

DELEGATED REPORT

Application No: P/21/0202

Site Address: 13 Aeron Terrace
Penheolferthyr
Twynyrodyn
Merthyr Tydfil
CF47 0LN

Development: Construct garage to the rear of the property

Case Officer: Marlene Ferreira

Site Visit: 29th June 2021

Application Expiry Date: 4th August 2021

Consultation reply date expired: 1st July 2021

APPLICATION SITE

The application site relates to a two storey terraced dwelling, 13 Aeron Terrace, located in Twynyrodyn. The property benefits from a rear access via an adopted lane which runs along the rear of these properties. The rear lane also provides access to the hardstanding/parking area provided just beyond the low retaining wall enclosing the elevated rear garden area.

The property lies in a street of terraced dwellings of a similar scale and design, many of which also benefit from rear gated parking areas and/or garages.

The application site lies within the settlement boundary, as designated within the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

PROPOSED DEVELOPMENT

This application seeks planning permission to construct a garage to the rear of the property, off the rear lane.

The garage, which would measure approximately 4.35 metres wide, 5.1 metres deep and 2.7 metres in height, would occupy the hardstanding area at the rear of the property. It would be finished with rendered elevations, EPDM flat roof and a galvanised steel roller shutter door. The agent has confirmed that the garage would be used for domestic storage including the parking of a classic mini and a quad bike.

PLANNING HISTORY

The council's records do not show any other planning history for this property.

CONSULTATION

Consultations were not carried out under this application.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, letters were sent to the nearby occupiers and a site notice was displayed within the vicinity of the site. Two letters of representation (from the same neighbouring resident) were received following this publicity exercise. The concerns raised were as follows:

- Given that another neighbour has extended their ground, I am unable to park my car at the rear of my property or build a garage;
- If this garage gets built, it will restrict my access not just to park, but to have daily access to my garden if I need to dispose/remove materials or have a materials delivery;
- The rear lane has many garages which have been bought by other neighbours and tends to be blocked up, leaving my car trapped and having no access to my rear garden as and when I need it;
- I understand that the neighbours have the ability to erect this garage, but the lane is communal and I object if it causes further problems with vehicular access to my property.

Ward Councillors were advised of the objections received, but have not requested that the application be determined at planning committee. As such, the application will progress to be determined via delegated powers by the Chief Officer Planning and Neighbourhood Services.

POLICY CONTEXT

National Development Framework

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

National Planning Policies

- Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

- Merthyr Tydfil Replacement local Development Plan 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

- Supplementary Planning Guidance (SPG's)

SPG Note 6 – A Design Guide for Householder Development

PLANNING CONSIDERATIONS

The issues to consider in the assessment of this application relate to whether the proposed garage, by virtue of its siting, scale and design, would be acceptable in respect

of its impact upon the character and appearance of the area, residential amenity and highway safety.

Character and Appearance

The proposed garage would be located at the rear of the property and as such, it would not have any detrimental impact on the character and appearance of the dwelling when viewed within the primary street scene.

The garage, as a result of its modest scale, flat roof design and material finishes is acceptable given its siting at the rear of the property and when viewed amongst other pitched roof and flat roof garages. As such it would be in context with the surrounding built environment. As such, it would not have any adverse impact on the character and appearance of the rear street scene and would therefore comply with LDP Policy SW11.

Residential Amenity

The proposed garage would sit immediately adjacent with the dividing boundaries with 12 and 14 Aeron Terrace.

The garage is a single storey structure which would have a maximum flat roof height of 2.7 metres and extend 5.1 metres in depth. As such, it would not have an overbearing impact upon these neighbouring properties or cause any significant loss of light to the rear garden area of 12 Aeron Terrace or to the rear hardstanding area of 14 Aeron Terrace. Furthermore, the absence of any side facing windows would safeguard the privacy of these neighbouring properties.

The relationship between the proposed garage and the neighbouring properties is therefore considered acceptable and would comply with LDP Policy SW11.

Parking and Highway Safety

The proposed garage seeks to replace an existing vehicular parking space and as such would continue to serve the parking requirements of the property. Thus, the proposed garage would not have a detrimental impact upon highway or pedestrian safety. It would therefore accord with LDP Policy SW11.

Responses to Representations

- Land ownership is a civil matter between the parties involved and not a planning consideration. This also appears to be a Party Wall Act matter.
- The agent has confirmed that the neighbouring resident has no right of access over the applicants land/hardstanding in order to access their property. It should also be noted that the applicant could erect a 2m/1m high wall along this boundary without the need for planning permission.

CONCLUSION

The proposed garage, due to the reasons discussed above, is therefore considered acceptable and in compliance with relevant policies and guidance.

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 begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

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

- Drawing no: AT -03, received: 9th June 2021;
- Drawing no: AT -04, received: 9th June 2021;
- Drawing no: AT -05, received: 9th June 2021.

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

INFORMATIVES

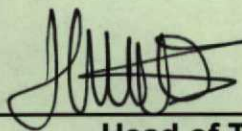
1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'J. M. S.', written over a horizontal line.

Head of Town Planning

DATE:

2/8/21