

# DELEGATED REPORT

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| <b>Application No:</b>                  | <b>P/23/0195</b>                                                                               |
| <b>Site Address:</b>                    | <b>4 &amp; 5 Old Dan Y Deri<br/>Merthyr Vale<br/>CF48 4SQ</b>                                  |
| <b>Development:</b>                     | <b>Two storey and single storey rear extensions, raised decking and 2 no. car parking bays</b> |
| <b>Case Officer:</b>                    | <b>Rebecca Owens</b>                                                                           |
| <b>Site Visit:</b>                      | <b>5th September 2023</b>                                                                      |
| <b>Application Expiry Date:</b>         | <b>17th October 2023</b>                                                                       |
| <b>Consultation reply date expired:</b> | <b>16th January 2024</b>                                                                       |

## APPLICATION SITE

The application relates to two adjoining dwellings located in a mainly residential area and within the settlement boundary. The site is bound to other dwellings, highways and a footpath.

## PROPOSED DEVELOPMENT

Full planning permission is sought for two storey and single storey rear extensions and raised decking to the rear of each of the dwellings and for the creation of two car parking bays.

The ground floor extensions to the rear of 4 and 5 Old Dan Y Deri would be exactly the same. They would project out a depth of 5.5m and would be 4.255m in width with a flat roof varying from 3m to 3.62m (due to the sloping ground level). There would be two roof lights in each roof and both extension would feature large upvc doors in their rear elevations. The only difference between the them would be the addition of a doorway in the northern side elevation of the extension to number 5.

The first floor extension above number 5 Old Dan Y Deri would be 3.3m in depth by 4.255m in width with a flat roof varying between 5.3m and 5.8m in height (due to the profile of the garden). It would feature a single first floor window in the rear elevation serving a bedroom.

The first floor extension to 4 Old Dan Y Deri would also be 3.3m in depth but would have a width of 2.645m. It would also have a flat roof which would be the same as the first floor extension serving number 5. There would be a single window in its rear elevation serving a bedroom.

Raised decking is proposed off the rear of the single storey extensions which would be 2.15m in depth and maximum of 1m in height. The decking serving 4 Old Dan Y Deri

would have steps to the side leading down to the garden while the decking serving 5 Old Dan Y Deri would run along the full side elevation of the two storey and single storey rear extensions. A 2m high privacy screen is proposed between the decking areas of the two dwellings and further 1.8m high privacy screens are proposed along the southern side of the decking serving number 4 and the northern side of the decking serving number 5. Glazed balustrading is also proposed along the rear edge of the decking which would be 2m high.

A car parking area is also proposed on a parcel of land opposite the front elevation of number 4 Old Dan Y Deri and adjacent to 1 Argoed Terrace. This area would be 9.34m by 6.06m thus creating space for up to two cars and would be covered with permeable paviers.

## 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.

One letter of objection was received following the original publicity exercise. The main concern raised within this related to the impact of the two storey extension on the neighbour's windows and back door which is already flanked on the other side by the elevation of other properties in Old Dan Y Deri. It is also noted that the land it is proposed to build on is currently a right of way to their house although there appear to be negotiations in place with respect to transferring land.

The impact of the proposed extension on the objector's property was raised with the agent for the applicant and amended plans were submitted with the width of the first floor reduced so it was set back from the objector's property (this is the scheme currently being considered). A further publicity exercise was undertaken on the proposed alterations and a further objection was received from the neighbour. They have indicated that their objection to the application still stands as they are concerned that any increase in height to the side of their property would impact on daylight to their rear windows and the small yard area that may become their garden.

Local ward councillors have been consulted and they wish the application to be determined under delegated power by the Director of Planning.

## 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

#### Design and visual amenity

The proposed extension would be located to the rear of 4 and 5 Old Dan Y Deri but would be visible from the adjacent footpath to the west of the site. It is recognised that the extensions would have a flat roof but these properties already benefit from a flat roofed rear annexe and as such this roof profile is currently a feature of the properties. In addition, it is noted that flat roofed annexes are characteristic of the terraced dwellings that make up Glyndwr Street and whose rear gardens face towards the application site. Having regard to this, the proposed extensions would not appear out of character or incongruous in the area. It is also noted that the extensions are proposed off an existing flat roofed annexe and would result in an overall projection of 8.96m off the main rear elevation (6.82m at two storey and 2.14m at single storey). Whilst it is recognised that this is quite significant and not strictly in proportion with the dwellings, in this instance it is not considered that the development would appear unacceptably out of keeping or congruous. Finally, it is acknowledge that due to the amendments made to reduce the impact on number 3 Old Dan Y Deri, the first floor extension of number 4 has been reduced in width and as such the extensions to the rear of these properties would no longer be identical in appearance. Whilst extensions that were more symmetrical would be more pleasing aesthetically, it is recognised that extensions to the rear of adjoining dwellings often differ in their design and appearance. As such it is not considered that this would appear incongruous. Similarly, no concerns are raised with respect to the visual impact of the decking or car parking area.

#### Residential amenity

Regard has also been had for the impact of the proposal on the residential amenities of the neighbouring residents. In this respect it is noted that the relationship between the application site and the neighbouring properties is somewhat unusual with the dwellings being arranged in an 'L' shape around the external amenity space. However, numbers 1 to 3 Old Dan Y Deri do not currently benefit from any of this garden which is entirely in the ownership of the applicant and thus numbers 4 and 5. However, it would appear that negotiations are being undertaken relating to a transfer of land to the owner of number 3 Old Dan Y Deri (located directly adjacent to its rear windows and doors of number 3 Old Dan Y Deri) in exchange for the extinguishing of a right of access over the land on which the extensions are proposed.

The proposed extensions to 4 Old Dan Y Deri would be erected in close proximity to the windows and door of number 3 Old Dan Y Deri and the parcel of land that if transferred would become a small garden to this property. This land and the rear windows and doors are already flanked to the other side by the rear elevations of 1 and 2 Old Dan Y Deri. Thus the erection of the extension may create a feeling of being enclosed and hemmed in. However, it is noted that it is already somewhat enclosed by the existing single storey utility extension and garden shed. Notwithstanding this, the ground floor extension would project out 5.5 from the rear elevation and be just 0.8m from the ground floor window of number 3 and 3.4m from the elevation opposite. However, this element would be between just 3m and 3.35m in height. In addition, the first floor extension would only project out 3.3m and would be set back from the side of the ground floor extension by 1.6m, thus making it, 2.47m and 2.6m from the ground and first floor the windows (respectively) of 3 Old Dan Y Deri by and 5m from the wall opposite. This smaller first floor would reduce the overall affect of the development and lessen any overbearing impact. In addition, having regard to the path of the sun, it is noted that the neighbour's windows/door and the garden adjacent to these would be overshadowed for a large part of the day by the existing dwellings and that the extension would not result in any greater overshadowing than currently exists. However, it is recognised that there may be some loss of light due to the close proximity of the development but again it is noted that this area of the garden is already some what enclosed by existing developments. On balance, it is not considered that the amended proposal would result in a loss of light that would warrant the refusal of the application on such grounds.

It is noted that one letter of objection was received which related to the original scheme. This comprised of a first floor extension the same width as the ground floor (mirroring the proposed extension to number 5 Old Dan Y Deri). However, following this objection and consideration of the concerns raised within it, the plans were amended to the current proposal with the width of the first floor extension reduced to allow it to be set back from the rear elevation of number 3 which is the scheme currently being considered. A further publicity exercise was subsequently undertaken and a further representation was received from the neighbour objecting to the proposal on the grounds that it would still lead to a loss of light. Whilst the neighbour's concerns are acknowledged. The impact of the extension has been carefully considered above and on balance it is not considered that the impact on the residential amenities of the occupants of number 3 Old Dan Y Deri would not be harmful enough the warrant the refusal of the application on such grounds.

It is also noted that the objector made reference to the extensions being erected on land which forms part of a right of access. It would appear that this property benefits from a right of access across the land adjacent the rear elevations of 4 and 5 Old Dan Y Deri which is where the proposed extensions would be erected. Thus this access would be lost as part of the development. However, this is a legal matter rather than a material planning consideration and it would appear that negotiations are already underway with respect to giving up the access in exchange for some land to create a garden.

In terms of the other adjoining properties known as 1 and 2 Old Dan Y Deri, it is not considered that there would be any unacceptable harm to their residential amenities. The windows in their rear elevations would not be significantly impacted by loss of light and whilst the rear decking would give a higher garden level, there would be privacy screening along its southern side. As such, it is not considered that the degree of overlooking to the neighbouring windows would be substantially greater than that which already exists from the garden.

Finally, no concerns are raised with respect to the impact of the car parking area on the residential amenities of any of the neighbouring residents including 1 Argoed Terrace which it would be directly alongside.

### Highway safety

The proposed car parking area would be accessed off the adjacent highway to the south which is a dead end road serving the properties of Old Dan Y Deri, Argoed Terrace and the cul-de-sac known as Coventry Gardens. It is recognised that accessing or egressing the parking area would require reversing movements but considering the fact that this road does not provide a through route and serves a modest number of dwellings it is not considered that this would impact on highway safety

### Conclusion

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.

Having regard to the above considerations the proposal is deemed to be acceptable in terms of its design, visual impact and in respect to highway safety. Whilst the concerns of the objector are noted, on balance it is not considered that the development would harm their residential amenity to such a harmful extent that would warrant the refusal of the application. Accordingly the proposal is found to accord with Policy SW11 of the LDP and 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:

Drawing Title: Proposed first floor plans and elevations, Drawing Number: 02,  
Amended plan Received on 14 December 2023.

Drawing Title: Proposed ground floor plan, Drawing Number: 03, Received on 22  
August 2023.

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

3. The materials to be used in the construction of the external surfaces of the extension shall match those used in the existing building.

**Reason** - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

## INFORMATIVES

1. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : [Highways.CustomerCare@merthyr.gov.uk](mailto:Highways.CustomerCare@merthyr.gov.uk) Tel no : 01685 727470 or 725000

2. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property;
- or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

3. 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.

4. 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**

  
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Director of Neighbourhood Services  
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**DATE: 26.01.2024**