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172, Jenner Road, Barry

Two storey side and rear extension, with Juliet Balcony to rear, porch extension to front

SITE AND CONTEXT

The application site is 172 Jenner Road, Barry, which is a semi-detached property located within a wholly residential street scene, which comprises predominantly similar semi-detached pairs, along this side of the road. The dwelling is constructed of red brick and has front projecting bay windows and a hipped roof. There is an existing single storey extension to the rear of the property and a large outbuilding adjacent to the rear boundary.

It is served by off-street parking on a private drive to the front and side of the dwelling.

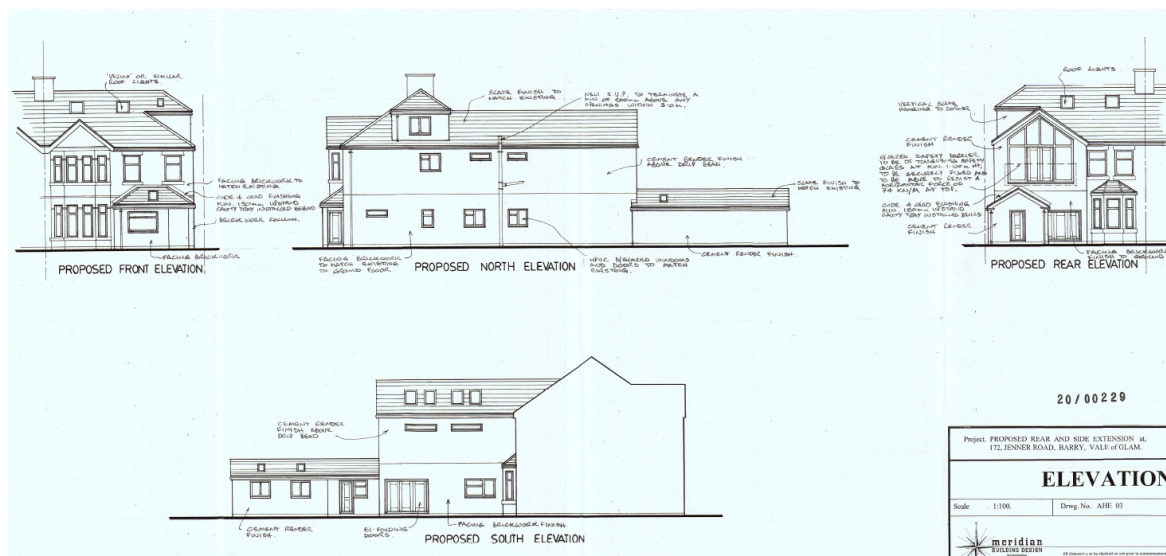


DESCRIPTION OF DEVELOPMENT

Planning permission is sought for a two-storey side extension and a two-storey rear extension. The side extension would extend to the side by approx. 1.85m and have a side projecting dormer extension to the roof. The rear extension would have a two-storey section almost 8m in depth, with a further single storey extension bringing its total depth to approx. 16m. The rear extension would also contain a Juliet balcony.

The extension would be constructed of materials to match those of the main dwelling at the front and side, whereas the rear projecting element would be finished in render.

The proposals are illustrated in the below plan extract:



PLANNING HISTORY

2015/00136/FUL, Address: 172, Jenner Road, Barry, Proposal: Two storey extension of the side of property, on to the existing driveway, and extension to the rear of the property, over existing garage and kitchen. Addition of a garage at the end of the rear garden, adjoining the rear access road. Decision: Approved

CONSULTATIONS

1. Barry Town Council objected to the development on grounds that it was overdevelopment and would have an adverse effect upon the amenity and privacy of neighbours.
2. Illtyd Ward Councillors did not respond.

REPRESENTATIONS

The neighbouring properties were consulted on 4 March 2020.

No representations have been received.

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 Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which 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
POLICY SP10 – Built and Natural Environment

Managing Development Policies:

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.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (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
- 2.7 *Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.*

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

- 3.9 *“The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.”*
- 3.10 *“In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.”*
- 3.14 *“Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment.”*
- 3.16 *“Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected.”*

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)
- 2.6 *“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”*
- 4.5 *“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”*
- 4.8 *“Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”*
- 6.16 *“The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”*

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)

(9.0 Impact on Neighbours)

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 unneighbourly 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 the neighbour's existing residential amenity is safeguarded.

Other relevant evidence or policy guidance:

- 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.

- BRE: 'Site Layout Planning for Daylight and Sunlight (2nd Ed.)

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 main issues involved in the assessment of the application are:

- Scale, form, design and impact on the street scene.
- Impact on neighbours.
- Parking provision.
- Amenity space provision.

Scale, form, design and impact on the street scene.

Policy MD5- Development within Settlement Boundaries and the general design criteria set out in Policy MD2- Design of New Development require proposals to be of a high standard of design and respond appropriately to the scale, form and character of the neighbouring buildings, while minimising the impact upon adjacent areas. These sentiments are supported by Planning Policy Wales (10th Ed.) and TAN12- Design (2016).

It is noted that a side extension has previously been approved at this property under reference 2015/00136/FUL. The proposed extension is of similar width and similarly flush with the front elevation. There has been no material change in local circumstance since the previous application and, although design is considered as a whole, the principal assessment is of the impact of the larger side dormer roof extension present within this application.

The officer's report for this application concludes, in relation to the approved dormer, that:

"The dormer is set well in from the side elevation and consequently the general form and shallow hipped pitch of the roof, which is characteristic of the dwellings along the row, is still discernible. Consequently, it is considered that the roof form has sufficient regard to the character of the street scene."

The face of the revised dormer would be significantly closer to the side elevation of the extension, set in by approx. 150mm, and as a consequence the sense of openness would be comparatively reduced. However, it is set back significantly from the front elevation, by approx. 2.8m, which would be appreciable from views on Jenner Road. There would remain a similar gap between the side elevation and the boundary, such that there would not be a terracing effect of the neighbour extended similarly. While the gap is marginally less than the 75cm sought by the Council's SPG, the deficit is not significant and this is reflective of the previously approved scheme.

It is, therefore, considered that the scheme as amended would adequately preserve the character and balance of the dwelling and semi-detached pair, and the visual amenity of the street scene as a whole, in accordance with Policy MD2 and MD5 of the LDP.

Impact on neighbours

As noted, the previous application ref: 2015/00136/FUL also included a two-storey rear extension. During the assessment of this application concerns were raised in relation to its overbearing impact. The extension was reduced from almost 8m, to 5.3m prior to approval, as a result. The officer's report concluded:

"The rear extension would be sited just under 4m away from the side boundary with no. 174 Jenner Road and, while the development would change their existing outlook, it is considered that this distance, in addition to the reduction in depth at first floor, would ensure that the proposal would not be unacceptably overbearing."

The proposed two-storey element of the rear extension proposed in this application is once again almost 8m in depth. The principal concern in relation to the depth is the overbearing nature of the extension, particularly to the adjoining No.174, where the property has not been extended and the rear facing window at ground floor appears to serve a habitable room. While it has been set away from the side boundary and down from the main ridge, the proposed extension still creates appreciable additional bulk at its eaves, for a significant depth parallel to the boundary. It would result in a significant overbearing impact when viewed from the immediate area of adjacent garden and windows.

The extension is orientated north-east of the dwelling and consequently it would have no significant shading impact to No.174. However, the BRE Guidelines: 'Site Layout Planning for Daylight and Sunlight (2nd Ed.)' suggests, as a rule of thumb, extensions over the angle of 45 degrees (depth and height) from the centre of the affected window can result in a significant reduction in skylight received by that window. While the relative height of the rear extension to neighbouring bay window is less, at approx. 42 degrees, the depth is far greater at approx. 72 degrees. The development would harmfully reduce the level of daylight received by the rear facing ground floor room of the neighbouring dwelling. It would result in a gloomy and unattractive living environment, in what appears to be a living room, and would be harmful to the occupiers' living conditions. In addition, the extension would severely curtail the outlook from the area of garden closest to the back of the dwelling, and the windows in the rear annexe at number 174 which direct face the extension as close quarters (as well as the habitable room window on the rear). Again, while the extension would not be directly at the boundary, the distance away from the boundary is not significant and the depth/height of the extension are such that it would still be a visually oppressive form of development.

In relation to No.170, it was noted that a rear extension was under construction of similar depth to the two-storey section of this proposed extension. Whilst there is greater potential for shading to No.170 due to orientation, the principal area affected would be the roof area of the neighbouring extension (noting the presence of the skylight). It is considered that, despite the considerable depth of the extension (including at single storey), it would not be significantly overbearing or cause significant loss of light to No.170 due to the position of the aforementioned extension.

In relation to privacy, the proposed extension would include a large feature window within the largely glazed rear elevation which, though rear facing, would be in fairly close proximity to the garden of No.170. Nevertheless, it is considered that views from this window would not be so direct, close or obtrusive so to cause significant harm to the amenity of the neighbours and proposed Juliet balcony would not project beyond this rear elevation.

In conclusion, it is considered that the proposed rear extension would have a significant detrimental impact to the amenity of No.174 by reason of the excessive depth of the two-storey rear extension. It is considered that the development would be contrary to Policies SP1 and MD2 of the Local Development Plan and the Residential and Householder Development SPG, (paragraphs 9.1.1 and 9.1.2), which aims to protect the amenity of neighbours.

Parking provision

The impact to parking provision would be no different to the previously assessed scheme ref: 2015/00136/FUL, nothing that though provision would likely be reduced to a single space forward of the dwelling, there is some on street capacity on both sides of Jenner Road.

Amenity space

The dwelling would continue to be served by a large rear garden which would exceed the Council's minimum standard for amenity space contained within the Residential and Householder Development SPG.

REASON FOR RECOMMENDATION

The decision to refuse 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.

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.

RECOMMENDATION

REFUSE (W.R.)

1. The proposed rear extension, by reason of its height, substantial depth, bulk and proximity to the side boundary, would have a significant detrimental impact upon the living conditions of the neighbouring occupiers of No.174 due to its overbearing and visually oppressive nature and through loss of daylight. The development would, therefore, be contrary to Policies SP1 - Delivering the Strategy and Criterion 8 of policy MD2 of the adopted Local Development Plan, as well as the Residential and Householder Development SPG, paragraphs 9.1.1 and 9.1.2.

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.