

**APPLICANT:** Angela Pool 34 High Street, Penarth, Vale Of Glamorgan, CF64 1EZ

**AGENT:** Christian Le Guilcher 1 powys road, penarth, cf643pb

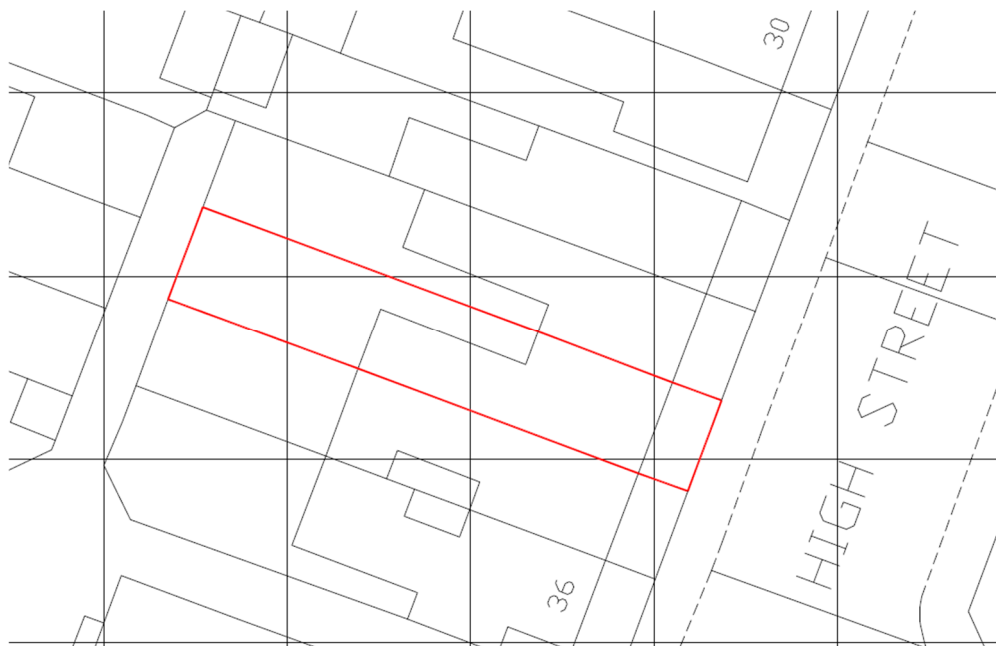
**34, High Street, Penarth**

Single storey side/rear extension. Loft conversion complete with dormers and Juliet balcony

**SITE AND CONTEXT**

The application dwelling is situated in the middle of a residential terrace which is located within the settlement boundary of Penarth as defined by the adopted Local Development Plan. The local street scene is characterised by similar terraced dwellings.

An extract from the site location plan is provided below:



**DESCRIPTION OF DEVELOPMENT**

Full planning permission, as amended, is sought for, “*Single storey side/rear extension. Loft conversion complete with dormers and Juliet balcony*”.

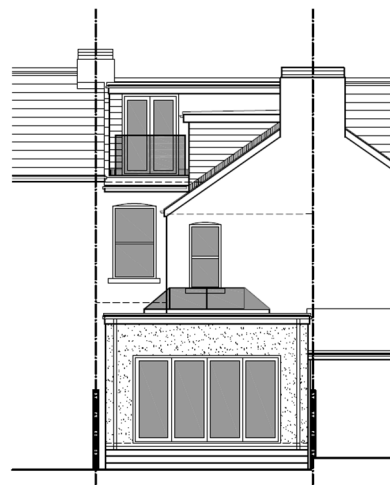
The flat roof single storey extension would replace an existing lean-to extension and would wrap around the side and rear of the two storey rear projection. It would measure approximately 6m in depth, 4.9m in width and with a ridge height of 3.4m to 3.7m at the rear. The elevations would be finished in render / brickwork to match the existing dwelling. A raised patio/decking area would be provided at the rear of the extension to replace the existing. This would measure approximately 2.4m in depth and 0.5m at its highest. A 1.7m high privacy screen would be provided along the top of the raised patio/decking on the boundary with number 35 High Street and the opposite side with number 33.

A loft conversion would be created with dormers on the rear of the roof and side roof of the two-storey rear projection. Three roof lights would be provided on the front roof of the dwelling. The rear facing dormer would be a box style and would measure approximately 3.4m in depth, 4.7m in width and 2.3m in height. It would have a Juliet style balcony serving a bedroom. The side facing dormer would be a box style and would measure approximately 2.8m in depth, 4.7m in width and 1.9m in height. It would have a window serving an en-suite bathroom. The elevations of the dormers would have hanging slates to match the existing roof slates.

Extracts from the proposed plans are provided below:



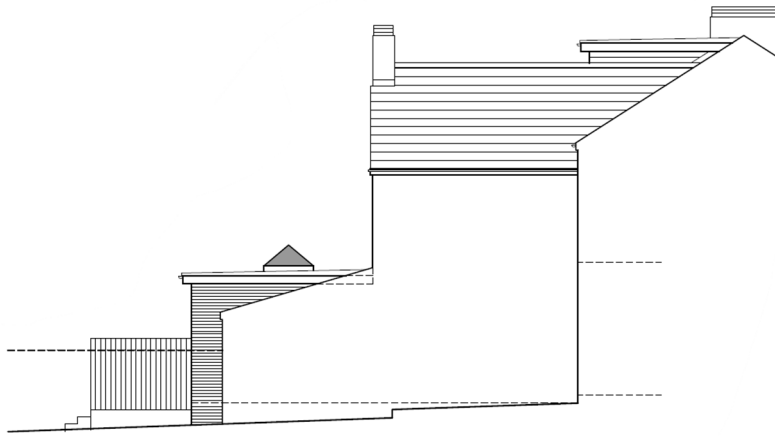
FRONT ELEVATION



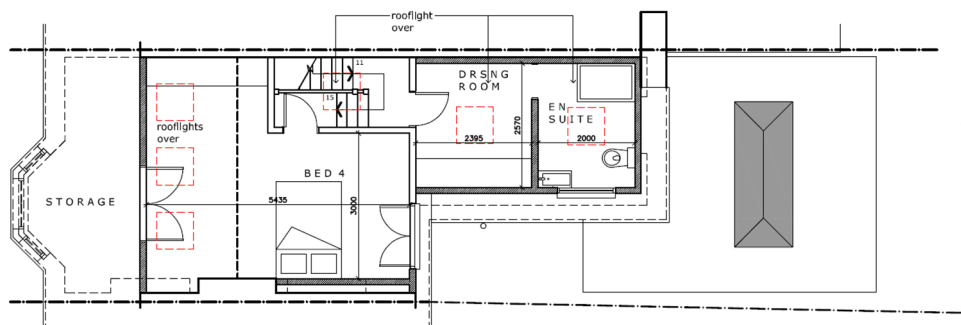
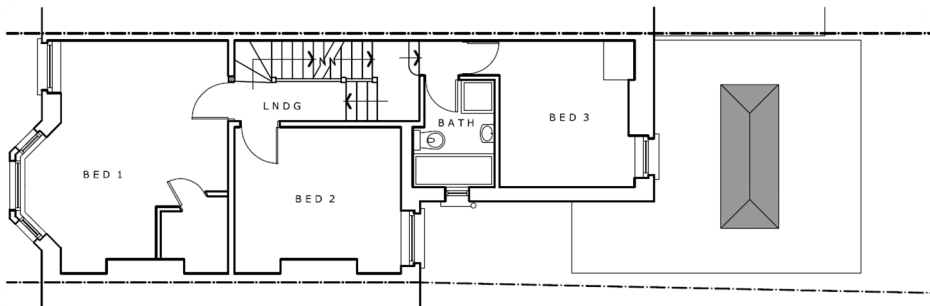
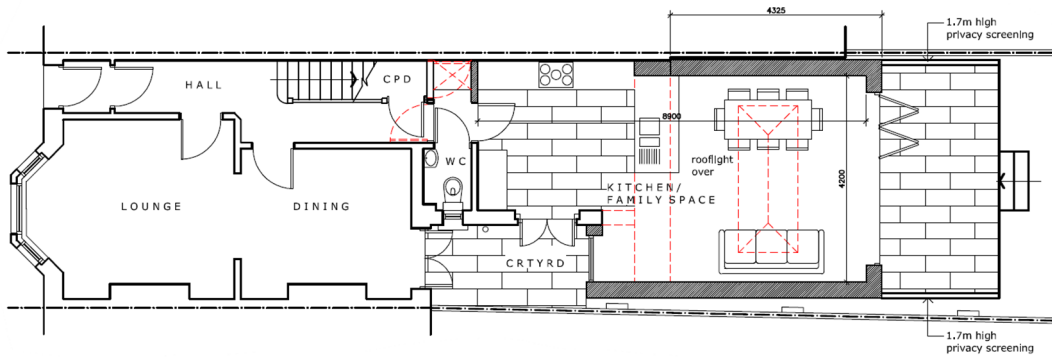
REAR ELEVATION



SIDE ELEVATION FACING 33



SIDE ELEVATION FACING 35



PLANNING HISTORY

None

CONSULTATIONS

Penarth Town Council were consulted on 23 September 2022. They have responded with the following, “*No objection provided the case officer is satisfied with the level of overlooking from the juliet balcony*”.

St Augustines Ward Members were consulted on 23 September 2022

## REPRESENTATIONS

The neighbouring properties were consulted on 23 September 2022. One letter of objection has been received from the occupiers of number 33 High Street. Their objections are summarised below:

- It will impact on light to the dining room window, kitchen and living room and entire ground floor.
- No objection to the loft conversion

## 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:

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

### **Design and visual impact**

The proposed extension and dormer would be to the rear of the dwelling and would be similar to others on the rear of nearby properties. There are other examples of dormers on rear roof planes of this small, terraced group which are partly visible for the lane that links High Street with Plassey Square. However, the overall siting and design of the dormer on the rear and side facing roof plane is considered acceptable and its impact will be largely screened by the two-storey rear projecting wing of the application dwelling and neighbouring dwellings. The siting scale and design of the single storey extension is also considered acceptable and the finishing materials to both the extension and dormer are proposed to match those in the existing dwelling. The proposed changes to the front elevation would have a negligible impact on the street scene.

Overall, the extensions and other alterations would be viewed as subservient additions to the dwelling, with negligible impact surrounding street scene and is therefore compliant with Policies MD2 and MD5.

### **Impact on neighbours**

With regard to the neighbouring property, at 33, the single storey extension would be constructed adjacent the side boundary with this property. Concerns have been raised by the neighbours with regard the impact on light to the ground floor windows particularly on the side and rear elevation. It is noted their rear 'lean-to' extension has been constructed with a similar floor level (in relation to the rest of the house) as that being proposed in the application dwelling (i.e., higher than the original and running level with the main part of the dwelling). Furthermore, this property is already at a slightly higher level than the application dwelling.

The extension would extend beyond the rear of number 33 by approximately 0.8m. As, noting the relative heights between the properties and height of the proposed extension such there would not be a significant impact on the ground floor rear facing window of the 'lean-to' extension and the extension would not unacceptably impact on the outlook of this rear facing windows. It is noted this neighbouring property has two windows on its side elevation facing the side boundary (serving the dining room and kitchen window (within the lean-to extension), and also benefits from roof lights on the roof of the 'lean-to' extension. The extension would be set off the boundary by approximately 0.2m and would be approximately 2m from the side elevation of the affected dwelling. Moreover, the courtyard area proposed some 3.2m in length which will ensure that the outlook from the dining room window will remain largely unaffected. The other side facing window within the lean-to extension, is a secondary window.

Due to the sloping land levels, the higher part of the extension would be at the lower garden level than to the side of the affected dwelling. From a site visit, it was noted the area of the extension, is at lower point in relation to the affected dwelling. Taking this into account and the step-in levels between the dwellings, this reduces the impact of the proposed height (i.e., 3.3m to 3.7m) of the extension. The affected elevation is broadly south facing and is already impacted on by the existing boundary fence and rear projecting two storey wing of the application dwelling, which is some 1.7m off the boundary. In summing up, whilst there will be some impact on the windows affected, on balance, for the reasons set out above, the proposal would not be considered to unacceptably impact or enclose outlook of the occupiers of number 33.

Turning to the impact on number 35, the proposed extension would adjoin the 'lean-to' extension at this neighbouring property and replacing the existing one at the application dwelling. It is noted that the extension at number 35 has a similar floor level as that being proposed in the application dwelling (i.e., higher than the original and running level with the main part of the dwelling). The proposed extension would however extend beyond the rear of number 35 by approximately 0.8m. Due to the height of the extension at this point (approximately 3.3m), there would be some impact on the outlook and light, however due to the short distance of the projection, the impact would be minimal. As such the impact would be considered acceptable.

Furthermore, whilst it is not proposed to use the flat roof of the extensions as amenity space, it would however be necessary to require a condition to restrict its use to protect the amenity of the neighbours.

The proposed raised patio/decking would only extend a relatively short distance to the rear of the extension and would be relatively low. It is proposed to provide a 1.7m high privacy screen (fencing panel) either side, which would prevent views particularly back into the ground floor extensions of the affected properties. The remainder, of the boundary is screened by the existing brick wall and vegetation and the degree of overlooking and the views from the patio area would be no greater than the existing views from the elevated deck area

The height of the screens and the raised patio (approximately 2.2m) is not considered to have a significant impact on the neighbour's amenity, noting that the neighbour has erected a section of fencing their side of the boundary wall. The screens are considered necessary and shall be required by a suitably worded condition.

On the issue of privacy, the windows in the rear dormer extension and roof lights on the front of the roof, will be no nearer any neighbouring property than the existing first floor windows and as such will not result in any discernible detriment over and above the existing situation. It would however be necessary for the side facing window in the dormer facing number 35 to be fitted with a non-opening and obscured glazing up to a height of 1.7m above floor level. This can be required by a suitably worded condition.

Overall, in terms of the impact on neighbouring residential amenity, the proposal is considered acceptable and compliant with Policy MD2.

### **Parking and highway safety**

It is noted that the proposed would result in an additional bedroom and the existing dwelling does not benefit from off-street parking and none can be provided. In terms of the Council's Parking Guidelines the proposal would not however increase the parking requirement for the dwelling. Parking is available on street and the dwelling is located in a sustainable location close to the shops and services in Penarth and close to public transport links. Therefore, in these circumstances this level of parking would be acceptable.

### **Amenity space**

It is noted that there is limited existing amenity space at the applicant property, due to it being a terraced dwelling. Whilst the proposal results in an additional bedroom, the impacts could be similar to that with works carried out under permitted development.

### **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) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040 and Supplementary Planning Guidance on Residential and Householder Development; and national guidance contained in Planning Policy Wales (11th Edition), and TAN12 (Design); the proposals are considered acceptable in terms of the design and visual impact, impact up on neighbouring properties, parking and amenity space.

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:

2055/PL01 Site Location Plan  
2055/PL05 Rev A Proposed Plans 1 of 2  
2055/PL06 Rev A Proposed Plans 2 of 2  
2055/PL07 Rev A Proposed Elevations

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.

3. The materials to be used in the construction of the external surfaces of the extension and dormer shall match those used in the existing dwelling].

Reason:

To safeguard local visual amenities, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

4. The raised patio/decking hereby approved shall not be brought into beneficial use until a 1.8m high privacy screen/fencing panel is erected along the north and south of the raised decking/patio area as detailed on plan numbers 2055/PL05 Rev A Proposed Plans 1 of 2 and 2055/PL07 Rev A Proposed Elevations.

Once erected, the privacy screen shall thereafter be retained in perpetuity.

Reason:

In the interests of privacy and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

5. The roof area of the extension shall not be used as a storage area, balcony, roof garden or similar amenity area.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy MD2 Design of New Developments of the Local Development Plan.

6. Any part of ensuite bathroom window in the dormer facing number 33 High Street that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

**NOTE:**

1. **The applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at [www.communities.gov.uk](http://www.communities.gov.uk). (I71).**

**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.**