

DELEGATED REPORT

Application No: P/21/0337

Site Address: 52 Rhydfach
Pentrebach
Merthyr Tydfil
CF48 4DJ

Development: Change of use of grass verge to garden area

Case Officer: David James

Site Visit: 10th November 2021

Application Expiry Date: 22nd December 2021

Consultation reply date expired: 30th November 2021

APPLICATION SITE

This application relates to a two-storey end of terrace property, located in the residential area of Pentrebach, and within the settlement boundary. The property faces northwest, onto a footpath. It is bound by another dwelling to the northwest, a footpath and wooded area to the rear, and a grass verge adjacent to its southwest side. Beyond the grass verge is a footpath and a flat, hard-surfaced area, which appears to have formerly contained a playground. The grass verge slopes upwards, adjacent to the rear garden of the property, and is bound by a set of steps along this slope.

PROPOSED DEVELOPMENT

This application seeks planning permission to incorporate the strip of grassed land, adjacent to the southwest elevation of the dwelling and the rear garden, into the curtilage of the property. The grassed area measures a maximum of 3.1m wide, and extends the entire length of the existing curtilage of the dwelling, and would be used as a garden.

The proposal also includes the erection of a 1m high brickwork wall, which would enclose the existing front patio area of the dwelling, as well as the grassed area to the side. The wall would have a metal pedestrian gate, measuring a maximum of 1.3m in height inserted into it. Where the grassed land slopes upward, to the rear of the dwelling, a 1.8m timber fence would be erected, connected to the proposed wall, and the existing timber fence which forms the dwelling's existing rear boundary. A further section of 1.8m timber fencing, including a timber gate, would be erected within the grassed area, perpendicular to the dwellings southwest elevation, to provide privacy for the extended rear garden.

PLANNING HISTORY

There is no recent planning history relating to the property.

CONSULTATION

Head of Engineering: No objection.

Corporate Property Manager No objection

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and a site notice was displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 12 - Design advises that the Assembly 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.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Supplementary Planning Guidance (SPG)

- Note No. 6 – A Design Guide for Householder Development

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and within a predominately residential area. As such the principle of the change of use of the additional strip of land to residential curtilage (garden) is considered to be acceptable subject to compliance with other relevant planning policies and material planning considerations.

The proposed extension to the garden of 52 Rhydfach and the use of the land for residential purposes is considered to be in keeping with the residential character of the area and would not appear out of place. It is noted that the proposal would result in the loss of a small grass verge. However, it is not considered that the enclosure of this strip of land would significantly harm the character or visual amenities of the area. With regard to the boundary treatments proposed, it is noted that the applicant proposes to erect a 1m high wall, and 1.8m high timber fence along the adjacent footpaths and steps. While acknowledging that new wall and fence would be positioned hard on the boundary with the footpath, a similar arrangement already exists at several other dwellings at Rhydfach. As such, the positioning of the boundary wall and fence would not appear out of place in the area. Taking this into account, the proposed boundary enclosures would not have a detrimental impact on the character and appearance of the area. It is also noted that the proposed extension to the garden would not have any notable impact on the residential amenities of the surrounding occupants.

Taking this into account, it is not considered that the new boundary wall or fence would adversely affect the surrounding properties in terms of overlooking, overbearing or overshadowing impacts. Moreover, the proposed boundaries would be of a standard height and thus would not have any harmful impact on surrounding properties. It is also acknowledged that no representations were received following the publicity exercise. The proposal therefore again complies with Policy SW11 of the LDP.

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 2 (Block Plan) received 27th October 2021

Drawing 3 (Elevations) received 27th October 2021

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

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.

All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

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.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

3. The change of use is granted in principle only. Any physical alterations may require further consents as appropriate.
4. The applicant/developer is advised to liaise with the County Borough Council's Head of Engineering regarding any consents which are required in association with the provision of any vehicle cross over.
5. The Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

7/12/21