

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2018/0822	<u>DATE:</u> 24/10/2018
PROPOSAL:	Retention and completion of detached storage shed, plus increase height of existing boundary wall to 1.95m high.
LOCATION:	1 Commercial Road, Resolven, Neath SA11 4HY
APPLICANT:	Mr Ken Evans
TYPE:	Householder
WARD:	Resolven

BACKGROUND INFORMATION

Cllr Des Davies requested on 27/11/18 that the application be determined at Planning Committee for the following reasons:

- (1) To assess the potential impact upon the occupiers of Rose Cottages (particularly Number 3), due to the potential impact on “right to light”.
- (2) Concerns with the impact of an overbearing, incongruous, large, flat roof shed on the character and appearance of the area given its prominent location at the access to the village of Resolven, and the overall effect on residents of Rose Cottages as well as the residents of the community and visitors to the lock and canal basin alike.

Following discussion at the Committee Call-in Panel on 27/11/18, it was agreed that the application would be determined at Planning Committee on 4th December 2018.

LINK TO RELEVANT PLANS/ REPORTS

All plans / documents submitted in respect of this application can be viewed on the [Council’s online register](#).

SITE AND CONTEXT

The application site is located at 1 Commercial Road, Resolven.

The application site measures approximately 0.021 hectares in area. It comprises a two-storey end-of-terraced dwelling with associated small garden area to the front and larger garden area to the side. It is located on a corner plot location. It is bounded by a rear access lane with dwellings opposite to the north, residential dwellings to the east, Commercial Road (B4434) to the south and west.

DESCRIPTION OF DEVELOPMENT

This is a full partially-retrospective planning application for the retention and completion of a detached storage shed, plus the increase in height of an existing boundary wall.

It should be noted that the storage shed has been partly constructed on site, and this application seeks the retention and completion. The shed would be located at the end of the triangular side garden and would measure a maximum of 4.7m wide by 4m in depth and would reach a height of 2.7m. It is designed with a flat roof and is proposed to be clad with Marley Cedral cladding (black colour).

In addition to the shed, it is proposed to increase the height of the existing boundary wall from 1.6m high to 1.95m.

NEGOTIATIONS

Not Applicable.

PLANNING HISTORY

The application site does not have any relevant planning history.

CONSULTATIONS

Resolven Community Council: No reply, therefore no observations to make.

REPRESENTATIONS

The neighbouring properties were consulted on 24/10/18, with a site notice also displayed on 25/10/18.

In response, to date 3 letters of representations have been received from the same property, with the issues raised summarised as follows: -

- Concern regarding the garden level as it appears that it is higher than the surrounding highway and residential dwellings to the north.
- Concerns regarding the red line area and potential inclusion of highway land.
- Concerns regarding visual amenity relating to the shed (height and roof design) and wall height.
- Concerns that the proposal would overbear and overshadow neighbouring dwellings and result in loss of light to habitable rooms.
- If the Council is minded to grant consent for the wall it should be conditioned to be rendered and painted white.

REPORT

National Planning Policy

- [Planning Policy Wales](#)
- [Technical Advice Notes](#)

Technical Advice Note 12: Design

Local Planning Policies

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance

- [Design](#)

EIA and AA Screening

As the development is not Schedule 1 or Schedule 2 Development under the EIA Regulations, a screening opinion will not be required for this application.

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Principle of Development

As the application site is located within the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), the principle of the development at this location is generally acceptable, provided there are no overriding highway, amenity or environmental objections.

Impact on Visual Amenity

It is noted that the property is located on a prominent corner plot at the entrance into Resolven. It is also noted that there is an existing 1.6m high boundary wall around the side garden of Number 1, and it is considered that the proposed increase in the height of the wall would have no detrimental impact upon the overall character and appearance of the surrounding area or street-scene provided that it is finished with materials to match the existing wall. A suitably worded condition will therefore be imposed on the application to this effect.

In respect of the proposed shed, it is noted that approximately 750mm would be visible above the enlarged wall, such that despite the prominent location, given the relatively modest size scale it is considered that it would not have a detrimental impact upon the overall character and appearance of the surrounding area or street-scene to such a degree to warrant refusal of the application.

The applicant, however, is proposing that it is clad with black weatherboards, which when viewed against the white wall would draw more attention to the structure. Accordingly, to minimise its visual impact, a condition is recommended requiring the three side walls of the

shed which are visible above the wall to be rendered and painted white to match the wall. Subject to such condition, it is therefore considered that the development would be acceptable in terms of visual amenity.

Impact on Residential Amenity

In respect of potential overlooking, as no windows are proposed to the shed, it is considered that the development would not create any unacceptable overlooking issues.

With regards to potential overbearing and overshadowing impacts, it is noted that one of the nearest residents at no. 3 Rose Cottage has expressed concern about the impact of the structure on their property. Nevertheless, due to the limited size and height of the proposed wall and shed, it is considered that even with a distance separation of approximately 6.5m, the proposal would not create any unacceptable impacts on the residential amenity of nearby properties in terms of any overbearing impact or overshadowing issues.

Turning to the concerns regarding “right to light” specifically, it should be noted that the potential loss of light and impact on the amenity of local residents is a material consideration (which is addressed above). However, any legal matter relating to an alleged “right to light” would not be a material planning consideration.

Parking and Access Requirements and Impact on Highway Safety

Although the wall would be located at the back edge of the footway, it is considered that the overall development would not impact upon any car parking provision, vision splays or footways. As such, there would be no detrimental impact upon highway or pedestrian safety.

Other Matters

As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised, which have not been addressed elsewhere in this report, the following comments are made:

- In respect of the concerns relating to the garden level, it is noted from the site visit that there is a slight step up in levels from that of the main house and surrounding pavement to the location of the

shed. However, the overall height of the shed would be 2.7m high, which is considered acceptable.

- With regards to the red line area, this has been confirmed with the Authority's Rights of Way and Adopted Land Officer who has confirmed that the red line is correct. The small area of pavement to the rear of the boundary wall is located outside of the red line area and within highway land.

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 Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area/street-scene, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, TR2 and BE1 of the Neath Port Talbot Local Development Plan. Approval is therefore recommended.

RECOMMENDATION: Approval with Conditions

CONDITIONS

Approved Plans

(1) The development shall be carried out in accordance with the following approved plans and documents:

Dwg. No. 01b.

Reason

In the interests of clarity.

Action Conditions

(2) Notwithstanding the submitted details, the extended wall hereby approved and the parts of the storage shed visible above the extended wall on the northern, eastern and western elevations shall be rendered and painted white to match the existing wall, and retained as such thereafter. The southern elevation of the storage shed shall be clad with black weatherboards, or otherwise rendered and painted to match the remainder of the shed.

Reason

In the interest of visual amenity of the street-scene, and to minimise any potential visual impacts.

Regulatory Conditions

(3) The use of the storage shed hereby permitted shall be restricted to uses incidental to the use of the associated dwellinghouse (Number 1 Commercial Road) only, and for no industrial, commercial or business use.

Reason

In the interests of amenity and to clarify the extent of this consent.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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 Neath Port Talbot Local Development Plan adopted January 2016.

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area/street-scene, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, TR2 and BE1 of the Neath Port Talbot Local Development Plan.