

**APPLICANT:** Mrs Ruth Maddern 31, Dyserth Road, Penarth, CF64 3UQ

**AGENT:** Mr Nigel Humphrey MAS Architectural Consultants, 51, Clive Place, Penarth, CF62 1AX

### **31, Dyserth Road, Penarth**

Replace the existing garage with a new single storey outbuilding to create a home office and gym

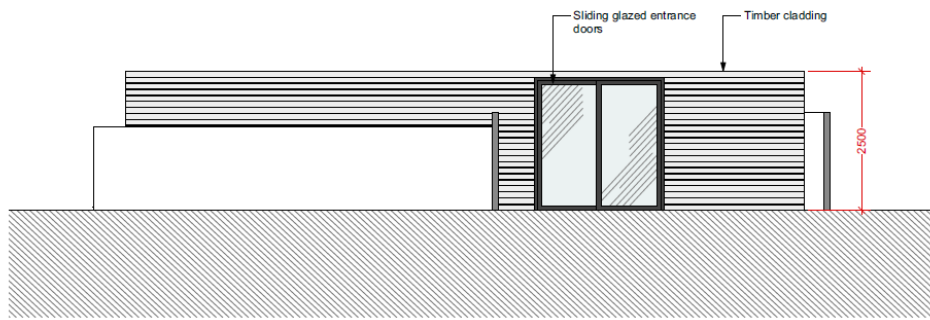
### **SITE AND CONTEXT**

The property site relates to 31, Dyserth Road which is located within the Settlement Boundary of Penarth as identified within the Vale of Glamorgan adopted Local Development Plan. The property is a semi-detached, two storey dwelling with an outstretching garden to the rear.

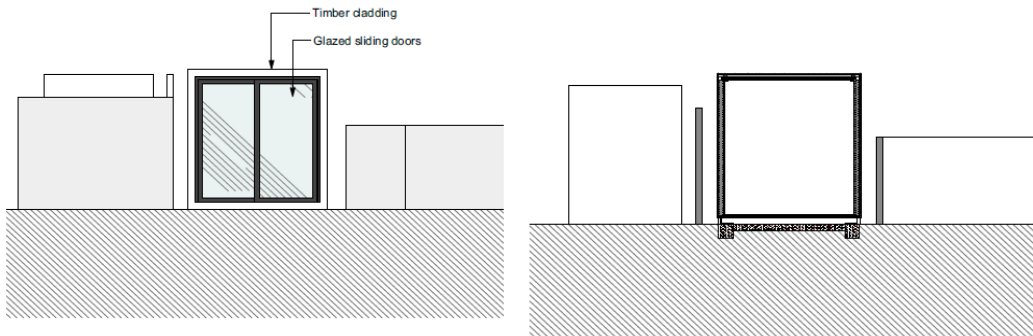


### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission to replace the existing garage with a new, single storey outbuilding to create a home office and gym. The new outbuilding will measure a height of 2.50m, length of 12m and a width of 2.5m, which will run across the rear end of the garden. The outbuilding will use timber cladding on the external walls in addition to glazed sliding doors to provide access and natural lighting.



PROPOSED SOUTH ELEVATION 1:50



PROPOSED WEST ELEVATION 1:50

PROPOSED SECTION AA 1:50

## PLANNING HISTORY

2015/00485/FUL, Address: 31, Dyserth Road, Penarth, Proposal: Rear single storey extension and relocation of garage, Decision: Approved

2017/00825/FUL, Address: 31, Dyserth Road, Penarth, Proposal: Loft conversion comprising hip to gable and dormer to rear, Decision: Approved

## CONSULTATIONS

Penarth Town Council was consulted, raising concerns regarding the height and scale of the outbuilding. With additional concerns regarding possible overlooking.

Stanwell Ward members were consulted, no comments have been received to date.

## REPRESENTATIONS

The neighbouring properties were consulted on 1 February 2021.

No comments have been received to date.

## 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 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. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

#### **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 is of relevance:

- Residential and Householder Development (2018)

### **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

### **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 proposed home office/gym would be located at the rear garden, replacing the existing garage with a 12m long single storey outbuilding. The proposal stands at 2.5m in total height, with a flat roof, with sliding glazed doors and external walls made of timber cladding. In terms of scale, the proposal would be 0.1m higher than the height of the existing garage, however would extend its length to 12m. Being located at the rear of the property, the scheme is unlikely to impact the character of the surrounding area nor the host dwelling. Whilst the proposal would be visible from the lane to the west of the property, it is considered to be a moderate alteration and is therefore considered acceptable.

## Impact on Neighbours

The proposal would be located at the rear end of the application site. Penarth Town Council have raised concerns regarding the height of the proposal and possible overlooking impacts which have been carefully considered in determining the proposal. The site and neighbouring properties are separated by a 2m high wall which steps up in certain areas to provide a screening. Therefore, whilst aspects of the proposal would be visible from neighbouring properties, at a height of 2.5m, the proposal is deemed to be acceptable in terms of overbearing.

Glazed sliding doors will be included on the west and south elevation, however they would not create an intrusion in neighbouring amenity or privacy and therefore considered acceptable.

## Amenity Space

Whilst the proposal would result in the loss of amenity space, it is considered that the remaining ground space would be sufficient for the needs of the occupiers.

## Parking

Whilst the proposal would result in the loss of a parking space within the garage at the rear of the property, two spaces will remain available at the front. Therefore, the proposal complies with the aims of the Parking SPG.

## REASON FOR RECOMMENDATION

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 for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 – Delivering the Strategy, MD2 – Design of New Development and MD5 – Development within Settlement Boundaries on the Adopted Vale of Glamorgan 2011-2026; Future Wales – the National Plan 2040 and Supplementary Planning Guidance on Residential and Householder

Development and national guidance contained in Planning Policy Wales (Edition 11) and TAN12 (Design) it is considered that the Proposal represents an acceptable form of development that would have no detrimental impacts on the visual amenity of the existing dwelling or street scene, whilst also preserving neighbouring privacy and amenity.

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

### APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents:

130.PL.01 Location Plan  
130.PL.04 Proposed Elevations  
130.PL.03 Proposed Plans

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

## 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.**