

DELEGATED REPORT

Application No: P/20/0122

Site Address: 20 Maesgwynne
Cefn Coed
Merthyr Tydfil
CF48 2SB

Development: Erection of a garage, re-profiling of rear garden and erection of gabion retaining wall

Case Officer: Rebecca Owens

Site Visit: 25th June 2020

Application Expiry Date: 27th January 2021

Consultation reply date expired: 25th December 2020

APPLICATION SITE

The application relates to a semi-detached dwelling located in a mainly residential area within the settlement boundary. The site is bound by a highway to the front, land to the rear and other dwellings on either side. The site is relatively flat to the northeast with a sloping rear garden that falls in a south westerly direction.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a private garage and gabion retaining wall to facilitate the re-profiling of the rear garden.

The proposed garage would be erected along the north western boundary, within the rear garden and would necessitate the demolition of an existing outbuilding (which is attached via a shared wall and roof to an identical outbuilding within the neighbouring property). The proposed garage would be 5m in width by 6m in depth and would have a pitched roof. Due to the sloping profile of the site, the height of the garage varies along its length with a ridge height of 3.3m to the front reaching a maximum height of 4m at the rear. The garage would feature a galvanised steel roller shutter door in its front elevation, a window in its rear elevation and a door in its south eastern side elevation. The garage roof would be covered with interlocking concrete tiles and the external walls would be finished with render.

It is also proposed to re-profile a large part of the rear garden that is currently sloping downwards to the rear in a south-westerly direction to create a level garden. This would involve lowering a small area of the garden adjacent to the existing patio area and introducing two additional steps down to the lawn area and then raising the remaining ground level by up to 1.25m. Consequently, retaining works are also necessary. A gabion retaining wall is therefore proposed adjacent to the rear (south western) boundary. The rear boundary of the site is not straight and as such, the retaining works would comprise of

two sections. Along the longest section of the rear boundary, the gabion baskets would be set in from the actual rear boundary of the site by varying distances and would be a maximum of 1.5m in height. The remaining section would be erected almost hard on the boundary of the site and would have a maximum height of 1m. To facilitate the above works, the boundary hedges along both side boundaries and along the rear boundary would be removed. A 1.8m high, black plastic close boarded timber fence would be erected along both side boundaries on top of the new ground level. A further section of the same fencing is proposed on top of the gabion baskets to the south-west but this would be 1.5m in height. Planting is also proposed between the gabion baskets and the actual rear boundary to obscure views of the gabion baskets from the adjacent lane.

PLANNING HISTORY

There is no relevant planning history that needs to be taken into consideration when determining this application.

CONSULTATION

No consultation exercise was considered necessary in this instance.

PUBLICITY

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

Following this publicity exercise, a letter was received from the owners of the adjoining dwelling known as 21 Maesgwynne (Merthyr Valleys Homes). This letter highlighted the removal of an outbuilding within the application site, which is attached via a shared wall and roof, to an identical outbuilding within their property. Merthyr Valleys Homes were concerned that the structural integrity and weather tightness of their property was not compromised during the works. They were also seeking further information regarding details of the work involved in the separation of the two structures and construction of the new garage. However, this is not a material planning consideration and would be a civil matter between the parties involved. As such, no further information was requested from the applicant and Merthyr Valley Homes were informed of the above.

POLICY CONTEXT

Policy SW11: Sustainable design and place making of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 is relevant to the determination of this planning application. Furthermore, the application will be determined having regard to the advice contained within Supplementary Planning Guidance Note 6, A Design Guide for Householder Development.

PLANNING CONSIDERATIONS

Generally, the proposal is found to be acceptable in terms of design and visual amenity. It is acknowledged that the garage would feature a pitched roof than a hipped roof to match the dwelling and would have a rendered external wall finish. However, the proposed garage would be set back a substantial distance from the highway to the front of the site and would be set behind the dwelling itself. As such, it would not be overtly noticeable within the streetscene and the external finish would match the rear extension and

complement rather than match the main dwelling. Similarly, given the siting behind dwelling, it is considered that the garage would appear subservient to the property and would have a minimal impact on the character of the area. Having regard to this, it is not considered that the garage would have a significant detrimental impact on the character or visual amenities of the dwelling itself or the wider area. It is therefore, found to be in accord with Policy SW11 of the LDP.

In terms of the works proposed in the rear garden, it is noted that these would largely be obscured from the main public highway to the front of the site. However, it is recognised that the application site is raised above the highway to the rear and that the vegetation along this boundary would be removed. The proposal, in addition to the already raised level of the site, would result in the gabion baskets and fencing being both elevated and potentially prominent when viewed from this highway and would present a much harder boundary than the existing vegetation. However, for the majority of the rear boundary, the gabion baskets and fencing would be set back within the site, which would lessen the overall impact of their height. In addition, it is proposed to plant shrubs above the existing retaining wall adjacent to the highway, which would soften the appearance of the development and help to obscure views of the gabion baskets. It is also noted that the character of the rear streetscene is semi-industrial in nature with industrial type units and fencing visible. In this context, and with the soft landscaping proposed, it is not considered that the gabion baskets and boundary fencing would have a significant adverse impact on visual amenity and thus it would not be justified to refuse the application on such grounds.

Regard has also been had for the impact of the proposal on the residential amenities of the neighbouring occupants. In this respect, it is noted that the proposal would not have any significant impact on the dwelling to the east (19 Maesgwynne). The garage would be erected away from this boundary, on the other side of the site, and the re-profiling works would bring the application site to only slightly higher than the ground level of this adjoining garden (0.04m). In addition, the proposed fencing along the shared boundary would be 1.8m in height from the new garden level, which would be largely the same level as the garden of this property and thus would not have an overbearing impact. It would also prevent any overlooking or loss of privacy.

In terms of the dwelling to the west / northwest (21 Maesgwynne), it is noted that the garage would be erected hard on the boundary line and would necessitate the removal of an existing outbuilding which is attached to an identical outbuilding belonging to this neighbouring property. Despite concerns being raised over the possible impact of the development on the neighbour's outbuilding, this is not a material planning consideration and any damage would be a civil matter between the parties concerned. However, the close proximity of the garage and its scale could have an impact on the residential amenities of this adjoining dwelling, particularly as it is set behind its rear elevation resulting in its full depth of 6m being parallel with the private rear garden area. Notwithstanding this, it is noted that the garage would be sited in the location of two existing outbuildings, which would be removed to make way for its erection. Thus, there is already a degree of built development along this boundary line. Moreover, whilst the garage would be larger and taller than the existing outbuildings, it is not considered that it is excessively large and given the generous and open rear garden of the neighbouring property, along with the splayed boundary line, it would not have a harmful overbearing impact or result in an unacceptable degree of overshadowing. With regard to the re-profiling and retaining works, it is noted that the proposed garden level of the application site would only be slightly higher than the bottom of the garden of 21 Maesgwynne (0.14m) and thus would not have any significant impact on this property. Similarly, the

1.8m high boundary fence proposed along the boundary would not be at a height that would be deemed overbearing. It would also prevent views from the new garden level.

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.

Having regard to the above considerations the application is found to be acceptable in terms of its impact on the character and visual amenities of the dwelling and the area in general and furthermore, would not be harmful to the residential amenities of neighbouring occupants. Accordingly, the scheme would comply with Policy SW11 of the LDP and thus the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITONS:**

CONDITIONS/REASONS:

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 private garage, Received 17 June 2020

Proposed block plan, proposed cross sections and proposed street scene from rear, Amended drawings received on 2 December 2020.

Proposed cross section 1-1, Amended drawing received on 2 December 2020.

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

3. **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 .

4. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include details of the planting proposed between the gabion baskets and rear boundary of the site as indicated in the approved drawings.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the re-profiling and retaining works; 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 to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

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.

3. 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.

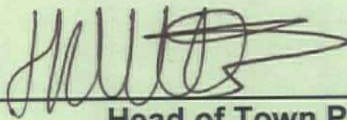
Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

4. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property; or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

4/1/21