

DELEGATED REPORT

Application No:	P/20/0305
Site Address:	Ael Y Bryn North Walter Street Dowlais Merthyr Tydfil CF48 3AP
Development:	Proposed dwelling (Outline with some matters reserved)
Case Officer:	Caroline Pulley
Site Visit:	15th December 2020
Application Expiry Date:	3rd February 2021
Consultation reply date expired:	8th November 2021

APPLICATION SITE

The application site relates to the north-eastern garden area serving Ael-y-Bryn North, a semi-detached two-storey dwelling. The existing property is set back and set down from the highway to the east. It benefits from garden areas to the north, east and west and a driveway, which sweeps fairly steeply around the side of the property, providing access to a garage and the rear garden of the property. The application site itself forms an area of garden measuring approximately 0.02 of a hectare. It is steeply sloping and irregular in shape and is bound by a row of terraced properties to the north (Regent Street) and the applicant's existing property to the south. To the far west and at a significantly lower level is Balaclava Road.

PROPOSED DEVELOPMENT

This application seeks outline planning permission for the construction of a proposed dwelling within the garden area of Ael-y-Bryn North located off Walter Street in Dowlais. All details (i.e. appearance, landscaping and layout) other than scale and the means of access to the site are reserved for future consideration. However, in accordance with the requirements of the Development Management Procedure (Wales) Order 2012, the application is accompanied by an illustrative site layout plan. This shows a single dwelling being sited near to the northern boundary of the site with the front elevation orientated to the south-west (towards Balaclava Road). A raised platform to the south-west of the dwelling would provide access to its main front entrance door. The plan illustrates that a garden area and two parking spaces could be provided to the east of the dwelling. Vehicular access to the property would be gained from Walter Street to the east of the site via the existing privately maintained driveway which serves the existing house.

The proposed dwelling would measure 8.5m in height, 6.5m in width by a maximum of 8.6m in depth. As the site is steeply sloping, the application is accompanied by a

topographical survey and existing and proposed sections of the site. These illustrate the dwelling being sited on a similar level to the existing property (Ael-y-Bryn North).

PLANNING HISTORY

The planning history relating to the site is as follows:

P/11/0186	Erection of attached garage and creation of turning head Approved – 26.08.2011
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CONSULTATION

Head of Engineering:	No objection.
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Environmental Health Manager:	No objection.
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Welsh Water:	No objection.
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Planning Division's Ecologist:	Advises that a daytime Preliminary Ecological Appraisal (PEA) of the site and a Roost Assessment (PRA) for bats and nesting birds is required to provide the authority with sufficient information to assess the impact of any works on protected species and inform whether additional surveys are necessary.
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PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

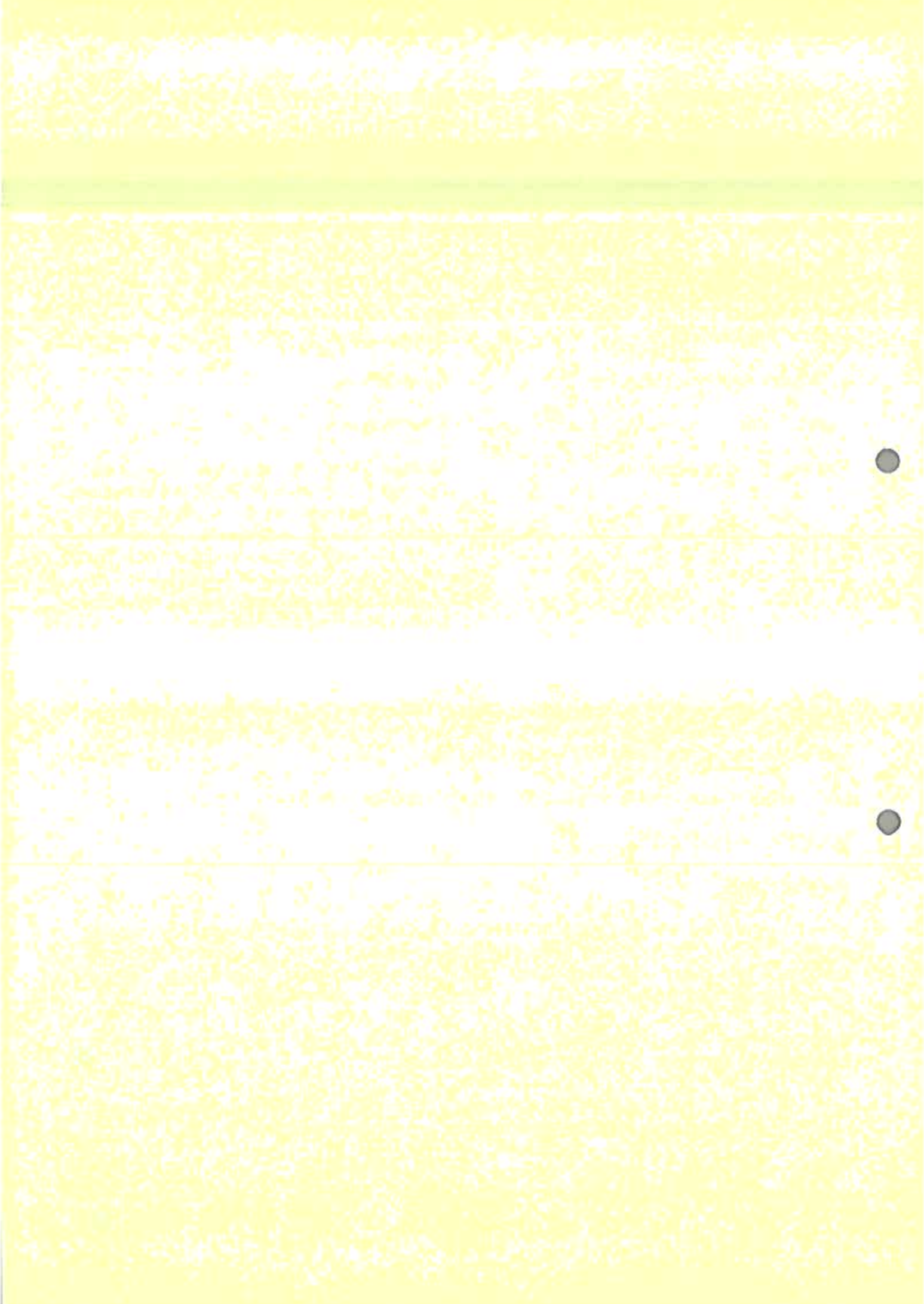
National Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

Section 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...'

Section 6.4.3 discusses biodiversity and states that *'....the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...'*

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application is as follows:-

TAN 5: Nature, Conservation and Planning provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Paragraph 2.6 of TAN12 states that *'Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities'*.

Paragraph 4.3 of TAN12 points out *'Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...'*

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

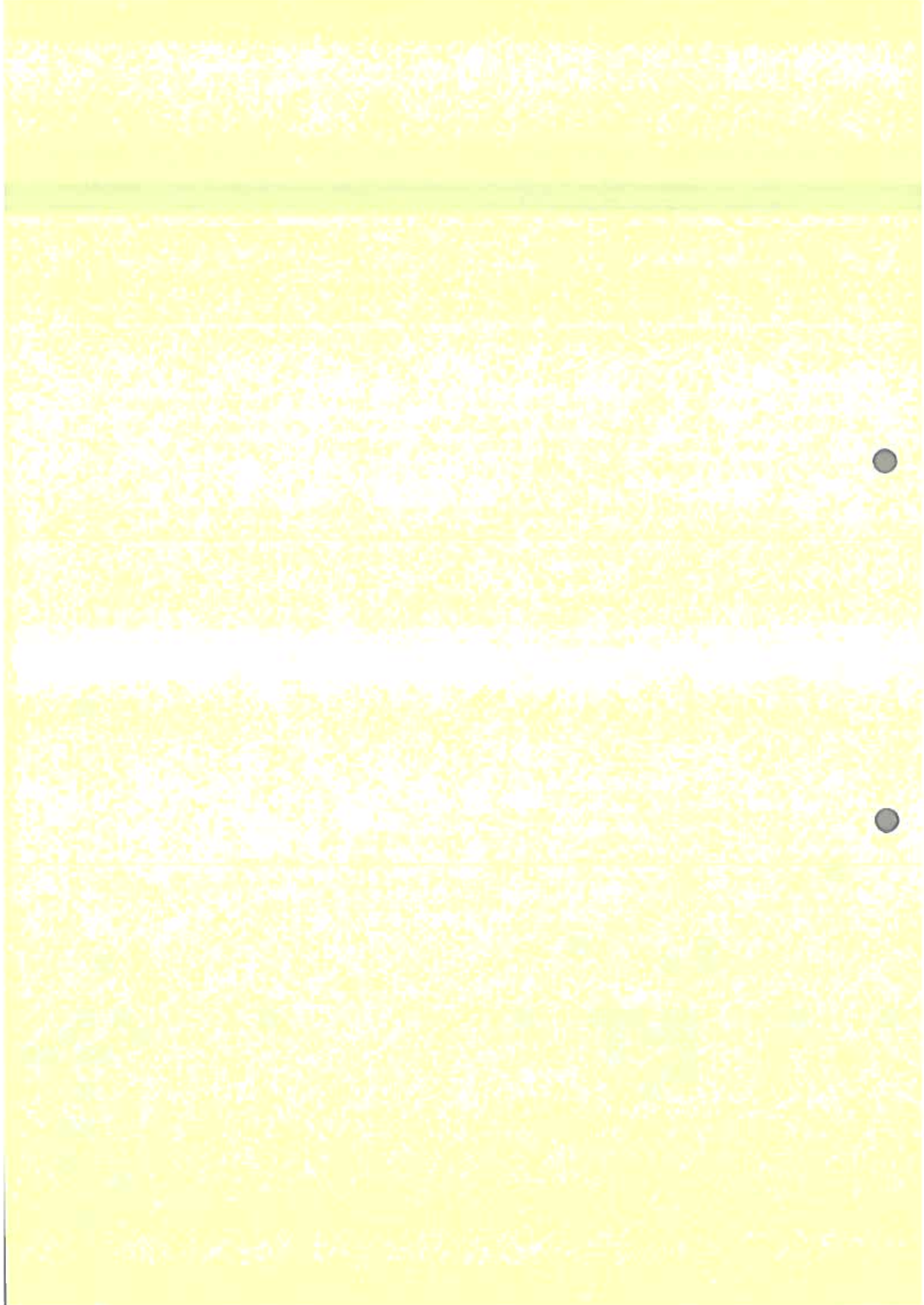
Supplementary Planning Guidance (SPG)

Guidance Note No. 4 – Sustainable Design

Guidance Note No. 5 – Nature and Development

PLANNING CONSIDERATIONS

Outline planning permission is sought for the construction of a single dwelling within the garden of an existing residential dwelling known as Ael-y-Bryn North. Some matters are reserved for future consideration with only access and scale being considered at this stage. The application site is situated within the defined settlement limits and within an



established residential area where the principle of residential development is considered acceptable and is generally supported by Policy SW4 of the LDP, provided that the proposal is compatible with other relevant policies and material planning considerations. Thus, the main issues to be considered when determining this application are:

- The impact of the development on the character and appearance of the area;
- The impact of the development on the amenity of neighbouring residents;
- The highway/pedestrian safety implications of the development; and
- Ecology.

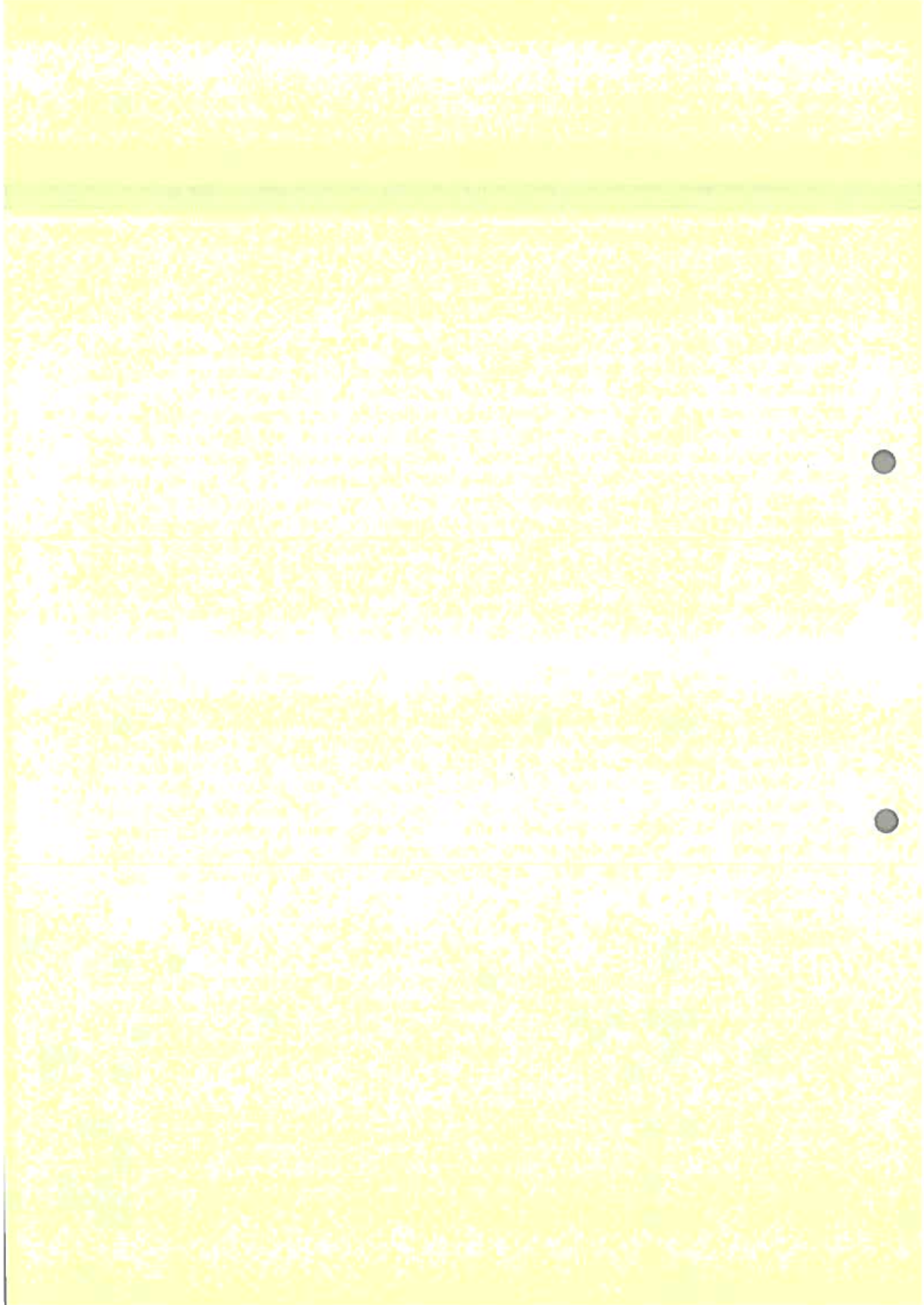
Impact of the proposal on the character and appearance

While matters relating to the layout and appearance of the development were requested as part of this application, the agent respectfully requested for only access and scale to be considered at this stage. However, the application is accompanied by indicative elevations and a site layout plan. These suggest that a two-storey dwelling could be sited parallel to the northern boundary of the site, which bounds the rear gardens of a row of terraced properties located on Regent Street. The dwelling would be significantly set back from the highway of Walter Street, and would be accessed via an existing private driveway. While the dwelling would be located within a reasonable sized plot, it would be constructed on a steeply sloping parcel of land with its front western elevation being significantly raised above ground level. The land to the rear of the proposed dwelling would also be cut away to facilitate a flat garden area to the east of the proposed dwelling. However, the potential siting of the dwelling in the western part of the application site, given its set back from the highway to the north, would not significantly impact on the street scene. The dwelling itself would also be set down from the level of the highway and would be of a typical scale, which would not appear out of character with the surrounding area, or indeed the scale of the applicant's existing property, which is also set down from the level of the road. As such, it is considered that a single dwelling to the scale identified could effectively integrate within its local context. The submitted plans illustrate two parking spaces being provided on the higher level of ground situated along the eastern boundary and in close proximity to the highway of Walter Street. As there is already a hardstanding and garage in this location, the provision of parking for this development would not have a harmful impact on the visual appearance of the area. Accordingly, there is no principle objection to the layout or scale of the development in terms of its impact on the character and appearance of the area, subject to an assessment of detailed considerations of the levels, finish and appearance of the development at reserved matters stage.

Residential amenity

As mentioned above, details relating the layout and appearance of the proposed development have been reserved for future consideration. As a result, it is difficult to ascertain the specific affects that this residential development may have on the surrounding residents. However, at this stage, access and the scale of the development is to be considered.

Given the position of the site, the properties which have the greatest potential to be affected by the development are the terraced houses situated adjacent to its northern boundary (Regent Street) and those situated to the west (Balaclava Road). The illustrative layout plan suggests that a dwelling could be sited alongside the rear boundaries of 23, 24, 25 Regent Street. Its front elevation could face west towards Balaclava Road with the



gable end being orientated to lie adjacent to the rear boundaries of the properties on Regent Street. The eastern rear elevation would face towards the applicants existing garage and the southern side elevation would face the side elevation of Ael-y-Bryn North (the existing dwelling).

With respect of the properties to the north, the site layout plan indicates that the dwelling would be located approximately between 3.2m and 3.6m from the dividing boundary with these neighbouring dwellings. The northern boundary is made up by of trees which would partly screen the dwelling. However, given the sloping nature of the land, the two-storey dwelling would 'tower' over the rear gardens serving 23,24, and 25 Regent Street, and would therefore appear overbearing when viewed from the rear of these neighbouring properties, the back walls of which are approximately 17m away. The extensions to the rear of these properties vary in length but they appear to extend out from the back wall of the terrace by at least approximately 4m in length, bringing the development closer to these properties. Whilst there are tall trees along this northern boundary which are mature and would partly screen and soften the impact of the dwelling (if they could be retained), given the height of the dwelling (FFL 292.650) and the proximity of the proposed development to the properties on Regent Street, which are at a lower level (ridge levels between 295-294), the proposal would have a significant overbearing and overshadowing impact on these dwellings. The siting of windows in this northern elevation would also result in overlooking into the neighbours rear amenity area. However, given that the plans suggest that this would be a gabled elevation with no windows, it is clear that the development can be designed appropriately to prevent a harmful level of overlooking to these properties.

In respect of the properties to the east, the indicative layout plan shows the dwelling would be located a suitable distance from the dividing boundary with these dwellings, since it would be sited approximately 17m away (at its closest point), from the dividing boundary with the neighbouring dwellings located along Balaclava Road. As such, this distance would ensure that the proposed dwelling would not result in an overbearing form of development. Although such distances would normally be deemed sufficient to safeguard the amenities of nearby occupiers, in this instance, the property would be located in an elevated position. As a two-storey development with a front elevation and raised walkway/entranceway facing west, it would allow for overlooking into the private rear garden areas serving these neighbouring properties along Balaclava Road, which are located at a significantly lower level. Although there are trees on the site which could help screen the development, in the absence of a Tree Survey, it is unclear whether these could be retained as part of the development. Given the siting of the proposed dwelling, it is likely that at least two of the trees on the site would need to be felled to facilitate the development. Also, while boundary treatments comprising fencing and/or planting could help to screen the dwellings' windows at ground floor and its raised balcony area, an adequate screening solution could not be achieved for first floor windows on a two-storey development in this elevated position. Although the number and siting of windows could be controlled later at reserved matters stage, it is evident that as a two-storey development with a ridge height of 8.5m, the overlooking opportunities upon surrounding residents would be significantly greater than those associated with a property that is sited on a similar ground level.

Taking account the above, it is therefore considered that the proposed development could not be sensitively located without having an adverse impact on the amenities of nearby residential occupiers and as such, would not accord with Policy SW11 in this respect.

the 'information' and 'communication' fields. The 'information' field is defined as:

...the study of the nature, uses and functions of information, and the study of the processes by which information is created, communicated, disseminated and preserved. (p. 1)

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The 'information science' field is defined as:

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The 'information studies' field is defined as:

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The 'information sociology' field is defined as:

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The highway/pedestrian safety implications of the development.

The proposed dwelling would be accessed directly off Walter Street which is adopted. The Head of Engineering does not consider that the proposal would be detrimental to highway or pedestrian safety and has therefore not raised an objection. The off-street parking proposed is also considered sufficient for a dwelling of this size. The proposed development would therefore not give rise to adverse highway/pedestrian safety concerns or impinge the free flow of traffic within the wider site. As such, in this respect, it would comply with Policy SW11 of the LDP.

Ecology

There are a number of trees on the site which are very likely to be affected by the proposed development. The Council's Ecologist has requested a daytime Preliminary Ecological Appraisal (PEA) of the site to be submitted. He has noted that there are known records for protected species e.g. bats (including Schedule 1 Species), birds, Hedgehog and vascular plants within 500m of the application site. It is also noted the site is within 500m of a Buglife B-Lines Area. A Preliminary Ecological Appraisal of the site is considered necessary to assess the potential ecological impacts of the proposed development, or to identify whether further survey work is required before a full assessment can be made.

Planning Policy Wales (PPW) clearly sets out that *"planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity"* (para 6.4.5 refers). As an ecology survey has not been submitted with this application, the LPA are not able to ascertain whether or not the scheme would have any impact on Protected Species. As such, the application does not accord with Policies EnW1 and EnW3 of the LDP.

Conclusion

The principle of developing this site to provide an additional dwelling is acceptable. However, having considered the relationship between the proposed dwelling and surrounding properties, it is considered the scale, close proximity and elevated position would result in a significant overbearing and overlooking impact to neighbouring properties. As such, the development would have a harmful impact upon the existing levels of residential amenity currently enjoyed by the occupiers of the dwellings located on Regent Street/Balaclava Road. In addition, no information has provided to assess the potential ecological impacts of this scheme.

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 REFUSED for the following REASONS:

1. The proposed dwelling, by virtue of its elevated location, siting, mass and height would have a harmful overbearing and overshadowing impact on 29, 30 and 31 Regent Street. As such, there would be a loss of residential amenity contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
2. The proposed dwelling, by virtue of its elevation location, siting and height, would allow for direct overlooking into the rear garden areas and windows serving the properties at 30,31 and 32 Balaclava Road. As such, it would have a detrimental impact upon residential amenity contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
3. No information has been provided to demonstrate that the development would not cause any significant loss of habitats or populations of species, locally or nationally. As such the proposal is contrary to Policies EnW1 and EnW3 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

26/11/21

