

DELEGATED REPORT

Application No:	P/24/0052
Site Address:	Land To The Side Of 35 St Tydfils Avenue Twynyrodyn Merthyr Tydfil CF47 0NP
Development:	Change of use of land into garden (to serve 35 St Tydfil's Avenue) to include the erection of a wall.
Case Officer:	Marlene Ferreira
Site Visit:	21st March 2024
Application Expiry Date:	1st May 2024
Consultation reply date expired:	4th April 2024

APPLICATION SITE

The application site relates to an end of terrace dwelling, 35 St Tydfil's Avenue, in the area of Twynyrodyn. The property adjoins an existing unadopted footway to the north.

The dwelling lies in a street of terraced dwellings, many of which, including the application site, have been extended by means of rear extensions and outbuildings/garages.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of a section of the unadopted footway to provide additional garden area to serve the property, and erect a new wall. The work has commenced on-site.

This additional enclosed area would form part of the garden serving 35 St Tydfil's Avenue. A new block wall measuring 4.9 metres wide, 1.85 metres deep and 1.48 metres in height would be constructed to provide a side enclosure to the existing rear patio/garden area between the rear of the dwelling and the existing rear garage. A new external access door, to provide a side entrance into the property, would be provided on the rear section of the wall, adjoining the garage.

PLANNING HISTORY

The Council's records show the following planning history for this site:

P/22/0220 – Erection of two storey extension with living accommodation in the roof – Approved: 6th October 2022

CONSULTATION

Head of Engineering and Highways

No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, adjoining properties were consulted and two site notices were displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 12 (February 2024)

Paragraph 3.3 refers to good design and states that *‘...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...’*

Paragraph 3.9 refers to character and states that *‘...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...’*

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

- TAN (Technical Advice Note)

TAN 12 – Design (2016)

This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales. Section 2.6 of TAN12 states that '*...Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...*' Section 4.3 of TAN12 points out '*...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...*'

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW4 - Settlement Boundaries

Policy SW11 - Sustainable Design and Placemaking

PLANNING CONSIDERATIONS

The issues to consider when assessing this application relate to whether the proposed development is acceptable with regards to its impact upon the character and appearance of the area, residential amenity and highway safety.

Character and Appearance

The proposal would result in a section of the footway being enclosed to provide additional garden space to serve the property. Whilst this would amount to an undoubtedly unusual form of development, it should be noted that this section of the footway is an informally laid and unadopted path. Although the proposal would result in the introduction of a wall to enclose the path, this would amount to a very small additional amount of amenity space, since it would only increase the property's garden/patio space by approximately 16m². Furthermore, the wall would only project 1.85 metres from the side wall of the dwelling to the edge of the adopted highway and would measure less than 5 metres in width and less than 1.5 metres in height. This combined with the fact that the wall would be set back over 12 metres from the front of the dwelling would ensure that the proposal is not significantly prominent or readily viewed in context with the dwelling's front street scene. As such, provided that the block wall is finished in render (which can be controlled by condition) the proposed change of use of land to include a new enclosure would not be considered to significantly harm the character and appearance of the dwelling or that of the wider area. Thus, in this instance, the proposal would be considered acceptable and accord with LDP Policy SW11.

Residential Amenity

The proposed development has been considered in respect of its impact upon the surrounding residential amenity, however, having noted the siting of the development and overall scale of the wall, it would not be deemed to have any adverse impact upon the amenities of nearby occupiers. As such, the proposal would accord with SW11.

Highway Safety

The proposal, given its siting, has been considered by the Head of Engineering and Highways. However, as previously mentioned, this footway is unadopted. As such, since the proposal would not encroach onto the adopted highway no objections have been raised. The proposed development would therefore comply with SW11.

CONCLUSION

For the reasons set out above the proposed development is considered to be acceptable and complies with the relevant LDP policies.

Finally, the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

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

- Project: Garden Wall, received: 6th March 2024

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

2. The material finish of the boundary wall hereby approved shall be rendered within 3 months from the date of this permission, to match that used on the elevations of the dwelling.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. Given that the proposed wall is immediately adjacent to the adopted highway, the applicant/developer is strongly advised to liaise with the County Borough Council's Head of Engineering regarding any consents/licenses which may be required in association with these works.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 21.06.2024