.

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of three mews style linked detached dwellings, with associated access and parking. The dwellings will be sited along the rear of the site (eastern side) and comprises of contemporary two storey dwellings with low roof pitches. The block as a whole measures 27 metres in width by a maximum depth of 19 metres with an inverted low level pitched roof with a maximum ridge height of 6 metres. The dwellings will have rendered elevations, yellow facing brick plinths and zinc covered roofs.

The ground floor accommodation in each dwelling will comprise of two bedrooms, study, bathrooms and en-suite with access to both the front and rear gardens. The first floor accommodation will comprise the main living area, being an open plan lounge/kitchen area, dining room, WC and access onto a terraced area.

Each dwelling will be served by two parking spaces and it is proposed to use a one way system for access and egress.

The application has been supported by a design statement and sustainability statement.

PLANNING HISTORY

03/00001/FUL – Demolition of commercial garage and workshop and erection of two storey detached house. Approved 29 August 2003 subject to conditions (Rear of Nos. 31 and 32 Station Road)

04/01344/FUL - Redevelopment of the former car repair garage and construction of a pair of semi-detached dwellings. Refused and allowed at appeal. (Rear of Nos. 31 and 32 Station Road).

05/00433/FUL - Demolition of redundant builders yard and erection of a single dwelling. Approved (Rear of No. 30 Station Road.)

CONSULTATIONS

Penarth Town Council – Have stated that the application should be approved, subject to consideration being given to any privacy implications arising from the development in relation to the neighbouring residential properties, especially in terms of the first floor windows.

Environment Agency Wales – No objection with ‘standard advice’ guidance note for developers.

The Head of Visible Services (Highway Development):

Further to the recent site inspection undertaken in relation to the above application, I would comment the parking bays along the southern boundary of the development site are required to be provided at 2.4m x 6.0m and relocated to maintain a 2.5m wide access past the parking bays.

Therefore, an amended site layout plan to a suitable scale, addressing the above is required to be submitted to the Highway Authority for consideration.

Further to the recent site meeting and the submitted amended site layout plan, I would comment that the Highway Authority are now satisfied with the proposed parking arrangements.

However, despite the above, it is noted that due to the geometry of the access road in front of the proposed dwellings, vehicles will be required to negotiate the narrow 90° bends along the access road. Therefore, it is required that the proposed planter adjacent to the site access road is removed and the width of the access in this area increased to 2.5m.

The Director of Legal and Regulatory Services (Environmental Health) – No objection, but have stated that the previous application site (car workshop) was subject to a site investigation and remediation scheme. As the current scheme is significantly different to the previous scheme, a further assessment in respect of contamination and mitigations measure should be undertaken.

Hyder Consults - No adverse comments and have advised that the site is crossed by a public water main.

REPRESENTATIONS

Adjacent occupiers were notified and to date one letter of representation has been received from the occupier of No. 30 Station Road. The letter objects to the application on the grounds of the modern design of the dwellings not fitting in with the surrounding style of architecture and the provision of a veranda or gallery at first floor level which would impact on existing level of privacy.

REPORT

Planning Policies

The site falls within the settlement boundary of Penarth and therefore the following policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are relevant :

Policy HOUS2 supports the principle of housing infill, small-scale development and redevelopment (including conversions) within the settlement boundary of Barry, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria :

- (i) the scale, form and character of the proposed development is sympathetic to the environs of the site;
- (ii) the proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion;
- (iii) the proposal does not have an unacceptable impact on good quality agricultural land (grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance;
- (iv) when appropriate and feasible the provisions of Policy REC 3 are met;
- (v) the provision of car parking and amenity space is in accordance with the council's approved guidelines;
- (vi) adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Policy ENV27 (Design of New Developments) states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

Policy HOUS11 - Residential Privacy and Space, states that existing residential area characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.

TRAN 10 (Parking)

Furthermore consideration should also be given to the policies and guidance set out in the adopted Amenity Standards and Sustainable Development Supplementary Planning Guidance.

Issues

The principle of development has already been approved on the two separate sites, with extant planning permission for a total of three dwellings. The main consideration in this application is therefore the suitability of the scale and design of the proposed dwellings, their impact on the privacy of nearby occupiers and whether there is adequate provision of amenity space and parking in line with the Councils standards.

It is considered that the consolidation of the two sites into a single larger site, results in a more cohesive scheme which seeks to provide a mews form of development. The site is well screened from Station Road, and the main public views are only likely to be from pedestrians using the disused railway line to the rear. In terms of scale and massing, the proposed dwellings whilst appearing detached are linked at ground floor level. Whilst the dwellings create a relatively large building form, the overall scale and massing is significantly reduced by the inverted roof form, where the ridge height is some 2 metres lower than that of the two semi detached dwellings approved for the site. The contemporary design whilst contrasting with the adjoining Victorian terraces, is nevertheless considered acceptable as the courtyard form of development is distinctly separate and never viewed against the main Victorian frontages.

In terms of impact on the privacy of adjacent occupiers, the habitable windows of the proposed dwelling would at their nearest be some 19 metres from habitable windows of the existing dwellings. However given the angle between windows and the fact that the windows in the existing dwellings are of a limited size, the degree of overlooking is considered acceptable.

With regard to amenity space, the Councils standards require 1 square metre of amenity space to 1 square metre of floor space, of which 70% should be in the rear garden and should be usable and private. The proposed dwellings have floorspace of 107 square metres with one of the dwellings having 141 square metres of floorspace. The amenity space shown to serve the dwellings comprises of front gardens, rear gardens and elevated terraces (on the rear elevation). Furthermore the rear garden provides access onto the disused railway line for additional wider public amenity space and direct footpath links to the town centre. The level of amenity space serving the dwellings is 100 square metres and 84 square metres respectively. Therefore for amenity space provision is 94% for the two dwellings and 59 % for the larger dwelling. Whilst the larger dwelling is deficient, regard should be to the Inspectors comments in relation to application ref. 04/01344/FUL, who considered that that "*deficiency was not significant given the relatively secluded nature of the site*". In this regard it not considered that the application could be refused based on the deficient provision of amenity space for one dwelling.

In relation to access and parking arrangements, an amended scheme has been submitted and the highway engineer has advised that due to the geometry of the access road in front of the proposed dwellings, the proposed planter adjacent to the site access road should be removed and the width of the access in this area increased to 2.5m. Given that this requirement can be achieved on site, it is considered that this amendment can be submitted by way of condition.

CONCLUSION

The decision to recommend 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 comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS8 'Residential Development Criteria' Policy HOUS2 'Settlements', Policy HOUS11 'Residential Privacy and Space' and Policy ENV27 'Design of New Developments', the proposed development is considered acceptable in relation to its siting, scale, design and materials, access and parking and amenity considerations and has no adverse effects on the amenities of adjoining residential occupiers.

RECOMMENDATION – OFFICER DELEGATED

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. This consent shall relate to the plans registered on 27th February 2007 other than where amended by plans reference 2623 10 Rev A received on 29th May 2007.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Notwithstanding the amended site layout plan (Ref. 2623 10 Rev A), prior to any works commencing on the construction of the dwellings hereby approved, a revised plans shall be submitted detailing revisions to the geometry of the internal access road to front of the proposed dwellings, which shall provide for the removal of the proposed planter adjacent to the site access road and an increase in the width of the access road to 2.5m. The development shall thereafter be constructed in full accordance with the agreed scheme prior to the first beneficial occupation of any dwelling hereby approved.

Reason:

To ensure that the amenities of nearby occupiers are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

4. Prior to their use on site, samples of materials used in the construction of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using only those materials approved as samples by the Local Planning Authority.

Reason:

To ensure that the visual amenities of the area are safeguarded to and to ensure compliance with Policy ENV 27 of the Unitary Development Plan.

5. No development shall take place on site until such time as a contaminated land remediation strategy has been submitted to and approved in writing by the Local Planning Authority and the approved scheme for remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

6. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority, and the means of enclosure shall be implemented in accordance with the approved details prior to the first beneficial occupation of any dwelling hereby approved.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. Details of the revised floor slab levels of the proposed dwellings in relation to existing ground levels and finished ground levels shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the construction of the dwellings hereby approved, and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the amenities of nearby occupiers are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for the purpose incidental to the enjoyment of the dwelling-house shall be constructed, erected or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.