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DELEGATED REPORT

Application No: P/20/0282

Site Address: 13 Heol Corn Du
Swansea Road
Merthyr Tydfil
CF48 1BW

Development: Raised deck and children's outdoor play structures

Case Officer: Rebecca Owens

Site Visit: 21st December 2020

Application Expiry Date: 11th January 2021

Consultation reply date expired: 15th December 2020

APPLICATION SITE

The application relates to a semi-detached dwelling within a cul-de-sac that is located in a mainly residential area on the outskirts of the settlement boundary. The site is bound by a highway to the front, undeveloped open land to the rear and other dwellings on either side. The rear garden consists of three main areas comprised of a lower patio area, a level lawn area above the level of the patio and sloping parcel of land within the south eastern corner which rises in height in a south easterly direction.

PROPOSED DEVELOPMENT

Full planning permission is sought for a raised deck and children's outdoor play structures. These have already been partially constructed.

The raised deck area is sited in the south eastern corner of the rear garden and has a triangular footprint. It runs along the eastern boundary for a length of 7m and along the southern boundary for a length of 7.2m and has a height of 1.5m above the main garden level. The main access to the deck would be via wooden steps from the lower garden area and it would be enclosed with wooden fencing 1.2m in height (2.7m above the adjacent ground level). Within this area of decking, it is also proposed to erect a further raised platform within the south eastern corner, which would be a maximum of 2.07m in depth by a maximum of 1.75m in width and 0.45m in height above the level of the main decking area.

The outdoor play structures comprise of a playhouse and two towers. The playhouse would be sited on the raised deck. It would have a maximum depth of 2.4m and a maximum width of 1.5m and a pitched roof with a ridge height of 1.9m.

The first of the two wooden towers would be erected adjacent to the decking in the south western corner of the rear garden. It would have a square footprint 1.5m by 1.5m and

comprise of four uprights post reaching a maximum height of 3m supporting a raised platform 1.5m in height. From this platform, a walkway would be created to the raised deck and a slide installed. The remaining sides of the platform would be enclosed with wooden fencing at a height of 1.2m (above the level of the platform). A swing structure would also project off the north eastern corner of the tower with a height of 2.55m. This would support a single swing.

The second tower would be sited directly alongside the decking allowing for a small step up from the decking to the tower platform. Similar to the other tower, this would have a square footprint, 1.5m by 1.5m and would comprise of four upright posts supporting a raised platform. These would be taller than the other tower with a maximum height of 3.55m and the platform would be erected at a height of 2.1m. A curved tube slide would be installed on this platform and the remaining sides with the exception of an opening onto the decking would again be enclosed with wooden fencing 1.2m in height (above the level of the platform).

PLANNING HISTORY

The relevant planning history is detailed below:

P/15/0152 Erection of 1 No. pair of semi-detached dwellings and associated works
Granted planning permission subject to conditions on 24 July 2015

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.

Two letters of objection were received following this publicity exercise. The main concerns raised within these letters is with regard to overlooking and loss of privacy. The objections are summarised below:

- The decking is higher than a standard decking area and the play structure is more permanent in nature than average play equipment.
- Due to the height of the structures there would be overlooking to the neighbouring rear gardens. Leading to a loss of privacy and affecting the neighbours' enjoyment of their gardens. One objector has noted that the structure, even in its incomplete state, is already affecting their enjoyment of their garden and ability to relax and feel comfortable.
- The structures would also allow for views to rear windows and the rooms they serve, again compromising privacy.
- The structure is also seen as an eyesore.
- The impact of the structure on the value, saleability and appeal of the neighbouring properties to future buyers.

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

Policies SW4 and SW11: Sustainable design and place making of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are 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 application relates to development within the private rear garden of a residential dwelling within the settlement boundary and as such, the principle is acceptable subject to compliance with other relevant policies and material planning considerations. With respect to this application, the main considerations are visual and residential amenity, which are discussed below.

The design and visual appearance of the decking and play structures is deemed acceptable. These are features often present within the garden areas of residential properties. It is acknowledged that the play structures are of a larger scale than typically found, but it is not considered that the proposal would appear overbearing or incongruous and thus the proposal would not harm the character or visual amenities of the dwelling itself or the wider area.

With regard to residential amenity, it is noted that the application site is joined on both sides by other dwellings (12a and 13a Heol Corn Du) and that the development is proposed within very close proximity to the shared boundary lines with both properties. The excessive height combined with the siting of the decking and play towers would allow for direct views over existing boundary fences into the rear gardens and rear windows of both neighbouring properties resulting in extensive overlooking and an unacceptable loss of privacy. The elevated tower structures that have been erected almost hard on the boundary lines are also clearly visible from the neighbouring properties increasing the perceived feeling of overlooking and lack of privacy. It is acknowledged that the tower play structures are intended for use by children, but this does not diminish their impact (particularly the feeling of being overlooked). Indeed, the neighbours have objected to the application on such grounds and highlighted the effect of the structure on their ability to enjoy their garden and feel comfortable and relaxed. It should also be noted that the users of the structures cannot be controlled and thus the age range of children using the structures could vary significantly. Whilst primarily aimed for use of the applicants children, the decking area would also be multi-functional providing an elevated patio area for other uses including outside seating and dining. As such, the proposal is deemed unacceptable and contrary to Policy SW11 of the LDP. However, it is not considered that the proposal (when completed) would give rise to a significant overbearing impact or result in any unacceptable overshadowing or loss of light.

It is noted that 12a Heol Corn Du has an existing decked area on the elevated garden level adjacent to its rear boundary, which may allow for views to the rear windows of the application dwelling. However, this decked area does not appear to be elevated at any great height above the existing ground level and thus has not given rise to any significantly greater overlooking than would have already been possible. It is also positioned at a greater distance from the rear elevation and windows of neighbouring properties than the proposal. Similarly, whilst it is acknowledged that there is a wooden play structure within

the rear garden of 13a Heol Corn Du, this is sited away from the shared boundary line and is of a more modest scale, typical of wooden play structures often found in residential properties.

As outlined above two letters of objection were received to the planning application from the occupants of the adjoining dwellings. The visual impact and the impact of the development on residential amenity and specifically overlooking and loss of privacy has been addressed above. However, it is noted that the impact of the structure on the value, saleability and appeal of the neighbouring properties to future buyers are not material planning considerations.

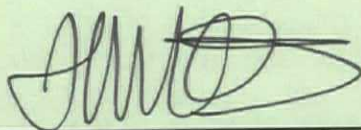
In reaching the recommendation, the requirements of section 3 and 5 of the Wellbeing of Future Generations (Wales) Act 2015 have been taken into account. The recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Minister's well-being objective of supporting safe, cohesive and resilient communities.

Having regard to the above considerations, it is deemed that the development would give rise to any unacceptable level of overlooking and loss of privacy to both private rear amenity areas and rear windows that would harm the residential amenity of the neighbouring occupants to an unacceptable degree. Accordingly, the following recommendation is made:

RECOMMENDATION: BE REFUSED

1. The elevated decking and play structures, by virtue of their design, height and siting would result in an unacceptable degree of overlooking to the rear gardens and rear windows of 12a and 13a Heol Corn Du. As such, there would be a loss of privacy to the detriment of residential amenity which is contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

7/1/21