

## RECOMMENDATION : RETROSPECTIVE GRANT WITH CONDITIONS

**REFERENCE:** P/15/543/FUL  
**APPLICANT:** MR BEN BOARD  
133 COWBRIDGE ROAD BRIDGEND  
**LOCATION:** 133 COWBRIDGE ROAD BRIDGEND  
**PROPOSAL:** RETENTION OF BUILDING AS BUILT (AMENDMENT TO P/13/147/FUL)  
FOR USE AS STUDIO DWELLING BY FAMILY MEMBER  
**RECEIVED:** 18th August 2015  
**SITE INSPECTED:** 11th September 2015

### APPLICATION/SITE DESCRIPTION

The application seeks to retain a workshop building erected in the rear garden of the property as built and its conversion into a studio type dwelling for use by a family member.

The structure is an 'L' shaped building sited in the north eastern corner of the residential curtilage of the property. The structure as built measures 10.95m at its longest by 4m wide with a gable roof reaching 4.7m in height. The external finishes of the walls are roughcast render with a slate roof. The submitted floorplans show that the building will accommodate a lounge with wood burning stove, kitchen, bathroom and bedroom and a storage area is to be created in the roof space over. A velux rooflight has been installed in the eastern facing roof plane of the structure to be used as a fire escape from this storage area.

A block plan shows three car parking spaces provided in the rear garden of the property. These spaces will be accessed directly from the turning head of the highway which runs along the rear boundaries of the properties on this side of Cowbridge Road and also provides access to a new property known as Ty Newydd, which has been constructed in the rear garden of 1 Uxilla Terrace, Bridgend.

### RELEVANT HISTORY

**75/1269** CC 05-FEB-76  
INCL LAND INTO GARDEN

**P/12/905/FUL** REFUSED 28-01-2013  
TWO STOREY SIDE EXTENSION, EXTEND SINGLE STOREY EXT TO DOUBLE STOREY,  
ALTER EXISTING OUTBUILDING TO CREATE PARKING

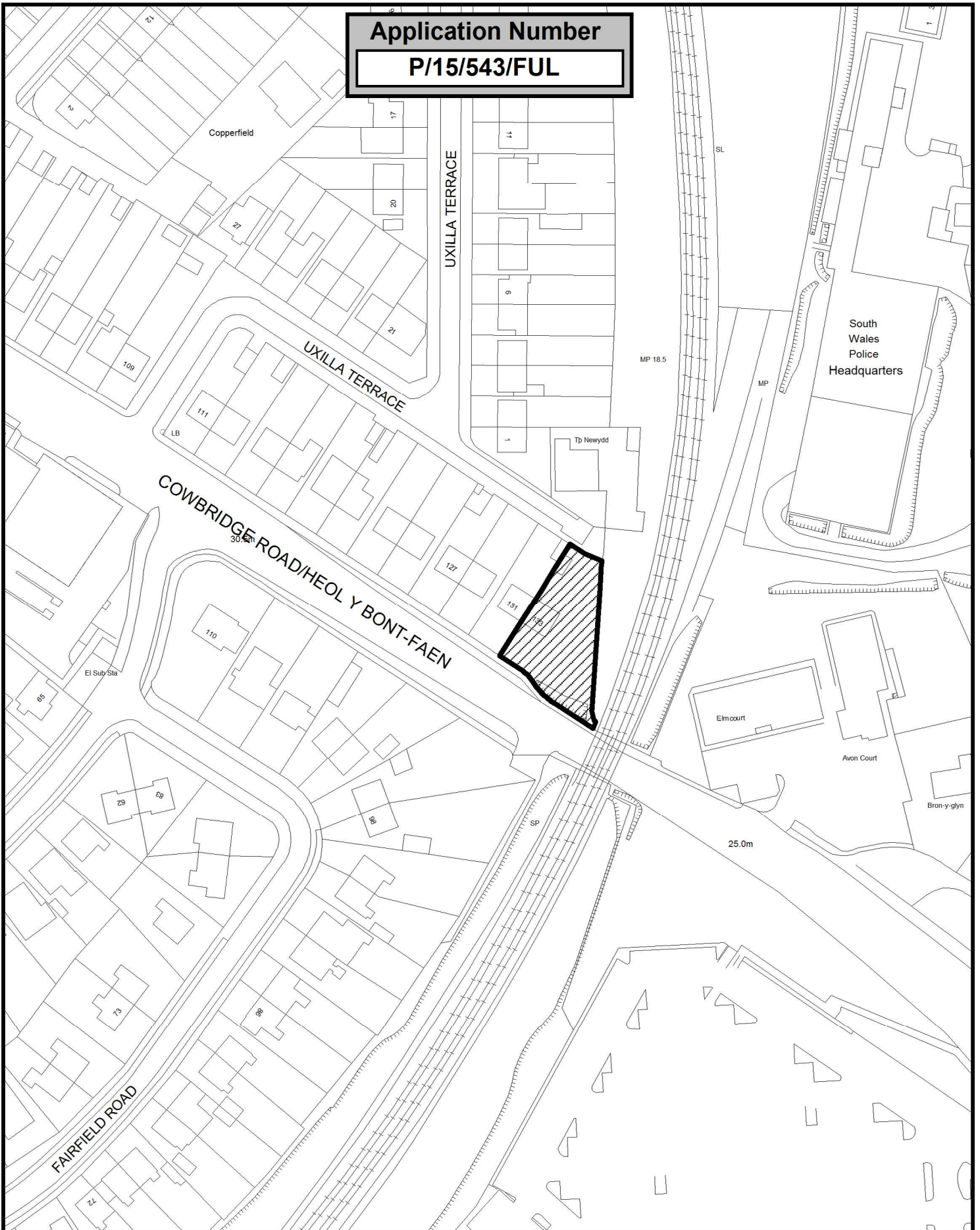
**P/13/147/FUL** APPROVED 12-04-2013  
+conditions  
2 STOREY SIDE EXT, EXTEND SINGLE STOREY EXT TO 2 STOREY , CREATE ADD  
PARKING & NEW WORKSHOP

### PUBLICITY

Neighbours have been notified of the receipt of the application.

Application Number

P/15/543/FUL



Scale 1:1,250

Date Issued:  
05/10/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
Council, Civic Offices,  
Angel Street,  
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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Cyngor Bwrdeistref Siro



The period allowed for response to consultations/publicity expired on 24th September, 2015.

## **NEGOTIATIONS**

The application site was revisited by the case officer to verify the dimensions of the building in light of the objections received from local residents. It was subsequently noted that the drawings did not match the dimensions measured during the second site inspection. It would appear that in reproducing the original plans to form the template for the amended drawings, there has been a distortion which has resulted in the length and width of the building as shown on the floor plans not corresponding with the roof plan or elevational drawing. The applicant has been advised to submit fresh plans with the dimensions of the building, as built, annotated thereon so that there can be no confusion as to the size and scale of the structure.

## **CONSULTATION RESPONSES**

### **Town/Community Council Observations**

Notified on 27th August 2015

No objection

### **Head Of Street Scene (Highways)**

No objection subject to condition.

## **REPRESENTATIONS RECEIVED**

### **Three Letters Have Been Received From Local, Residents. A Summary Of Their Objections Is As Follows:-**

- \* The developer has always intended to use the workshop for residential purposes and will occupy the structure while undertaking the construction of the side two storey extension of the property with the building thereafter becoming a granny annex for a relative and the structure does not comply with the originally approved plans.
- \* Parking difficulties due to applicant inconsiderately parking so as to obstruct access to neighbouring properties.
- \* Plans are misleading in that parking spaces indicated on the drawings have not been provided.
- \* There is no need for the structure to be residential given that planning permission has already been granted for a substantial extension to the main dwelling.
- \* Building encroaches onto the highway.
- \* Do not understand how applicants are able to submit a retrospective application.
- \* Lack of consultation during processing of previous application and particularly in respect of the workshop element, which was added just before determination.
- \* Structure appears to include first floor accommodation and the necessity for the velux rooflight escape is questioned together with the installation of the flue to serve the proposed wood burning stove.
- \* The OS map extract is inaccurate in that it does not show the property to the north constructed in the rear garden of 1 Uxilla Terrace.

- \* Potential officer bias within Highways Department as applicant's wife is an employee.
- \* Height of building is restricted to 4m by Government guidelines.
- \* Double Yellow lines should be provided around the turning head adjacent to the northern boundary in order to prevent inconsiderate parking.

#### **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections raised by the local residents:-

**Residential use** - It is evident that the intention in this case is to create ancillary studio type accommodation for use by a family member. The application has been submitted, in part, to regularise the fact that the structure was not built in accordance with the planning permission granted in 2013, P/13/147/FUL refers. With regard to its residential use, however, the use of a building within the curtilage of a property for purposes ancillary to the dwelling it serves would constitute permitted development for which planning permission would not be required. In order to reassure local residents, a condition restricting the residential use of the building to that ancillary to the main dwelling is attached to the recommendation.

**Parking difficulties** - A condition requiring the provision of three new parking spaces within the curtilage of the host property prior to the building being brought into beneficial residential use will be imposed to address this concern.

The Local Planning Authority must assess the planning merits of the proposed development and not appraise the personal requirements of developers.

**Encroachment onto highway** - The claim that the building encroaches onto the highway could not be substantiated from examination of OS Map extracts, aerial photographs, site photographs and site inspection.

Whilst the local planning authority does not condone the carrying out of unauthorised development, the planning system does allow for developers to seek to regularise such works by the submission of retrospective applications.

Whilst records appear to confirm that the workshop was not specifically referred to in the original description of development, the workshop building was clearly visible on the submitted plans and applications are considered on a case by case basis.

**Height restrictions** - Whilst storage space is now to be provided within the roof space, it was clear from an internal inspection of the building that there would be insufficient space between the ceiling and the roof to create habitable accommodation.

Although the submitted site location plans are based on an older OS Map base which does not include the relatively recently constructed dwelling, this does not impact on the assessment of the planning merits of the development.

**Potential officer bias within the Highways Department** - One officer, has declared an interest and has therefore taken no part in the assessment of the scheme or the provision of observations. It is considered that as the Highways Department is a consultee rather than the determining authority, together with the referral of the application to Planning Committee any potential scope for impropriety or bias in the assessment of the application has been removed.

This is an application for planning permission, which effectively acknowledges that the development has exceeded the permitted development height limits. This does not however, mean that the proposal is unacceptable, rather that it required planning permission.

Double Yellow Lines - Any request for parking restrictions is a matter for the Highway Authority.

## APPRAISAL

The application is referred to Committee to consider the objections received from local residents.

The application seeks retrospective consent to retain a detached building in the rear garden of the property as built and change the use of the structure from its previously approved workshop into a studio type dwelling for use by a family member.

Planning permission for a side two storey extension, extending an existing single storey extension to a two storey, new workshop building and the creation of additional parking was approved subject to condition in 2013 (P/13/147/FUL refers). Regrettably the detached workshop building has not been constructed in accordance with the approved plans and the current submission seeks to regularise the changes to the building. The most significant change is to the height of the roof, which has been increased from the originally approved 4m to 4.7m as built. Whilst the Local Planning Authority does not condone the carrying out of development that does not strictly accord with the approved plans, national planning guidance confirms that the correct approach is to suggest to the person responsible for the development that they should submit a retrospective application to regularise the matter. In this case, whilst local residents have objected to the scheme, none of the grounds for objection relate to any adverse impact on the privacy or visual or residential amenities of neighbouring properties. Given the siting of the building in relation to neighbouring dwellings, at the rear of the curtilage there is no significant impact on the amenities of these properties. It is therefore considered that the structure, as built, is acceptable in principle.

The application additionally proposes the ancillary use of this building as a studio type accommodation for use by a family member with storage in the roof space. Under the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order, 2013 under specified circumstances Class E permits the provision within the curtilage of a dwelling house of any building or enclosure, raised platform, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house. For the purposes of this Class, purposes incidental to the enjoyment of the dwelling house would include the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling house. On the basis that the residential studio use of the building would be for family use and would always remain ancillary to the main dwelling, it would under other circumstances constitute permitted development. Whilst local residents have expressed concern that the structure will include first floor accommodation as indicated by the inclusion of a velux roof light as a means of escape, the submitted drawings shows that the area between the living accommodation and the roofspace is labelled as storage area. Also, there is insufficient space to create habitable space within the roof. A condition requiring adherence to the approved plans should overcome any ambiguity over the use of this roofspace area.

Local residents have highlighted significant parking issues in this area, which they believe are exacerbated by the lack of provision of the three parking spaces in the rear garden of the application site indicated on the submitted plans. A condition requiring the provision of these spaces prior to the building being brought into residential occupation whether by the family during construction of the extension to their property or by another family member should overcome these difficulties. As indicated in the preceding section of the report, consideration of the imposition of parking restrictions on the highway abutting the application site would be a matter for the Highway Authority.

In light of the foregoing, it is considered that the proposed development is compatible with Policy SP2 of the Bridgend Local Development Plan and Notes 6,8,11 & 23 of Supplementary Planning Guidance 02 Householder Development.

## **CONCLUSION**

The application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, visual amenities nor so significantly harms neighbours' amenities as to warrant refusal. Subject to the imposition of appropriately worded conditions to control the use of the building and provide off street parking facilities, the Highways Department is satisfied that there will be no adverse impact on highway safety.

## **RECOMMENDATION**

(R64) That approval be GRANTED subject to the following condition(s):-

- 1 The development shall be completed out in accordance with the amended plans received on the 29th September, 2015 which confirm that the ground floor of the building will accommodate a lounge, kitchen, bedroom and bathroom with the loft area above used for storage only.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

- 2 The detached building within the curtilage of 133 Cowbridge Road, Bridgend hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retain effective control over the use of the property.

- 3 The building shall not be brought, whether wholly or partially, into residential occupation until three parking spaces have been provided in permanent materials within the site in accordance with the approved block plan. The car parking spaces shall thereafter be retained for parking purposes in perpetuity.

Reason : To ensure adequate off street parking is provided in the interests of highway safety.

\* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

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**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

### **Background Papers**

None