

# DELEGATED REPORT

**Application No:** P/23/0088

**Site Address:** 12 Fir Tree Close  
Gurnos  
Merthyr Tydfil  
CF47 9SH

**Development:** Erection of rear conservatory

**Case Officer:** Nia Chard

**Application Expiry Date:** 1st June 2023

**Consultation reply date expired:** 2nd May 2023

## APPLICATION SITE

The application relates to an end-terrace dwelling located in a mainly residential area within the settlement boundary. The site is bound by footpaths to the south and west and dwellings to the east and north. The profile of the site is relatively flat.

## PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a single storey rear conservatory. The proposed conservatory would be 4m in depth by 3.55m in width and would have a mono pitched roof with a maximum height of 2.8m and an eaves height of 2.2m. The conservatory would be fully glazed with glass roof panels, sliding glass panels to the rear and south-west elevations, and fixed glass panels to the north-east elevation.

## PLANNING HISTORY

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

## 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 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

Policy SW11: Sustainable design and place making 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 main issues to consider when assessing this application relate to whether the proposal would have an acceptable impact on the character and appearance of the existing dwelling and wider street scene. The impact on the amenity of the neighbouring residents is also an important consideration.

In terms of visual amenity, the conservatory would be located to the rear of the dwelling and away from the street frontage. As such, it would not be visible from the front street scene. It is considered that the proposed conservatory would be of an appropriate design and scale which would not adversely impact on the character or visual amenities of the area. As such the proposal would comply with Policy SW11 of the LDP.

The impact of the conservatory on the residential amenities of the neighbour occupants has also been considered. In this respect it is noted that the only impact would be on the neighbouring property known as 10 Fir Tree Close. The conservatory would be erected along the shared boundary with this property. Given the scale of the extension it is not considered to have an overbearing impact on the occupants of the property or indeed result in an unacceptable degree of overshadowing. The proposed conservatory would have a glazed side elevation which would look towards the garden of 10 Fir Tree Close. However, the existing boundary treatment would restrict direct views in to the garden and rear windows, and the occupants of this dwelling have not raised any concerns in this respect. Notwithstanding this, the conservatory could be erected under permitted rights. As such the proposal is found to be acceptable in respect to residential amenity and thus would comply with Policy SW11 of the LDP.

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:**

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:

Site Location Plan, Received 6 April 2023

Proposed Elevations, Drawing No. AL(01)03, Received 6 April 2023

Proposed Floor Plans, Drawing No. AL(01)01, Received 6 April 2023

Proposed Site Plan, Drawing No. AL(90)01, Received 6 April 2023

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

## **INFORMATIVES**

1. The Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

2. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.  
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

3. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

**RECOMMENDATION ENDORSED**



**Director of Neighbourhood Services**

**DATE:**

15/5/23