

ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT
FOR THE PLANNING COMMITTEE
TO BE HELD ON 2 MARCH, 2022

<u>Page</u>	<u>Application</u>	<u>Location</u>	<u>Item No.</u>	<u>Description</u>
ENFORCEMENT				
P.37		Land and buildings at 49, Pontypridd Road, Barry	1.	Comments from developer's Agent
PLANNING APPLICATIONS				
No Matters Arising				

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 2 MARCH, 2022

Enf case: 2021/0019/PC	Case Officer: Mr. I. Robinson
Location: 49, Pontypridd Road, Barry	

From: Agent for owner of 49 Pontypridd Road

Summary of Comments: The comments raise concerns with perceived inaccuracies in the report and state that a new planning application has been received.

Officer Response: In respect of the new application, this would not remove the need for enforcement action to be authorised. The application could be withdrawn (as has been the case with two previous applications relating to the structure) or, if deemed acceptable, it may not be implemented.

Use of the terrace would offer significantly greater overlooking than from the dormer alone (or from windows in the dormer in number 51) and regarding the terrace at 55, each case must be treated on its merits. It does not appear that planning permission was ever granted for a terrace at 55.

Regarding previous application, the Covid pandemic did not prevent proper consideration of it. The site was visited and the agent was advised that the proposed terrace was not acceptable due to overlooking. The agent indicated that a revised scheme would be submitted, however, the application was subsequently withdrawn.

In respect of the perceived inaccuracies:

Point 56: The roof structure was altered following advice from the Council's Building Control Department.

This would not infer that the use of the terrace is acceptable and for the reasons set out in the report, the action is required in order to prevent unacceptable overlooking.

Point 58: It was never intended to keep the wall that high. It was due to a misunderstanding with the builder. It will need to be 250mm above roof height to properly seal the roof.

This does not have bearing on the necessity of the enforcement authorisation. Notwithstanding that, the nature of the proposal that was subject of the last application suggests a clear intention to use the roof as a terrace.

Point 59: The roof was not constructed as a roof terrace, and has never been used as such. All works ceased when the complaints were received.

As discussed in the report, the enforcement authorisation is required to ensure that a harmful situation does not arise which is immune from action.

Point 61: Access to the roof has been limited to weatherproofing and litigation survey. Thank god for the doors!

As above regarding point 59.

Point 65: Is misleading and prejudicial to the current application.

The photographs at section 65 are photographs from the roof. They are therefore reflective of the current situation and are not misleading. This report relates to the need for action to prevent overlooking which could otherwise arise from the current un-regularised structure. It does not prejudice the current application.

Point 66: Is dangerous. The doors are there for escape in case of fire to a place of safety.

A door guard rail would result in a situation not materially different to a window (in terms of access onto the roof in case of an emergency).

Point 67: Movement back of the dormer would be against the advice of Building Control, and would be vindictive overkill.

Setting the dormer back is one of a number of options proposed.

Action required: Members to note.