

DELEGATED REPORT

Application No:	P/20/0152
Site Address:	Land Adjacent To Brondeg Heolgerrig Merthyr Tydfil
Development:	Erection of detached dwelling
Case Officer:	Marlene Ferreira
Site Visit:	21st July 2020
Application Expiry Date:	18th January 2021
Consultation reply date expired:	15th December 2020

APPLICATION SITE

The application site comprises an irregular shaped parcel of land comprising of a relatively flat hardstanding area off Brondeg (which formerly housed two rows of garages), and a grassed area of land to the south and southwest where numerous trees have been felled.

The site adjoins semi-detached properties to the west, the adopted highway to the north, a private access lane to the east and undeveloped landscaped/wooded land to the south and east. The neighbouring dwellings, although extended to the rear, appear very consistent in their built form when viewed within the street scene. They are all two-storey semi-detached properties, most of which comprise front gable projections, served by front gardens, some of which include the provision of on-site parking. The properties to the east of the application site, beyond the private access lane, are more varied in their appearance. These include detached two-storey and bungalow dwellings, which are also set back from the front highway, served by front and rear spacious gardens and driveways/garages to the front and/or side.

The site lies within the settlement boundary, as designated within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031. The southern part of the site also forms part of an allocated housing site (LDP Policy SW3).

PROPOSED DEVELOPMENT

This application seeks full planning permission to construct a detached two storey property.

The dwelling would have a maximum width of 14.2 metres, a maximum depth of 30.5 metres, with an 8.9 metre ridge height. The main part of the dwelling would be two storeys with front and rear gable projections. This part of the dwelling would be served by a lounge, dining room, WC, utility and store areas at ground floor, and five bedrooms and a

bathroom at first floor. A single storey projection would adjoin the dwelling to the west and would provide an additional lounge area. A single storey extension with accommodation within the roof, would also adjoin the dwelling to the south. This would be constructed at an angle to follow the layout of the plot and would provide a kitchen/lounge area at ground floor and an en-suite with dressing area at first floor. The dwelling would be finished with Rivendale fibre cement roof slates, K rend rendered elevations with a smooth blue Staffordshire slate brickwork plinth and grey aluminium windows and doors.

The dwelling would be sited so that its front elevation would be north facing towards the highway (Brondeg) and its rear elevation south facing, adjacent to the undeveloped land. A driveway area, which could accommodate three on-site parking spaces, would be provided to the front (north) of the property and a private garden area would be provided to the west of the property.

PLANNING HISTORY

The following planning history is relevant to this application:

P/20/0010 – Construct detached dwelling – refused: 24th February 2020.

P/18/0359 - Outline planning permission for 2 detached dwellings – Approved: 14th January 2019.

CONSULTATION

Head of Engineering	No objection, subject to conditions.
Policy Group Leader	No objection.
Ecology Officer	No objection, subject to conditions.
Rights of Way	No objection.
Environmental Health	No objection, subject to conditions.
The Coal Authority	No objection.
Welsh Water	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, letters were sent to the adjoining properties. One letter of representation was received in respect of the proposed development which raised the following concerns:

- *The three windows on the first floor of the side elevation facing the lane, will be looking directly onto my home and will lead to my property being overlooked and*

encroach on my privacy...and are only 11 metres from my property and will look directly into my grand daughters bedroom;

- *If the windows were replaced with pitched roof lights, this would solve the problem and would be acceptable to us as it would stop any overlooking.*

The application plans were amended and further information was submitted following the receipt of the above letter of objection. Following the re-consultation with nearby occupiers, no further letters of representation were submitted.

Ward councillors were advised of the letter of objection received, but have not requested that the application be considered at Planning Committee. As such, the application will progress to be determined, under delegated powers, by the Chief Officer Planning and Neighbourhood Services.

POLICY CONTEXT

National Planning Policies

- Planning Policy Wales (PPW) (Edition 10, December 2018)

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. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals...'*

Paragraph 3.51 states that *'...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...'*

Paragraph 4.2.17 goes on to state that '...maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...'

- 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 deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

TAN 5: Nature Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW1 – Provision of New Homes

Policy SW3 – Sustainably Distributing New Homes

Policy SW4 – Settlement Boundaries

Policy SW9 – Planning Obligations

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

- Supplementary Planning Guidance (SPG):

SPG1 - Affordable Housing, March 2012

SPG2 – Planning Obligations, March 2012

SPG4 - Sustainable Design, July 2013

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as defined by the LDP Proposals Map. Outline planning permission (P/18/0359) has been previously granted for two dwellings on this site. Therefore, the principle of residential development is considered acceptable and is generally supported by LDP policies SW1, SW3 and SW4, provided that the proposal is compatible with other relevant policies and material planning considerations. Thus, the main issues to consider when assessing this application relate to whether the proposed dwelling, in terms of its siting, scale and design, would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Character and Appearance

The proposed dwelling would be sited on a prominent corner plot, at the end of a semi-detached street and adjacent to a semi-rural private lane. Although the property has been set back from the front highway (Brondeg), to overcome a major constraint of the site (i.e. a Welsh Water sewer pipe crossing the site and associated easement area), it would only be set back just over 2 metres from the front building line along Brondeg and as such,

would still have an active presence in the street, which would contribute to the character and appearance of Brondeg. The dwelling itself would have a front gable projection to the left and its main entrance would be served by a double height glazed entrance to the right, set back from the front projection. It's design, which also comprises of a single storey rear projection, positioned at an angle to follow the layout of the plot (which narrows further to the south) and a side single storey projection (also set back to comply with the Welsh Water easement area), would provide additional accommodation whilst breaking up the bulk of the dwelling. The double height glazing to the front, although set back from the front projection, provides a focal point to the dwelling whilst framing the main entrance into the property. The dwelling's modern design draws reference to certain design features of other larger detached properties to the east, as well as the more traditional semi-detached properties to the west. Its proposed rendered elevational finishes and grey roof slates are also consistent with material finishes on other existing properties in the surrounding area. Whilst it is noted that proposed grey aluminium windows and doors to serve the property are not frequently found in the surrounding dwellings, they would complement the design of the property and would therefore be considered acceptable in this context. Whilst views of the property from the lane to the east, would also be very prominent, it should be noted that the mass of the dwelling, as noted previously, would be broken up by providing a front and rear two storey projection with side and rear single storey projections and this design approach would be evident when viewed from the east. Furthermore, whilst the first floor of the property would largely consist of a blank eastern side elevation, the ground floor has numerous windows and doors alongside this elevation. The planting of a proposed hedgerow along this eastern boundary would also soften the appearance of the property. As such, the design of the property, fenestration arrangement and proposed landscaping would ensure that the dwelling is also visually acceptable when viewed from the private lane to the east. To the south, the dwelling would also be partly screened by the existing landscaping/woodland comprising of mature trees and other vegetation forming part of other undeveloped land.

The proposed dwelling would therefore be considered an acceptable form of development within this context, which would not detract from the character or appearance of the area and as such would comply with LDP Policies SW11 and EnW1.

Residential Amenity

The proposed dwelling, as noted above, would be sited to the southwest of Mandian House, to the west of Ty Newydd and to the east of 2 and 4 Brondeg. These are the neighbouring dwellings most likely to be impacted by this proposal.

In respect of its impact upon Mandian House (a two storey dwelling), the proposed dwelling would be sited approximately 7 metres, at its closest point, from the boundary with this neighbouring dwelling and a further 7 metres, at its closest point, from the neighbouring property itself. It would therefore not have an overbearing impact on Mandian House. This property is also located to the northeast of the proposed dwelling and given the proposed orientation of the application dwelling, and absence of first floor windows on the eastern side elevation, there would be no direct overlooking as a result of the proposal.

With regards to the impact of the proposal upon Ty Newydd (a detached bungalow), it is noted that the proposed dwelling would be located approximately 4.4 metres, at its closest point, from the boundary with this neighbouring dwelling, and a further 6.6 metres, at its closest point, from the neighbouring dwelling itself. This distance, combined with the fact that the proposed dwelling would only be approximately 2 metres higher than this

neighbouring bungalow (which has been constructed in an elevated position), ensures that there would be no significant overbearing impact on this neighbouring property. The absence of any first floor windows on the eastern side elevation of the proposed dwelling would also ensure that there is no direct overlooking into this neighbouring property (particularly since Ty Newydd is enclosed by a timber fence above an existing boundary wall along its front western boundary).

In relation to the impact of the proposed dwelling on 2 and 4 Brondeg, it is noted that the proposed dwelling would be located 2 metres, at its closest point, from the boundary with 2 Brondeg, and a further 3 metres from this neighbouring property itself. However, it should be noted that the closest point of the proposed dwelling to the neighbouring dwelling, would be a single storey extension. The two-storey part of the dwelling, would in fact be located 7 metres, at its closest point, from the dividing boundary with this neighbouring dwelling. The proposed dwelling would therefore not have a significant overbearing impact upon 2 Brondeg. Furthermore, there would be no side facing first floor windows on the western side elevation which would overlook the private amenity areas of this neighbouring dwelling. Whilst a side facing first floor window would be provided to serve bedroom 4, this would be located over 9 metres, at its closest point, from the dividing boundary with 2 Brondeg, and would overlook the side walkway and blank side wall (except for a very small first floor bathroom window) of this neighbouring property (2 Brondeg). Thus, the amenities of this neighbouring dwelling would not be significantly affected by the provision of this side facing bedroom window. Likewise, the proposed full height window, which would serve bedroom 1 at first floor, would be located over 7 metres, at its closest point, from the boundary with this neighbouring property (2 Brondeg) and would also be largely screened by the roof of the single storey lounge projection to the west. Thus, it would not allow for any direct overlooking into the rear garden of 2 Brondeg.

Although it is noted that the garden area to serve this dwelling would run alongside the rear of 2 and 4 Brondeg, the erection of a 2 metre high fence and the proposed planting would provide an adequate boundary treatment which would safeguard the amenities of these neighbouring occupiers (2 and 4 Brondeg) and the future occupiers of the application property.

The proposed development would therefore not have a significant or adverse impact upon the privacy and amenities of nearby occupiers. The relationship between the existing neighbouring dwellings and the proposed dwelling would therefore be considered acceptable and would comply with LDP Policy SW11.

Ecology

The application has been supported by an ecological report which assesses the impact of the proposed dwelling upon protected species and their habitats. The proposed development could potentially have an impact on bats, nesting birds and hedgehogs, etc. Numerous protection/mitigation and enhancement measures are therefore proposed as discussed in the Wildwood Ecology report received 21st October 2020 and indicated on amended plans EL.01, EL.02, EL.03 received on 28th October 2020. Such measures include the provision of bat and bird boxes, retention of a dark/unlit garden area to the south and west of the property, retention of vegetation, additional planting and provision of a pond and of habitat pile. The ecology report and plans have been considered by the Council's Ecologist who has not raised any objection to the proposed development provided it is carried out in accordance with the submitted details. As such, the proposal would comply with LDP Policy EnW1.

Parking and Highway safety

The proposed dwelling would be served by a front driveway area which would provide three on-site parking spaces and an on-site turning area. The Head of Engineering has considered the proposal in respect of on-site parking provision and highway safety and has not raised any objections. The proposed development would therefore not give rise to any adverse highway/pedestrian safety concerns and would comply with LDP Policy SW11.

Planning Obligations

Given that the proposal relates to a single dwelling, on-site provision of affordable housing, open space or a financial contribution towards affordable housing would not be sought in this instance.

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 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: 01, received: 15th October 2020;
- Drawing no: 02, received: 15th October 2020;
- Drawing no: 03, received: 15th October 2020;
- Drawing no: 04, received: 15th October 2020;
- Drawing no: SX.01, received: 7th January 2021;
- Drawing: SL.01, received: 23rd November 2020;
- Wildcare Soffit Bat Box, received: 28th October 2020;
- Schwegler Bird House, received: 28th October 2020;
- Drawing no: EL.01, received: 28th October 2020;
- Drawing no: EL.02, received: 28th October 2020;
- Drawing no: EL.03, received: 28th October 2020;

- External Finishes to Dwelling, received: 7th July 2020.

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

3. **Prior to the occupation of the dwelling** hereby approved, a plan indicating the height, design, materials and type of boundary treatment to be erected, as illustrated in the positions shown on Drawing no: SL.01, received: 23rd November 2020, shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed as approved before the occupation of the dwelling and retained in perpetuity.

Reason - To ensure that the new development will be visually attractive and to protect the hedgerow areas to the southern and western boundaries of the property, in the interests of amenity and biodiversity, in accordance with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. All planting, seeding or turfing comprised in the approved details of landscaping (as shown on drawing: SL.01 received: 23rd November 2020) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and biodiversity, to accord with Policy SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Notwithstanding the provisions of schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no additions or alterations shall be carried out to the roof of the dwelling other than those expressly authorised by this permission.

Reason - In the interest of visual amenity and residential amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. Notwithstanding the provisions of schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no enlargements or extensions shall be carried out to the dwelling other than those expressly authorised by this permission.

Reason - In the interest of visual amenity and residential amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission.

Reason - In the interest of visual amenity and residential amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. No surface water and/or land drainage shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

10. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14.00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

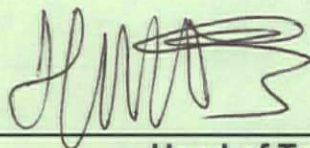
INFORMATIVES

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

2. 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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

8/1/21