

DELEGATED REPORT

Application No:	P/23/0052
Site Address:	4 Edwards Terrace High Street Trelewis Treharris CF46 6AR
Development:	Detached rear garage with roof terrace and summerhouse above, retaining walls and access
Case Officer:	Rebecca Owens
Site Visit:	6th March 2023
Application Expiry Date:	19th April 2023
Consultation reply date expired:	21st March 2023

APPLICATION SITE

The application relates to a mid-terrace dwelling located within a mainly residential area in the settlement boundary. The site is bound by a highway to the front, lane to the rear and other dwellings on either side. The dwelling occupies a higher level than the lane to the rear with the garden stepping down in terraces.

PROPOSED DEVELOPMENT

Full planning permission is sought for a detached rear garage with roof terrace and summerhouse above, retaining walls and access.

The proposed garage would be erected adjacent to the rear lane and would require a section of the garden (which is elevated above the lane) to be excavated, with the rear and side walls of the garage also retained. The garage would have an irregular footprint with an angled front elevation. The garage would have a width of 5.2m and maximum depth of 11.34m. It would have a flat roof at a height of 2.95m which would create an elevated roof terraced above. This would be enclosed with 1.1m high glazed balustrading. It is also proposed to erect a summerhouse on the roof terraced with an attached open canopy to the side. The summerhouse would be 2.6m in width by 3.5m in depth and would have a pitched roof with a ridge height of 2.7m. The roof would extend beyond the southern side elevation of the summerhouse by 2.7m to create an open canopy. In addition to the above works some other reprofiling and retaining works are proposed within the garden to create a level access onto the garage roof and new stepped access down to this from the higher garden level.

PLANNING HISTORY

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

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering & Highways	No objection subject to conditions
Bedlinog and Trelewis Community Council	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties and a site notice was displayed within the vicinity of the site.

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 proposed works would all be contained to the rear of the application site. However, this is readily visible due its open aspect and the profile of the site. Nevertheless, it is noted that the rear streetscene is characterised by terraced rear gardens that vary in their heights and depths and a variety of outbuildings, including garages and sheds, which also differ significantly in terms of their scale and appearance. Within this context, it is not considered that the proposal would appear incongruous or be harmful to the character and visual amenity of the dwelling itself or the wider streetscene. Accordingly, the proposal is found to be acceptable in this respect and would accord with Policy SW11 of the LDP.

Regard has also been had for the impact of the proposal on the residential amenities of the neighbouring occupants. In this respect it is noted that the application site is directly adjoined by dwellings on either side. To the north of the site is 5 Edwards Terrace. This property already benefits from a rear garage and the proposed garage would be erected partly adjacent to this. Having regard to the levels of the neighbouring garden and the proposed level of the terrace above of the garage it is not considered that there would be an overbearing impact to this property or indeed any harmful loss of light or overshadowing. It is acknowledged that the proposal also includes the erection of summerhouse above the garage which would be hard on the boundary with 5 Edwards Terrace but given its height and scale no concerns are raised with respect to its impact on this neighbouring dwelling.

To the south of the application site is 3 Edwards Terrace and the majority of its rear garden is sloping and at a slightly lower level than the application site. It is noted that the proposed garage would be erected hard on the shared boundary with this property and would be 11.34m in depth. However, given that it would only be 3m in height, with 1.1m high glazed balustrading above, and a section of it would be adjacent to a hardstanding used for parking, it is not considered that it would have an overbearing impact or result in overshadowing and loss of light that would be deemed harmful enough to warrant the refusal of the application. Similarly, whilst a summerhouse and canopy are proposed on top of the garage, it is the open canopy which would be adjacent to 3 Edwards Terrace. Thus, on balance and as no objections have been received following the publicity exercise, the impact in this respect on 3 Edwards Terrace is found to be acceptable.

It is noted that the terrace above the garage would allow for elevated views across neighbouring gardens and back towards the rear elevations of the dwellings in this terrace. However, given the levels of overlooking which already exist between these properties and noting that no representations were received following the publicity exercise, in this instance it is not considered that there would be an increase in overlooking or a loss of privacy to an extent that would warrant the refusal of the application. Having regard to the above, the proposal is therefore found to be acceptable in terms of its impact on residential amenity and in accord with Policy SW11 of the LDP.

The application site does not currently benefit from any off-street parking. However, the proposal would provide two parking spaces within the garage. This would improve parking for the property and as such no objections are raised in this respect. It is also noted that the Head of Engineering and Highways has not objected to the application on highway safety grounds.

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:**

CONDITIONS/REASONS:

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 Plans, Elevations & Sections, Drawing Number: EDWARDS 4 01D, Received on 22 February 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. 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



Director of Neighbourhood Services

DATE:

27/4/23