

DELEGATED REPORT

Application No: P/22/0043

Site Address: 48 Dennithorne Close
Dowlais
Merthyr Tydfil
CF48 3HE

Development: Change of use of adjacent land to form part of residential garden

Case Officer: Rebecca Owens

Application Expiry Date: 9th June 2022

Consultation reply date expired: 17th March 2022

APPLICATION SITE

The application relates to a detached dwelling and adjacent parcel of land which are both located within an established residential area in the settlement boundary. The site is bounded by a highway, other residential dwellings and undeveloped open land.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of a parcel of land adjacent to the rear garden of 48 Dennithorne Close to incorporate it into the residential garden of this dwelling. The proposal would extend the northern boundary of the original site by 5m and the southern boundary of the original site by 7m.

The proposal also includes the enclosure of this land with 1.8m high close boarded timber fence.

PLANNING HISTORY

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

CONSULTATION

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

Planning Division's Policy Group Leader	No objection
Planning Division's Ecologist	No objection subject to enhancements
Head of Estates	No objection

PUBLICITY

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

No letters of objection were received following this publicity exercise.

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

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4: Settlement boundaries
- SW10: Protecting and Improving Open Spaces
- SW11: Sustainable design and Placemaking
- CW1: Historic Environment
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW4: Environmental Protection
- EnW5: Landscape Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 5, Nature and Development

PLANNING CONSIDERATIONS

The application relates to a detached dwelling and adjacent parcel of open land which are both located within an established residential area in the settlement boundary. As such the principle of the proposal is acceptable subject to compliance with relevant policies and material planning considerations.

It is noted that the application site is located within a designated area of open space and as such Policy SW10 is relevant. This Policy aims to protect open space, preventing development which would result in an unacceptable adverse impact on, or result in a loss of, open space unless it meets with certain criteria. In this respect it is noted that the proposal would only result in the loss of a small part of a much larger area of open space

and as such would not cause or exacerbate a deficiency of open space. It would also provide ecological enhancements whilst having no significant impact on any protect species or habitat. As such, it is not considered that the proposal would contravene this policy.

It is also noted that the application site is located within an archaeologically sensitive area. However, given the scale any nature of the proposal, which would not result in any significant disturbance to the ground, it is not considered that there would be any detrimental impact to any archaeological remains.

There is a clearly defined boundary line to the rear of the dwellings in this area with the exception of the adjacent property to the north (46 Dennithorne Close) which has already extended its garden boundary beyond this. Given this existing disruption in the otherwise distinct boundary line, alongside which the proposed extended garden would be sited, it is not considered that this proposal would significantly harm the character or visual amenities of the area or indeed the wider landscape. With regard to the boundary treatment proposed, it is noted that close board timber fencing is common within the area and indeed would match the existing rear boundary treatment of the dwelling in terms of material, design and height. As such this element of the proposal would not harm the character or visual amenities of the dwelling itself or the area in general. As such the proposal is found to be acceptable in this respect and would accord with Policies SW11 and EnW5 of the LDP.

The proposal extension of curtilage would not have any notable impact on the residential amenities of the neighbouring occupants. Moreover, the proposed boundary enclosure would be of a standard height and thus would not have any harmful impact on neighbouring properties or occupants. In this respect it is noted that the boundary treatment in itself would in fact constitute permitted development. It is also acknowledged that no representations were received following the publicity exercise. The proposal therefore again complies with Policy SW11 of the LDP.

The parcel of land which is subject to this application does not form part of a designated area of importance to nature conservation or ecology. However, it forms part of a larger area of grass scrub land which maybe suitable for reptiles. A Technical Note produced by BE Ecological was therefore submitted outlining a brief walkover of the site, compensation measures and enhancements. This indicates that due to the small size and current management of the site it is unlikely that there would be any impact on protected species as a result of the proposal. However, compensation and enhancements in the form of bat and bird boxes and an insect tower are proposed. These can be secured through suitably worded conditions. Thus considering this along with the scale of the proposal and the modest size of the area which would be lost as a result of the proposal, the impact of the proposal on habitat and protected species is on balance found to be acceptable.

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:**

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:

Drawing Title: Proposed Plans & Elevations, Drawing Number: DENNI 48 01A,
Amended Plan Received on 2 March 2022

Technical Note produced by BE Ecological Ltd dated 12.03.2022 and received on
14 April 2022

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

3. Before the garden area is brought into use the bat and bird boxes proposed in the BE Ecological Technical Note (dated 12/03/22) shall be erected in accordance with plans/photographs indicating their exact locations which shall first be submitted to and approved in writing by the local planning authority.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. Before the garden area is brought into use, details of the insect tower and its siting shall be submitted to and approved in writing by the local planning authority. The insect tower shall be erected in accordance with the approved details within 1 month of the approved garden area being brought into use.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

23/5/22