

DELEGATED REPORT

Application No:	P/22/0010
Site Address:	3 Clos Y Bryniau Penyard Merthyr Tydfil CF47 0JB
Development:	Single storey rear extension
Case Officer:	Nia Chard
Application Expiry Date:	16th March 2022
Consultation reply date expired:	10th February 2022

APPLICATION SITE

The application relates to an end of terrace dwelling located in a relatively new housing development. The site is bounded to the front by the highway of Clos y Bryniau, a parking courtyard to the rear and other dwellings on either side.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a single storey rear extension. The proposed extension would be 3 metres in depth by 4 metres in width and would have a monopitch roof that would slope from 3.6 metres in height down to 2.4 metres eaves. The external walls would be constructed of brick to match the existing, and the roof would be covered with tiles, also to match the existing dwelling. The windows would be white upvc.

PLANNING HISTORY

P/09/0123	Re-plan of dwellings previously approved under 06/0170 and 08/0152 (25 dwellings and 1 flat in lieu of 37 flats) Planning permission granted subject to conditions on 3 July 2009
P/06/0170	Residential development comprising 228 residential units Planning permission granted subject to conditions on 23 August 2006
P/06/0077	Mixed use scheme of 39 acres to include residential and education uses Planning permission granted subject to conditions on 16 June 2006

CONSULTATION

None undertaken

PUBLICITY

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

One letter of objection has been received as a result of the publicity exercise undertaken. The concerns raised are summarised below:

- The development would result in the loss of natural light to the adjoining property and the side elevation of the extension would be aesthetically displeasing
- The development may impact on the boundary fence and decking within the adjoining rear garden, which has recently been renovated.

Local Ward Members were advised of the objection received to this application. However, it has not been requested that the application be presented to the Planning Committee. As such, the application is 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 SW11 – Sustainable design and Placemaking

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

PLANNING CONSIDERATIONS

The proposed extension could normally be erected under permitted development rights. However, a condition was attached to the planning permission relating to this dwelling (and the wider housing estate) removing the right to erect such an extension without the approval of the local planning authority.

The proposed extension is considered to be of an acceptable design and scale which would be in keeping with the character of the dwelling and thus would not impinge on the character or the visual amenity of the area or the neighbouring property. Furthermore, the external finishing materials would match the existing house. As such, the proposal is found to be in accordance with Policy SW11 of the LDP.

Regard has also been had to the impact of the extension on the residential amenities of the surrounding occupants. In this respect, the extension would be sited alongside the dwelling's detached garage and as such would have no impact on the dwellings adjoining the boundary to the north. Whilst it would be sited just 0.35 metre from the shared boundary with the dwelling to the south known as 2 Clos y Bryniau, given the scale of the extension it is not considered to have an overbearing impact on the occupants of the property or indeed result in an unacceptable degree of overshadowing. Additionally, there are no windows proposed in the side elevation, which faces towards this neighbouring property. As such, there would not be any overlooking or loss of privacy. It is acknowledged that one letter of objection was received to this application. The concerns raised regarding the removal of the boundary fence (in order to erect the extension) and the damage this may cause to the neighbour's decking is not a material planning consideration. This would be a civil matter to be resolved between the two landowners. Having considered the above, the development is deemed to be acceptable with respect to residential amenity and thus in compliance with Policy SW11 of the LDP.

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:

Proposed Plans, Drawing No CB-03 Received 19.1.2022
Proposed Elevations, Drawing No CB-04 Received 19.1.2022
Site plan Received 19.1.2022

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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE: 18.02.2022

P.P.