

FormN2V

Code No. P/20/0305

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)
ORDER 2012 (as amended)

REFUSAL OF PERMISSION

To: Mrs Helen Foley c/o George And Co Mr Steven George 1st Floor Woodfired Studios 62 High Street,

WHEREAS you submitted an application on the 9th day of December 2020 to develop: Ael Y Bryn North Walter Street Dowlais Merthyr Tydfil CF48 3AP short particulars of the application being as follows:-

Name of the Applicant

Mrs Helen Foley
Ael Y Bryn North, Walter Street
Dowlais
Merthyr Tydfil
CF48 3AP

Description of Proposed Development

Proposed dwelling (Outline with some matters reserved)
(Outline)

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL as the Local Planning Authority hereby REFUSE TO PERMIT the proposed development for the following reasons, namely:

- 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 County Borough Council Replacement Local Development Plan.



Date: 29th November 2021

Signed:.....

(Head of Town Planning)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

NOTES

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission subject to conditions, he/she may appeal to Planning & Environment Decisions Wales in accordance with Section 78(i) of the Town and Country Planning Act 1990, within SIX MONTHS of the receipt of this Notice. (Appeals must be made on a form which is obtainable from Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ). Alternatively you can use the Planning & Environment Decisions Wales website (www.gov.wales/planningappeal) to complete your appeal. Planning & Environment Decisions Wales has the power to allow a longer period for the giving of notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. Planning & Environment Decisions Wales is not required to entertain an appeal if it appears to it that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by Planning & Environment Decisions Wales, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council in which the land is situated, a purchase notice requiring the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- (3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by Planning & Environment Decisions Wales on appeal or on a reference of the application to it. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.