

|                       |                |
|-----------------------|----------------|
| <b>Application No</b> | <b>S/34627</b> |
|-----------------------|----------------|

|                                |   |
|--------------------------------|---|
| <b>Application Type</b>        | Full Planning   |
| <b>Proposal &amp; Location</b> | RETROSPECTIVE APPLICATION FOR THE RETENTION OF REAR PATIO CANOPY AT 91 HEOL Y PARC, PONTARDDULAIS, SWANSEA, SA4 0XX |

|                           |  |
|---------------------------|--|
| <b>Applicant(s)</b>       | MS T DAVIES, C/O AGENT   |
| <b>Agent</b>              | JCR PLANNING LTD - CRAIG JONES, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE |
| <b>Case Officer</b>       | Paul Roberts   |
| <b>Ward</b>               | Hendy  |
| <b>Date of validation</b> | 02/11/2016   |

## CONSULTATIONS

**Llanedi Community Council** - Has not commented on the application to date.

**Local Member** – County Councillor G Thomas supports the application and has requested that the application be presented to the Planning Committee for determination and that the Committee undertakes a site visit.

**Neighbours/Public** – Two adjacent properties have been notified of the application and one letter of representation has been received from a neighbouring resident who objects to the proposal on the following grounds:-

- Impact upon the openness and outlook from the respondent's property which is at a lower level than the application property.
- The canopy structure is overpowering and intimidating and clearly visible from a number of rooms at the rear of the respondent's property.
- Negative impact upon home life and quality of light at the rear of the respondent's property.

## **RELEVANT PLANNING HISTORY**

The following previous applications have been received on the application site:-

|         |  |              |
|---------|--|--------------|
| S/10350 | Demolish existing single storey rear annex to be replaced with a two storey kitchen and bedroom extension of similar plan size<br>Full planning permission | 14 July 2005 |
| S/09637 | Demolish existing single storey extension and replace with two storey extension<br>Full planning refused   | 09 May 2005  |

## **APPRAISAL**

**This application has been submitted following an investigation/action undertaken by the Authority's planning enforcement officers.**

## **THE SITE**

The application site consists of the curtilage of a semi-detached house located off the western flank of Heol y Parc on the northern outskirts of the village of Hendy. The house is of a traditional pitched roof construction with its rear elevation consisting of a two storey rear extension which is adjoined to the side by a lean-to conservatory.

A canopy structure has recently been erected above a patio area at the rear of the two storey extension and conservatory that extends to almost the full width of the garden. It has a sloping poly-carbonate roof set on brown PVC clad posts. Its side and rear elevations are open.

The property has the benefit of a long rear garden space which includes an outbuilding located close to the rear of the canopy. The garden is enclosed by a mix of boundary walling and fencing.

## **THE PROPOSAL**

The application seeks retrospective permission for the retention of the existing canopy structure at the rear of the house. The canopy projects to a depth of 4.8 metres from the rear of the house and has a width of 6.5 metres extending up to both side boundaries. It has a maximum height of 2.76 metres where it adjoins the rear elevation of the house with this reducing to 2.3 metres at its rearmost point. There are rainwater gutters at the rear of the canopy.

The drawing submitted with the application indicates that the primary purpose of the canopy is to help combat seasonal affective disorder, however, no further details clarifying the same are provided with the submission.

## **PLANNING POLICY**

The following policies of the adopted Local Development Plan (LDP) are of relevance to the proposal.

Policy GP1 of the Plan is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. It also requires that proposals should not have a significant impact on the amenity of adjacent land uses and properties.

Policy GP6 of the Plan relates to extensions to dwellings whether buildings or structures and seeks to ensure that their scale is subordinate and compatible to the size, type and character of the existing development and does not result in the overdevelopment of the site or lead to inadequate amenity or garden space. Furthermore, it requires that the external appearance of the extension in terms of its design shall complement that of the existing development and proposals should not adversely affect the local environment and amenities of neighbouring properties.

### **THIRD PARTY REPRESENTATIONS**

One letter of representation has been received from the occupier of the adjacent property to the south of the site who has raised a number of issues of concern in respect of the proposal. These are addressed in the appraisal below.

### **CONCLUSION**

Following consideration of the details submitted in support of the application and the representations received to date, the main issue in the determination of the application is considered to be the impact of the development upon the respondent's living standards.

The relevant LDP policies outlined above require, amongst others, that developments should not have a significant impact upon the amenity of adjacent properties. The canopy structure extends beyond the side of the house and conservatory up to the boundary wall and fence shared with the respondent's property and projects some 1.1 metres above the same at its highest point. Its general design and height combined with its position adjacent to, and elevated above, the existing boundary means that it appears as an overly dominant and imposing feature when viewed from the respondent's property. The respondent has a direct outlook towards the highest parts of the side and rear of the structure at close quarters from the rear garden and kitchen and living room windows with the visual impact of the structure being accentuated by the lower level of the respondent's property. The visual impact is such that it unacceptably harms the respondent's general outlook and amenity levels contrary to the objectives of policies GP1 and GP6 of the LDP.

Its noteworthy that prior to the completion of the canopy structure, officers had discussions with the applicant wherein she was advised to reduce the width of the structure by offsetting it from the boundary shared with the respondent's property in order to minimise its visual impact. Notwithstanding this advice, the applicant proceeded to complete works on the canopy and submit a retrospective application for its retention.

Furthermore, the applicant's agent in submitting the application suggests that the first 4 metres of the canopy structure from the rear of the house would not require planning permission in that it would be permitted development. On this basis he suggests that only the rear part of the structure requires planning permission. However, the agent is mistaken in his assessment in that the application property has previously been extended with the construction of the existing two storey rear extension and conservatory both of which extend to a depth of 5.5 metres from the rear of the original dwelling. Permitted development rights

afforded by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 permit rear extensions of up to 4 metres in depth from the rear of the original dwelling and given the nearest part of canopy is positioned 5.5 metres from the rear of the original house, the entire structure requires planning permission.

On balance therefore, and after careful examination of the site and its surrounding environs, together with the representations received to date, the proposal is recommended for refusal.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy GP1 “Sustainability and High Quality Design” of the Carmarthenshire Local Development Plan: -

#### **Policy GP1 Sustainability and High Quality Design**

**Development proposals will be permitted where they accord with the following:**

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;**
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;**
- c) Utilises materials appropriate to the area within which it is located;**
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;**
- e) Includes an integrated mixture of uses appropriate to the scale of the development;**
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;**
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the ‘designing-out-crime’ principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);**
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;**
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;**

- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

**Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).**

In that the general scale and design of the canopy structure combined with its proximity to, and elevated position above, the neighbouring property of No. 91 Heol y Parc will result in an overly dominant and imposing form of development that will be unacceptably harmful to the outlook and amenity levels of the occupiers of this property.

- 2 The proposal is contrary to Policy GP6 “Extensions” of the Carmarthenshire Unitary Development Plan (July 2006):-

#### **Policy GP6 Extensions**

**Proposals for the extension of existing residential dwellings / use class C3 (which require planning permission) whether buildings, other structures or a particular land use must comply with the following:**

- a) The scale of the proposed extension is subordinate and compatible to the size, type and character of the existing development and does not result in over development of the site, nor lead to reduced and inadequate areas of parking, utility, vehicle turning, amenity or garden space;
- b) The external appearance of the proposed extension in terms of design is subordinate, and the materials should complement that of the existing development;
- c) There are no adverse effects on the natural environment, landscape/townscape or the setting and integrity of the historic environment;
- d) The local environment and the amenities of neighbouring developments are not adversely affected by the proposed extension;

- e) The use to be made of the proposed extension is compatible with the existing building, structure or land use.**

In that the general scale and design of the canopy structure combined with its proximity to, and elevated position above, the neighbouring property of no. 91 Heol y Parc will result in an overly dominant and imposing form of development that will be unacceptably harmful to the outlook and amenity levels of the occupiers of this property.