

DELEGATED REPORT

Application No:	P/20/0010
Site Address:	Land Adjacent To Brondeg Heolgerrig Merthyr Tydfil
Development:	Construct detached dwelling
Case Officer:	Marlene Ferreira
Site Visit:	28th February 2020
Application Expiry Date:	11th March 2020
Consultation reply date expired:	10th February 2020

APPLICATION SITE

The application site comprises a relatively flat hardstanding area off Brondeg, which formerly housed two rows of garages and a grassed area of land to the south and southeast. During the site visit it was noted that all garages had been demolished and completely removed from the site. A number of trees located in the south and south eastern part of the site have also been felled.

The site adjoins semi-detached properties to the west, the adopted highway to the north, a private access lane to the east and undeveloped wooded land to the south. These neighbouring dwellings, although extended to the rear, appear very consistent in their built form when viewed within the street scene. They are all two-storey semi-detached properties, served by front gardens, some of which include the provision of on-site parking. The properties to the east of application site, beyond the private access lane, are more varied in their appearance. These are detached two-storey and bungalow dwellings, also set back from the front highway, served by front and rear spacious gardens and driveways/garages to the front and/or side.

The site lies within the settlement boundary, as designated within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031. The southern part of the site also forms part of an allocated housing site (LDP Policy SW3).

PROPOSED DEVELOPMENT

This application seeks full planning permission to construct a detached property (with accommodation within the roof space) and an attached garage and utility room which would project to the front of the property.

The dwelling would have a maximum width of 16 metres, a maximum depth of 25 metres, with a 10 metre ridge height. The main part of the dwelling would be two storeys with a

front central gable feature. It would have a large kitchen/living room, dining room and living area at ground floor, 2 bedrooms and 1 en-suite bedroom with dressing area and a rear 11.6 metre wide by 3.1 metre deep balcony area at first floor, and a cinema, gym and bathroom within the roof space. A single storey projection (with a 4.5 metre ridge height) would adjoin the dwelling to the east, consisting of a garage, utility room, WC and boot room.

The dwelling would be sited so that its front elevation would be north facing towards the highway and its rear elevation south facing, adjacent to the undeveloped land. A driveway area, which could accommodate 4 on-site parking spaces, would be provided to the front of the property.

PLANNING HISTORY

The following planning history is relevant to this application:

P/18/0359 - Outline planning permission for 2 detached dwellings – Approved: 14th January 2019

Other relevant history opposite the application site:

P/19/0065 – Outline application for the erection of one detached dwelling – Approved: 4th July 2019.

CONSULTATION

Engineering and Traffic Group Leader	No objection.
Town Planning Division's Policy Officer	No objection.
Town Planning Division's Ecology Officer	A Preliminary Ecological Assessment is required.
Town Planning Division's Landscape Architect	No objection, subject to a hedge being provided to the southeast boundary.
Rights of Way	No response received.
Environmental Health	No objection.
Western Power	No response received.
Welsh Water	No objection.
Wales and West Utilities	No response received.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, 3 site notices were displayed within the vicinity of the site

and nearby properties were consulted. Two letters of objection have been received following this publicity exercise. The concerns raised have been summarised below:

- The area is already congested with cars, with many people already parking on the pavement;
- The parking in the area increases significantly at least 3 evenings in the week and on Sundays, when people visit the church;
- Children like to play football and use their bikes in the street, and the additional traffic is detrimental to the safety of the children and likely to result in an accident;
- The rear first floor balcony would be looking directly into the adjacent property (Ty Newydd), leading to the loss of privacy. The balcony should be omitted from the eastern end part of the proposed dwelling to stop any overlooking.

Ward Members were advised of the objections received but have not requested that the application be reported to the Planning Committee. The application will therefore progress to be determined, under delegated powers, by the Chief Officer of Planning and Neighbourhood Services.

National Planning Policies

- Planning Policy Wales (PPW) (Edition 10, December 2018)

Paragraph 3.3 refers to good design and states that '*...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...*'

Paragraph 3.9 refers to character and states that '*...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...*'

Paragraph 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...*'

Paragraph 3.51 states that '*...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...*'

Paragraph 4.2.17 goes on to state that '...maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...'

Paragraph 5.2.8 discusses biodiversity and states that '...the planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Local planning authorities must address biodiversity issues, insofar as they relate to land use planning, in both development plans and development management decisions...'

- TAN (Technical Advice Note)

TAN 12: Design (2016) – This TAN advises that the Welsh 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.

TAN 5: Nature Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

Local Planning Policies

- The Merthyr Tydfil Replacement Local Development Plan 2016-2031

Policy SW1: Provision of New Homes;
Policy SW3: Sustainably Distributing New Homes;
Policy SW4: Settlement Boundaries;
Policy SW9: Planning Obligations;
Policy SW11: Sustainable Design and Placemaking;
Policy SW13: Protecting and Improving Local Community Facilities;
Policy CW1: The Historic Environment;
Policy EnW1: Nature Conservation and Ecosystem Resilience;
Policy EnW2: Internationally and Nationally Protected Sites and Species;
Policy EnW3: Regionally Important Geological site, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species;
Policy EnW4: Environmental Protection;
Policy EnW5: Landscape Protection;

- Supplementary Planning Guidance:

Supplementary Planning Guidance Note 1: Affordable Housing (March 2011)
Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)
Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)
Supplementary Planning Guidance Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as defined by the LDP Proposals Map. Outline planning permission (P/18/0359) has been previously approved for two dwellings on this site. Thus, the principle of residential development is considered

acceptable and is generally supported by LDP Policies SW1, SW3 and SW4, provided that the proposal is compatible with other relevant policies and material planning considerations. Thus, the main issues to consider when assessing this application relate to whether the new dwelling, in terms of its siting, scale and design, would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Character and Appearance

The application site, as noted above, is located between a private lane to the east and a consistent row of semi-detached properties to the west. Whilst, it is also noted that there are two detached dwellings (Mandian House and Ty Newydd) further east of the application site, beyond the private lane, it is the semi-detached row of properties along Brondeg which share the closest relationship with this parcel of land. Similarly, the semi-detached row of dwellings, (also consistent in their siting, scale and design), on the other side of Brondeg, combined with the vacant parcel of land adjoining 1 Brondeg, also share a close connection with this site, particularly since the application site and this neighbouring vacant plot (adjoining 1 Brondeg), form a prominent entrance into the street. A detached dwelling has been recently granted outline planning permission on the vacant parcel of land adjoining 1 Brondeg (P/19/0065). The indicative plans submitted with this application illustrate that a dwelling could be constructed that respects the rhythm and character and appearance of the existing street scene.

The proposed dwelling due to its siting, scale and design has little regard to the context of the immediate built environment. It is clear that the proposal has minimal consideration to the layout, form and scale of the properties in Brondeg and has been sited and designed to overcome a major constraint of the site (i.e. a Welsh Water sewer pipe crossing the site and associated easement area). The aspiration to provide a large property with an extremely awkward and visually jarring projecting front garage/utility room results in alien form of development which would significantly harm the visual appearance of this part of Brondeg. There is no clear rationale for the scale, design and siting of the dwelling and its obvious lack of integration would be detrimental to the rhythm of the street scene. Indeed, rather than providing an appropriate and sensitive termination to the end of this part of the street, for the above reasons, it would result in an incongruous development. Furthermore, consideration has also been given to the appearance of the eastern boundary, adjacent to the private lane, which is shown to be enclosed by a 1.8 metre high fence. Whilst it is appreciated that a somewhat unsympathetic boundary treatment encloses the western garden area of Ty Newydd, the proposal would result in a 'tunnel' of unsympathetic enclosures which would significantly harm the character of this part of the rural lane. Given the above, the proposal is unacceptable and fails to comply with LDP Policy SW11.

Residential Amenity

The proposed dwelling would be sited adjacent to 2 Brondeg, and its rear garden would run along the rear boundaries of the gardens serving 2, 4 and 6 Brondeg. It is considered that 2 Brondeg is the neighbouring dwelling which is most likely to be impacted by the proposed development. Although outline planning permission has been previously granted for two detached properties on this site, the indicative details of this previous application (P/18/0359) show that both dwellings would be sited away from the dividing boundaries with these neighbouring properties and would not result in any significant loss of amenity. However, the proposed dwelling given its substantial 16 metre width, would be sited only 1 metre away from the dividing boundary with 2 Brondeg. Although the property would not

have any first floor side facing windows (other than a bathroom window which could be conditioned to be installed with obscure glass), its gable end (with a 10 metre ridge height) would run along the majority of the rear garden's side boundary (serving 2 Brondeg). In addition, the two-storey dwelling would project a further 7.3 metres beyond this property's rear garden fence. This relationship would dominate one side of the rear garden of this neighbouring dwelling resulting in an overbearing impact. The height and proximity of the proposed dwelling would also result in the loss of light into the rear windows and garden of 2 Brondeg, particularly in the early part of the day. In addition, the proposed rear first floor balcony providing approximately 36m² of external floor space would be located just 4.5 metres (at its closest point) from the boundary with this neighbouring garden (at 2 Brondeg) and would therefore allow for overlooking into its rear garden, resulting in a significant loss of privacy to the private amenities of these neighbouring occupiers.

The proposed dwelling has also been considered in respect of its impact upon Ty Newydd, located to the east, beyond the private lane. This existing property would be located at least 5.4 metres (at the closest point) from the single storey part of the development and approximately 6 metres (at its closest point) from the two-storey part of development. It is noted that there would be no first floor side windows facing this neighbouring property. However, regardless of these distances, Ty Newydd would also be significantly affected as a result of the proposed dwelling. Although the overbearing impact of the proposed dwelling would be acceptable, due to the elevated position of Ty Newydd and its approximate 3.6 metre high boundary enclosure, the siting and height of the rear balcony area would result in significant overlooking into Ty Newydd. It is clear that the owners of the property seek privacy by virtue of the installed boundary treatment, which would be significantly compromised by this proposal. As such, the proposed rear first floor balcony would result in a loss of privacy to the private amenities of this neighbouring occupier.

Thus, the proposed dwelling, given its siting, scale and design would have a significant adverse impact on the privacy and amenities of these neighbouring occupiers and would therefore not be in accordance with LDP Policy SW11.

Ecology

Given the on-site vegetation and the high quality habitats to the south of the site (i.e. the Cwm Glo SINC and the Cwm Glo a Glyndyrys SSSI) the proposed development has the potential to impact upon priority and protected species. The Council's Ecologist has therefore requested that a Preliminary Ecological Assessment (PEA) be submitted in support of the application. The agent was advised on 28th January 2020 that this additional information was required, however this assessment has not been forthcoming. The absence of this information prevents an assessment to be made, by the local planning authority, on the potential impact upon biodiversity as a result of the proposed development. As such, it fails to comply with LDP Policy EnW1.

Parking and Highway Safety

The proposed dwelling would be accessed off the front highway, Brondeg, and would be served by (at least) 4 on-site parking spaces, by means of the proposed garage and driveway. The Engineering and Traffic Group Leader considers the proposed access, manoeuvring, layout and car parking provision to be adequate and deems that the proposed dwelling and its associated traffic movements could be accommodated within the existing highway network without having an adverse impact upon highway safety. As

such, no objections have been raised and the proposal would therefore comply with Policy SW11 of the LDP.

Planning obligations

Policy SW9 considers the requirements for planning obligations. Since the proposal relates to a single dwelling, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing would not be sought in this instance and the proposed development would therefore comply with LDP Policy SW9.

Response to Representations

As already addressed in the report, the Engineering and Traffic Group Leader has considered the proposed access into the property as well as the on-site parking provision, both of which are deemed adequate to serve a dwelling of this scale, without having an adverse impact upon highway and pedestrian safety. In respect of the proposed rear first floor balcony, it is considered that this would detract from the amenities of the adjacent occupiers and as such would constitute a reason for the refusal of this application.

CONCLUSION

The principle of developing the site to accommodate a single dwelling would be acceptable in principle. However, the proposed dwelling, by virtue of its siting, scale and design would result in an incongruous and harmful form of development which would fail to respect the character and appearance of the area and have a detrimental impact on the amenities of the adjoining properties. As such, it would not comply with LDP Policy SW11. In addition a Preliminary Ecological Assessment has not been submitted to assess the potential ecological impacts of this scheme. Therefore, the proposed development would also fail to comply with LDP Policy EnW1.

In reaching the recommendation, the requirements of section 3 and 5 of the Wellbeing of Future Generations (Wales) Act 2015 have been taken into account. The recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Minister's well-being objective of supporting safe, cohesive and resilient communities.

RECOMMENDATION: BE REFUSED

REASONS:

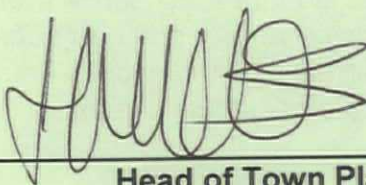
1. The proposed dwelling, by virtue of its scale, siting and design would result in an incongruous and insensitive form of development which would not be appropriate to its local context and as such fails to respect the character and appearance of the area. The proposal would therefore be contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

2. The proposed dwelling, by virtue of its siting, scale and design, would have an overbearing impact and result in the loss of light and overshadowing to 2 Brondeg and its rear garden. As such, it would have a significant detrimental impact upon residential amenity contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

3. The proposed dwelling, by virtue of its design to include a rear first floor balcony area would enable significant overlooking to 2 Brondeg and Ty Newydd. As such, it would have a detrimental impact upon residential amenity contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

4. No information has been provided to fully assess the impact of the development on biodiversity. As such the proposal is contrary to Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

24/2/2020