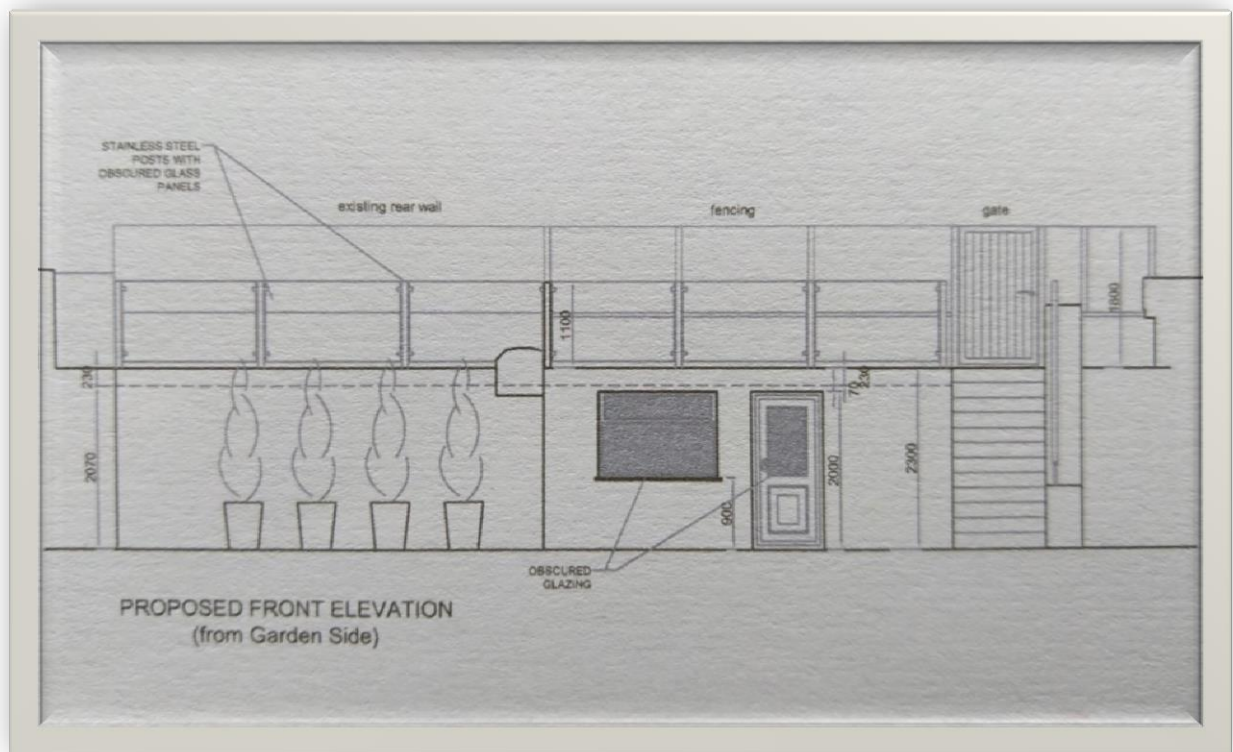


**PLANNING SUPPORTING STATEMENT FOR A PART
RETROSPECTIVE PLANNING APPLICATION PROPOSING A
RETAINING STRUCTURE AND DETACHED GARDEN STORAGE
OUTBUILDING TOGETHER WITH A RAISED PATIO AREA ABOVE
AT TY FFYNNON, DAN Y FFYNNON, PORT TALBOT. SA13 2EY.**

On behalf of Applicant Mr Gerard Beddis



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Prepared by:

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INTRODUCTION.

1.1 This Statement has been prepared to support the submission of a new Planning Application to Neath Port Talbot County Borough Council. The application seeks full planning permission for the erection of a garden retaining structure and detached outbuilding in the rear garden of a detached dwelling house known as Ty Ffynnon, situated on the East side of the A4107 Road known as Dan Y Ffynnon.

1.2 This application is in part, retrospective as much of the structure and building is already in place. It follows on from substantial negotiations between applicant and the Local Planning Authority (LPA) Planning Officers in connection with earlier application referenced P2020/0166, itself a retrospective planning application seeking to regularise the current householder development erected on site without the benefit of planning consent. This new application is made at the suggestion of LPA Officers and is made without prejudice to the content and outcome of earlier application P202/0166. This new application proposes alteration and reduction of the as built structure and building reflective of the negotiations which have taken place.

1.3 The use of the structure is to retain land and provide, in conjunction with the roof of the domestic garden storage building constructed adjoining it, a raised external patio/decking area replacing a previous elevated timber garden decking area. The building is not intended as habitable space. The purpose of the building is completely incidental to the continued enjoyment of the dwelling House.

1.4 The statement considers both the physical and policy context for the development and sets the design parameters to respond to this context. The statement gives consideration to the issue of amenity in terms of the character of the area, and to the potential impacts upon neighbours' amenity.

1.5 The statement has been prepared by Kevin H. Jones pgDip Town Planning, M.R.T.P.I., a Chartered Town Planner who is both qualified and experienced in Development Management and operates a private planning consultancy in line with the Royal Town Planning Institute code of conduct.

2.0 SITE DESCRIPTION AND EXISTING PHYSICAL CONTEXT.

2.1 The Site;

2.1.1 The application site is on the east side of the A4107 Road known as Dan y Ffynnon within the settlement of Port Talbot. The road follows the Afan Valley sides heading north from Port Talbot towards Cwmavon. The site sits between the existing detached dwelling known as Dan y Ffynnon House and 1, Dan y Ffynnon and it is understood that the plot in which the dwelling sits was once part of the curtilage of Dan y Ffynnon House. The dwelling is elevated from the roadway behind a retained front garden and driveway. Rear gardens behind the dwellings on this east side of the road are sloping and rise steeply up the valley sides.

2.1.2 The area is predominantly residential with traditional housing in a mix of styles in ribbon development form leading away from Port Talbot. Rear garden sizes are of reasonable proportions but subject to slope with a number of gardens of dwellings on this side of the road requiring steps or mild terracing to make more useable. Many of the existing gardens contain detached sheds or stone or brick outbuildings at the end of the garden, situated high above the dwellings.

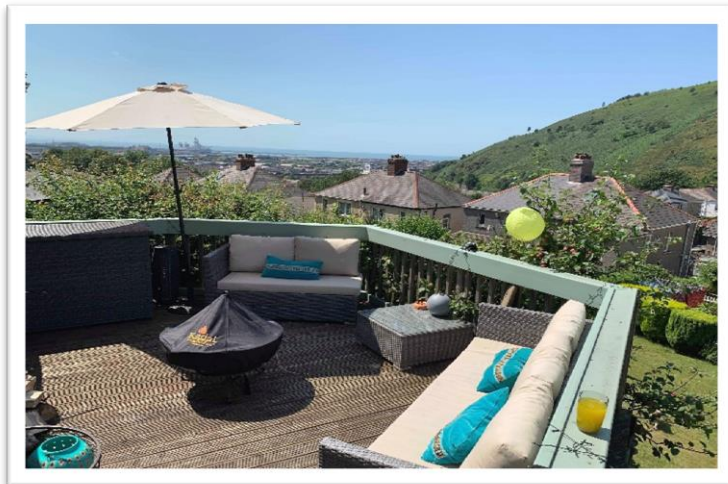


Above: Photograph showing the rear boundary of dwellings 1 to 6, Dan y Ffynnon and the roofs of various sheds and outbuildings erected by householders at the end of their rear gardens. Rear brick or stone wall boundary treatments often containing gateways allowing access to a narrow private pathway shared by all the residents across the rear boundaries and the mountain land beyond.

2.2 Prior to Development.

2.2.1 Prior to the current development taking place, the land form within the rear garden of the application site was subject to slope throughout. To the end of the garden existed a raised timber decking area erected by previous occupiers and creating a level platform on which the occupiers often sat to enjoy the surrounding views from the rear, across the roofs to the west and the setting Sun. A garden gate in the rear boundary gave access to the path and mountain beyond. The decking

area was well used being the only substantial useable level area to the rear. The following photographs illustrate its use by the family and the land form existing prior to development.



Left; Previous raised platform decking structure in use. Previous garden subject to significant slope.

Right; Previous decking structure in the process of being removed.



3.0 THE PROPOSED DEVELOPMENT.

3.1 The application seeks planning permission for the development of a small building and patio area to the rear garden constructed along the east (rear) boundary of the site. The building replaces the rear timber decking area that previously existed in that position. It should be noted that the minor engineering works to create a lower patio area down by the house, together with retaining works and minor cut and fill which has taken place in the garden has been the subject of a separate planning application referenced P2020/0165, approved by the LPA on 15th April 2020.

3.2 The retaining structure and building proposed measures just 10.5m x 4.7m externally in footprint and 2.3m in height to the new deck from the (approved) reduced ground level on which it sits. At the edge of this deck will be a balustrade system constructed from 1.1m high frameless obscure glazed panels fixed between stainless steel upright posts. The storage building and retaining structure are finished in high quality natural stonework to give a traditional external appearance and blend with the local landscape character. Much of the building mass and scale is

hidden by the rising land form from which it has been excavated. This mass and height will be further reduced with sensitive planting around the base of the west elevation, disguising much of the height of the walling below the deck.

3.3 The main visual impact of the structure and building is as seen from the west, looking east from within the garden of Ty Ffynnon. From the road and public realm, only partial glimpses of the rear garden of Ty Ffynnon are viewable and very little of this proposal at this reduced height will be visible. The effect on the character and visual amenity of the area is viewed as generally positive.

Right: Photograph taken looking east between Ty Ffynnon and 1, Dan y Ffynnon. The current building erected is slightly more visible from this view but the angle of view is limited. The proposal in this application further reduces the height of what has currently been constructed by removal of the pitched roof garden room and reducing the already low visual impact further.



Left: Photograph looking east from Dan Y Ffynnon through the gap between Dan Y Ffynnon House and ty Ffynnon. The summer house and store building roof currently erected is just visible through the substantial landscaping. Set against the substantial backdrop of the hillside behind, there is little impact in the wider landscape. This application proposed removal of the garden room and reduction in height further reduces any potential for adverse visual impact.

3.4 From the neighbouring property Dan y Ffynnon House, the proposed retaining structure and outbuilding is partially screened by substantial thick evergreen hedging. This neighbouring house is of a substantial size and spatial setting. It is sited sufficient distance away so as to not be impacted by the outbuilding height in terms of any overbearing or overshadowing impacts. From the neighbour at 1, Dan y Ffynnon the visual impact is slightly greater as the dwelling and the garden is smaller and boundary treatment consists of generally lower privet hedging and blockwork walling. However, the height and scale of the outbuilding here is within what would be permissible under Permitted Development (PD) rights and of comparable size to the neighbours' outbuilding, which will appear with higher ridge line than the proposed deck. The separating distance is maintained

between the boundary and the new outbuilding where a new set of garden steps are proposed to give the applicant access to the raised patio area and the rear boundary.



Left: Photograph looking east from adjacent to the boundary with Dan y Ffynnon House and looking at the currently partially completed outbuilding. With the 1st floor summerhouse element removed, the single storey garden store and patio are of comparable height to the neighbours' outbuilding.

3.5 In terms of neighbour's privacy, it should be recognised as a material consideration that a raised platform and decking area existed at the rear of this site for many years and was well utilised by the occupiers as valuable useable level amenity space. The previous decking structure can be seen on Google Earth maps going back to before 2006. Consideration must, therefore be given to whether the outbuilding now being built results in a substantially worse situation for neighbours privacy and amenity. In terms of appearance, the high quality external materials give the garden building a permanent and sustainable appearance, resulting in a visual improvement and benefit to the character of the area over the previous timber decking .

3.6 The new raised patio area above the garden store building performs the same function as the previous timber raised platform decking area. The effects of this new patio are no different upon the privacy of 1, Dan y Ffynnon than the structure it replaces. Indeed, such privacy could be improved by the additional planting shown positioned so as to disrupt line of sight and by the use of privacy screening shown to be erected around the edge of the proposed raised patio. This screening will be in obscure glazing between stainless uprights to give a 1.1m high balustrade around the patio and to limit any direct views down into neighbouring gardens when seated on the patio.

3.7 It is considered that there would be little impact upon the neighbours at Dan y Ffynnon House due to the angle of view and the set back of that dwelling within the plot. The rear of the patio area shows the walling of the current building reduced to below 2m in height so as to form the rear boundary garden wall in part with the remainder of the boundary finished in low walling into which a bench seat will be built for the patio. Above the newly formed patio bench seat and low walling will be finished in close board fencing to give a total rear boundary height below the 2m PD allowance. Steps will be created adjacent to the patio leading down to the garden and the house below.

4.0 THE POLICY CONTEXT

4.1 The adopted Statutory Development Plan for the area within which the application site is positioned is the Neath Port Talbot Local Development Plan 2016 (LDP). It is, therefore, the policies

of this document that have been referred to in the preparation of the planning application in question, including the following;

* BE1 Design

All development proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places.

Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

- 1. It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;*
- 2. It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;*
- 3. It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;*
- 4. It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;*
- 5. Important local features (including buildings; amenity areas, green spaces and green infrastructure, biodiversity and ecological connectivity) are retained and enhanced as far as possible;*
- 6. It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well-lit environments and areas of public movement);*
- 7. It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;*
- 8. It uses resources, including land and energy, as efficiently as possible through: (a) Making the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area; (b) The layout and form of the development does not preclude the reasonable use of other adjacent land; (c) Developing brownfield land in preference to greenfield land where possible; (d) Minimising building exposure while maximising solar gain.*
- 9. Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution;*
- 10. The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities.*

4.2 The proposed development can be seen to be in accord with the relevant criteria of the above policy. As already indicated, the building uses high quality external materials to enhance the character of the site. Its design utilises the slope of the land to hide much of the scale and height of the building so as to ensure its appearance of mass is reduced. Its impact upon neighbouring amenity is considered at worse, neutral, though could result in a benefit to neighbours privacy from additional landscape planting, obscure glazing from the additional privacy screening balustrading which limits the views of those seated on the patio area.

4.3 It is noted that the Council has adopted a Supplementary Planning Guidance (SPG) on Design. Whilst the SPG contains guidance to Householders on extensions to various types of dwelling, little guidance is given in relation to proposed new outbuildings.

5.0 CONCLUSIONS.

5.1 The applicant commenced construction of the summerhouse and garden store building without understanding the need for planning consent. The current development erected is a project which has evolved in terms of its scale and as soon as Mr Beddis was made aware of the need for a planning permission, he immediately ceased work on the outbuilding, sought professional assistance and submitted an application (P2020/0166) seeking to regularize the development.

5.2 This new application is submitted without prejudice to that current undetermined application P2020/0166, which remains the applicants preferred choice. However, a breach of planning control is in itself, not an offence in law and National Planning Guidance is clear that in situations where a breach of planning control has occurred, the LPA should seek to resolve this with the Land Owners concerned if expedient and in the public interest to rectify the situation. Paragraph 4 of the Planning Inspectorate published guidance on the Enforcement Appeals process places considerable importance on a LPA actively 'continuing to have constructive discussions with people whom it considers to have breached planning control' (para 4.1; Enforcement, Listed Building Enforcement and Lawful Development Certificate Appeals; Planning Inspectorate).

5.3 The new proposal contained in this application is a result of negotiation between the applicant and LPA Planning Officers and represents alterations to the current building at considerable cost and resulting in sizeable reduction of that building in height and scale terms. In its scale and dimensions, the proposal is considered to be below what would have been permissible under Permitted Development rights. The proposal is shown to be of high quality design and permanent appearance and can be said to provide a visual enhancement over and above the previous decking structure and when in comparison with the visual quality of neighbouring existing outbuildings in the rear gardens. The outbuilding is well designed with the topography of the site and its visual impact is limited from the street scene and within the wider landscape. Neighbours privacy is not significantly affected over the previous structure. As such, planning permission should be granted.