

DELEGATED REPORT

Application No: P/21/0248

Site Address: Corner Ways
Clare Street
Merthyr Tydfil
CF47 0YN

Development: New boundary enclosure and pagoda

Case Officer: Rebecca Owens

Site Visit: 26th July 2021

Application Expiry Date: 1st September 2021

Consultation reply date expired: 6th August 2021

APPLICATION SITE

The application relates to a large detached dwelling located in a mainly residential area within the settlement boundary. The site is bound by a highway, footpath, other dwellings, a garage, sub station and a grassed parcel of land.

PROPOSED DEVELOPMENT

Full planning permission is sought for the retention of a new boundary enclosure and pagoda.

A new section of fencing has been erected off the existing boundary wall along the north western boundary of the site. This fencing projects above this existing wall and at its highest point has a height of 3.1m.

A new pagoda structure with associated decking has also been erected adjacent to this wall with the above fencing forming part of the structure. The Pagoda has an unusual footprint with one curved section. The north western side and part of the north eastern side is enclosed with the aforementioned fencing and the remaining sides are open. The roof of the structure has a maximum height of 4.65m and is covered with artificial slate tiles. To the south west of the pagoda is an area of composite decking which at its highest is 0.7m above ground level.

PLANNING HISTORY

The relevant planning history is summarised below:

P/10/0216 Erection of detached dwelling
Granted planning permission subject to conditions on 21 October 2010

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties and two site notices were displayed within the vicinity of the site.

One letter of objection was received following this publicity exercise. The main concerns raised within this letter are outlined below:

- The work has been completed without planning permission
- It affects the objector's view
- It has a negative impact on the character and appearance of the street and is an eyesore
- It has been erected in a poor location and could have been located to the rear of the property.

Local ward councillors have been consulted and they wish the application to be determined under delegated power by the Chief Officer Planning and Neighbourhood Services.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) 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.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

Policies SW11: Sustainable design and place making and CW1: The Historic Environment 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

The proposal relates to a new boundary enclosure and pagoda to the front of the application dwelling. Usually, high boundary treatments along the frontage of a property and structures forward of the principal elevation of the dwelling are not supported because of their prominence and impact on the streetscene. However, in this instance, the dwelling fronts towards a side road, which leads to Clare Street and is the only dwelling on this section of highway which front towards this road. With the exception of the application dwelling, this section of highway is actually dominated by the flank elevation and side boundary of 41 Clare Street, which features a relatively high boundary wall with a conservatory and garage forming part of this. It also features the rear boundaries of properties within Westbourne Place, garages and a substation. Within this context and given the boundary wall and conservatory of 41 Clare Street, it is not considered that the proposal would appear out of place or sufficiently harmful to the character or visual amenities of the area to warrant the refusal of the application on such grounds.

Regard has also been had for the impact of the works on the residential amenity of the neighbouring occupants. However, given that the wall and pagoda structure are located along the north western boundary of the site, they face directly towards the flank side elevation of the dwelling on the opposite side of the highway (41 Clare Street) and as such they do not have any overbearing impact or result in any unacceptable overshadowing or loss of light. Any potential views from the pagoda structure are also obscured by the boundaries of the site and thus no concerns are raised with respect to overlooking or loss of privacy. It is recognised that the development has impact on the outlook of some of the neighbouring properties but as outlined above it is not considered that the development is visually poor and loss of view is not a material planning consideration. Notwithstanding this, it is acknowledged that one letter of objection was received following the publicity exercise. The impact of the proposal on the character and appearance of the street and the views from neighbouring residents have been addressed above. The other concerns raised are discussed below:

- The fact that the work has been completed without planning permission has no bearing on the determination of this application, which will be assessed against material planning considerations and relevant policies.
- Whilst it is acknowledged that a more discrete siting of the pagoda would have been preferable, the planning authority must determine the application based on the proposal submitted. In this respect, the siting of the structure and its impacts have been considered above.

The Head of Engineering has not raised any concerns with regard to highway or pedestrian safety and as such, the proposal is deemed to be acceptable in this respect.

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 **CONDITION:**

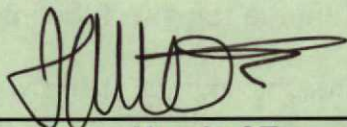
CONDITIONS/REASONS:

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

Drawing Title: Existing & Proposed Plans, Elevations, Drawing Number: CORNER WAY 01, Received on 7 July 2021

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

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

23/8/21