

DELEGATED REPORT

Application No: P/22/0199

Site Address: 11 Beacons Court
Swansea Road
Merthyr Tydfil
CF48 1PT

Development: Erection of single-storey side extension

Case Officer: David James

Site Visit: 31st August 2022

Application Expiry Date: 20th September 2022

Consultation reply date expired: 25th August 2022

APPLICATION SITE

The application site relates to detached dwelling, on a relatively new residential development, situated within the residential area of Twyncarmel. The dwelling faces northwest onto the highway at the front, and is bound by other dwellings on all other sides.

The application site lies within the settlement boundary as designated within the Merthyr Tydfil Replacement Local Development Plan 2016 – 2031.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a single-storey side extension, which would be sited on the dwelling's northeast side elevation. The submitted plans indicate that the extension would incorporate a utility room.

The proposed extension would measure 2.6m wide, 3.8m deep, and have a maximum height 3.5m high (4m high from the ground level of the adjacent dwelling), incorporating a pitched roof with an eaves height of 2.5m. It would have a window in its front elevation and a door in its rear elevation. The roof of the extension would be covered in concrete tiles, the walls would have a brickwork finish, and the windows would be upvc. These materials would mainly match the dwelling.

PLANNING HISTORY

The relevant planning history in relation to the site is outlined below:

P/14/0037 Erection of Out-building
Certificate of Lawfulness Refused (06/03/14).

P/14/0006	Retention of two storey side extension and erection of garage on land opposite dwelling to provide two car parking spaces Granted planning permission (12/02/14).
P/10/0227	Change of use of land to incorporate it within the curtilage of 11 Beacons Court, erection of garage within this land and erection of boundary walls Granted planning permission (18/11/11)
P/10/0183	Erection of two storey side extension and front boundary wall Refused planning permission (22/01/13)
P/07/0633	Erection of detached dwelling (amended scheme) Granted planning permission (18/12/08)
P/05/0241	11 No. dwellings (1 No. detached, 6 No.3 bed semi-detached and 4 No. 4 bed semi-detached) Granted planning permission (04/10/05)
P/02/0421	Residential development (4 bungalows) including creation of access road Granted outline planning permission (09/04/03)

CONSULTATION

None undertaken.

PUBLICITY

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

Two letters of objection were received from adjoining properties.

One objection was received from the owner/occupier of the adjacent property of 8, Waunbant Court. The objections were:

1. The extension will come right up to the border with number 8. There is only a very small wall on the side of number 8, and therefore will not support an extension. If the extension is granted it could be subject to subsidence and cause damage to the wall of number 8.
2. The owner/occupiers of number 8 would object if it is two storey as the extension would only be about 15 feet away from the rear of number 8 Waunbant. Even if the extension is only one storey it is very close to the rear of number 8.

The other objection was received from the owner/occupier of the adjacent property of 9, Waunbant Court. The objections were:

1. The work commenced without planning consent. Groundworks were completed without inspection. A sewer was built on and covered over, and the footings were not inspected, without approval from Welsh Water. Approval is needed if work involves building over a drain or sewer.
2. No more than half the area around a house can be covered by additions. This has been exceeded. The width of the house has also been exceeded by 50%.
3. The proposed extension would exceed the height requirements due to boundary levels.
4. The eaves height of the extension exceeds that which is permitted, as it is within 2m of the boundary.
5. The boundary has exceeded its original length and extends onto land that is classed as unregistered.
6. Unregistered land at the rear of the property was destroyed in March 2022 and was bulldozed through. The land level was altered and built up onto the boundary with 9 Waunbant Court. The land is now approximately 2 feet higher.
7. In carrying out this work, extensive environmental damage was caused, destroying the flora and fauna, which was completely replaced with weed control fabric and chippings. This should be immediately reinstated at cost to the applicant.
8. The habitat of ground nesting birds was destroyed, and hedgehogs had been nesting there previously.
9. Building materials, including plastic bags were dumped on adjacent land, attracting rats. This is fly tipping on a large scale.

Local Ward Members were advised of the objections. however, they confirmed that they did not require the application to be reported to the Planning Committee. As such, the application will progress to be determined by the Director of Neighbourhood Services.

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.

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

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.

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 CW1 – Historic Environment
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW4 – Environmental Protection

Other Material Considerations – Supplementary Planning Guidance (SPG):

SPG 4 - Sustainable Design
SPG 5 - Nature and Development
SPG 6 – Householder Design

PLANNING CONSIDERATIONS

It is noted that a side extension as proposed would normally constitute permitted development. However, the original planning permissions (outlined above) relating to this housing development included a condition which removed these rights and thus necessitates an application for such developments to be fully considered.

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 property and wider street scene. The impact on the amenity of neighbouring residents is also an important consideration.

In terms of visual amenity, the extension would be located to the side and so would be visible from the highway to the front of the dwelling. However, the extension would be set back over 9m from the highway and would be sited at the rear of the northeast side elevation of the dwelling. Additionally, the extension has been sympathetically designed with a roof that matches the form of that of the main dwelling, as well as being finished in materials that match the dwelling. Furthermore, its scale is appropriate and would not appear out of proportion with the main dwelling. In this respect, the proposal is found to be in accord with Policy SW11 of the LDP.

Regard has also been had for the impact of the proposal on the residential amenities of the surrounding occupants. In this respect, it is noted that the extension would be sited on the shared boundary with the adjoining dwellings of 8 and 9, Waunbant Court, to the north and east.

The greatest impact would be on the adjoining dwelling of 8, Waunbant Court. The proposed extension would be sited on the shared boundary with number 8 and would be in close proximity to its rear elevation. It is acknowledged that there would be some overbearing impact and loss of light to this neighbouring property. However, it is noted that the side elevation of the application dwelling is less than 3m away from the shared boundary. As such there is currently some loss of light and overbearing impact on this neighbour. Given this, it is not considered that the proposal would have an unacceptable impact on number 8 in terms of overbearing impact or loss of light. The window in the front

elevation of the proposed extension would result in oblique views toward number 8, and the potential for overlooking and a loss of privacy. However, the boundary fence between the properties would largely mitigate this. As such, it is not considered that the proposal would result in a harmful impact on number 8 in terms of overlooking or loss of privacy.

The extension would be sited adjoining part of the rear garden of number 9 Waunbant Court. However, the extension is small in size. Additionally, (and similarly to number 8), the two storey side elevation of the existing dwelling is less than 3m away from the shared boundary with number 9. As such there is currently some loss of light and overbearing impact on this neighbour. Given this, it is not considered that the proposal would have an unacceptable impact on number 9 in terms of overbearing impact or loss of light. The door in the rear elevation of the proposed extension would result in oblique views toward number 9, and the potential for overlooking and a loss of privacy. However, the boundary fence between the properties would largely mitigate this. As such, it is not considered that the proposal would result in a harmful impact on number 9 in terms of overlooking or loss of privacy.

In terms of the objections from the occupier of number 9 Waunbant Court, the works would be inspected by Building Control and Welsh Water, as necessary. A number of the other points relate to Permitted Development Rights, which are not relevant as a planning application has been submitted. The other points raised, relating to the clearing of land and level changes etc do not form part of the application. However, the issues raised will be investigated by Planning Enforcement section as appropriate.

Given the scale and siting of the proposed extension, there would be no harmful impact, in terms of loss of light, overlooking, loss of privacy or overbearing impact, on the dwellings of 1-9 Twyncarmel or 10, Beacons Court.

Overall, having considered the above, the development is deemed to be acceptable with respect to residential amenity and thus in compliance 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:

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

INFORMATIVES

1. 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.

2. 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:

14/9/22

