

DELEGATED REPORT

Application No:	P/20/0178
Site Address:	13 Darren Las Merthyr Vale Merthyr Tydfil CF48 4SZ
Development:	Proposed front deck
Case Officer:	Caroline Pulley
Site Visit:	4th September 2020
Application Expiry Date:	22nd March 2021
Consultation reply date expired:	12th February 2021

APPLICATION SITE

The application site relates to a semi-detached dwelling, 13 Darren Las, in Merthyr Vale. The property is elevated above the front highway and is served by a stepped access off Darren Las. The stepped access is positioned broadly in line with the main side elevation of the house. On each side of the steps there are sloping areas of grass, which are enclosed by retaining walls measuring 0.5m in height, adjacent to the highway. The grassed area to the right hand side of the property's front door is located directly to the front of 11 Darren Las. This property lies at a 90 degree angle to the application property. It is positioned on a lower level to the application property and its main entrance door is largely obscured behind the applicant's front garden area. The neighbouring property located on the other side is laid out in a similar manner to the application site. It has a sloping grassed garden to the front, which is enclosed by a similar height retaining wall. The property next to this dwelling has a raised sloping front garden area, which is enclosed by a taller concrete block retaining wall. The remaining properties along this side of Darren Las all appear to be served by stepped accesses with either enclosed sloping or raised front gardens.

PROPOSED DEVELOPMENT

This application seeks planning permission for the siting of a decked area to the front of 13 Darren Las. The proposal would involve raising the garden level on the left hand side of the property's stepped access to create a flat deck area to the front of the property. The deck would measure 5.7m in width by 4.65m in depth and would be retained to the front by a 1m metre high wall with 1m high black metal railings above. To the sides, the deck would be enclosed by 1m high black metal railings and a short retaining wall.

PLANNING HISTORY

There is no recent planning history relating to the property.

CONSULTATION

None undertaken with this type of application.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties.

Two letters of objection have been received, both from the owner of 11 Darren Las. The main concerns raised are summarised below:

- Loss of light and overshadowing impact to the front elevation of the neighbouring property;
- Overlooking impact of the development upon the ground floor living room window and first floor bedroom window;
- The development would make the entrance way/door of the neighbouring property vulnerable.
- The development may be restricted by a covenant.

Local Ward Members were advised of the objection received to this application however, no request has been submitted requiring the application to be reported to the Planning Committee. As such, the application will progress to be determined by the Chief Officer Planning and Neighbourhood Services.

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

Policy EnW4 – Environmental Protection

Policy EcW14 – Waste Facilities

Supplementary Planning Guidance (SPG) Note No. 6 – A Design Guide for Householder Development

Section 3.11 provides guidance in respect of balconies and raised platforms. It states *'Raised platforms and decking are often used to extend the main living areas of the dwelling into the garden. As they are raised above ground level, there is a need to consider the potential overlooking impacts into the neighbouring properties. In some instances, there may be opportunities to introduce additional screening to minimise any concerns.'*

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed deck would be acceptable with regard to its impact upon the character and appearance of the street scene and upon residential amenity.

Character and Appearance

The proposed deck, as a result of its siting along the property's principal elevation, would result in a visible addition to the dwelling. However, the deck structure and proposed boundary treatments would not be substantial in scale, given that the deck would be enclosed by metal railings and would be retained by a wall measuring 1 metre in height. Furthermore, the retaining wall would be finished in brick to match the existing. The black metal railings above would also help to maintain a form of open aspect to the front of the property. As such, the proposed deck, given its overall scale and finishes, would appear as an acceptable addition to the front of the dwelling. Indeed, a number of properties along this side of the street have front patio areas which vary in scale and appearance. Taking this into account as well as the scale of the development, the proposal would not appear out of context with the character and appearance of the street scene and would accord with LDP Policy SW11.

Residential Amenity

The deck area would be sited adjacent to numbers 11 and 15 Darren Las, and these are the properties most likely to be affected by this proposal.

The proposal to raise the front garden area of the property would enable its occupiers to use this area and look back into the front windows of these neighbouring properties. While

this is acknowledged, the properties along this side of Darren Las can already be overlooked by pedestrians walking along the front pavement. It is appreciated that the objector's property (11 Darren Las) is sandwiched in a corner and is less conspicuous when viewed from the road. However, the front windows of this property could already be overlooked from the front pavement and from the existing grassed areas and steps located to the front of the application dwelling. It is accepted that the raising of part of the front garden could afford additional overlooking into the front windows of this dwelling. However, given that the deck would be offset from the boundary (i.e. it would be located to the left hand side of the access steps), it is not considered that the development would give rise to a significant or harmful level of overlooking or overbearing impact, over and above the impacts which is experienced at present. Again, given the siting of the proposed deck (on the opposite side of the access steps), the potential impact on number 11 in terms of loss of light would also be kept to a minimum, particularly as the front garden of number 11 is north facing. In this respect, it is also important to highlight that the areas surrounding the deck (above the retaining wall) would be enclosed by metal railings. This form of boundary enclosure will be less obtrusive on neighbouring properties when compared to the picket fence, which was originally proposed as part of this application. This would further help to reduce any potential overshadowing impact and loss of light that may be experienced by the occupiers of number 11 Darren Las.

In terms of the impact of the development on the other neighbour, it is noted the front windows of number 15 Darren Las can also be overlooked from the existing grassed area to the left hand side of the access steps. Therefore, whilst it is appreciated that the users of the deck could look directly towards the front windows of number 15, given that there is a level of overlooking between the properties at present, the raised deck area to the front of this dwelling would not have a significant impact upon the privacy of this property. It should also be reiterated that the front garden of this property can already be overlooked by pedestrians. Taking into account the relationship between the proposed development and nearby occupiers, it is considered that the proposed development would not have such a significant harmful impact on neighbouring properties. The proposal is therefore acceptable and would comply with LDP Policy SW11.

In relation to other matters raised, the comment made by the objector in relation to a possible covenant on the property has been noted. However, this matter falls outside the planning system. It is the responsibility of the developer to ensure that all necessary consents are obtained before carrying out any building work to a property.

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

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.

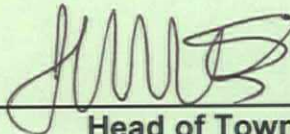
2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing number 010.002 received on 12.02.2021

Drawing number 010.003 received on 12.02.2021

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

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

18/3/21