

DELEGATED REPORT

Application No:	P/23/0142
Site Address:	Ael Y Bryn North Walter Street Dowlais Merthyr Tydfil CF48 3AP
Development:	Proposed dwelling (outline with some matters reserved)
Case Officer:	Gareth Davies
Site Visit:	13th June 2025
Application Expiry Date:	20th November 2023
Consultation reply date expired:	1st November 2023

APPLICATION SITE

The application site is located in the north eastern garden area of Ael Y Bryn North which is a two-storey semi-detached home. The existing property is set back and set down from the highway to the east. The property benefits from a substantial garden area to its north west and east and has a steep driveway sweeping around the side of the property providing access to a garage and the rear garden area of the property. The application site is formed from an area of garden of approximately 0.02 hectare. The site is steeply sloping and irregular in shape and is bounded by a row of terraced houses to the north on Regent Street, which sits at a lower level than the site and the existing property to the north. Further west at a significantly lower level is Balaclava Road.

PROPOSED DEVELOPMENT

The application seeks outline planning permission for the construction of a two-bedroom, single storey dwelling within the garden of Ael Y Bryn North located off Walter Street in Dowlais. Details relating to appearance and landscaping have been reserved for future consideration and matters relating to access, layout and scale are to be considered as part of this outline proposal. The application is supported with details that show an L-shaped mono-pitch property located in the northern part of the curtilage with a small garden and parking space located on its north eastern side adjacent to the access to the existing house.

The proposed dwelling shown on the submitted details would have maximum dimensions of 9.5m x 11m along the long axis of the L-shape. The single storey dwelling to some extent works with the topography of its position on site in that the floor level of the south

western element sits 600mm below the north eastern element. As the site is steeply sloping the application is accompanied with some topographic detail that suggests the levels will be slightly higher than those of the host property.

The application is supported with the following in addition to the submitted plans and application forms: -

- Design Statement (updated February 2026)

PLANNING HISTORY

P/20/0305 – dwelling (outline application) – Refused 29/11/2021. Appeal dismissed 10/03/2023.

P/11/0186 - erection of garage and creation of turning head – Approved - 28/08/2011.

CONSULTATION

Head of Engineering and Highways – No objection

Council Ecologist – No objection

Environmental Health Manager – No response received.

Dwr Cymru Welsh Water – No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 letters were sent to the adjoining properties and site notices were displayed in the vicinity of the site. Two objections were received raising the following issues.

- In terms of highway safety there is concern that an additional dwelling being served off the existing drive, and its limited visibility on exit having the potential for a serious accident to occur.
- The area already suffers a great deal of congestion with car parking in the streets around the application site.
- There is also concern around the type of machinery that would be used in the construction of the development adding to congestion and safety concerns.
- Access to the adjacent property should remain unobstructed at all times.
- Concern is expressed that the impact of building an additional dwelling on the mental health of those living in the community.

The ward councillors have been informed of the concerns raised by the local residents and have not requested that the application be presented to the planning committee for consideration. As such the application is to be determined under delegated powers by the Director of Neighbourhood Services.

POLICY CONTEXT

National Policy

Future Wales the National Plan 2040 (February 2021)

Policy 1- Where Wales will grow.

Policy 2 – Shaping Urban Growth and Regeneration.

Policy 3 – Supporting Urban Growth and Regeneration

Policy 7 – Delivering Affordable Homes

Policy 33 – National Growth Area – Cardiff Newport and the Valleys

Planning Policy Wales (Edition 12 February 2024)

Paragraph 2.26 – Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process.

Paragraph 3.9 – 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.

Paragraph 3.55 – Previously developed 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.

Paragraph 4.2.18 – Maximising the use of suitable previously developed land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Paragraph 4.2.24 – proposals for housing on infill and windfall sites should be supported where they accord with the national sustainable placemaking outcomes.

Paragraph 4.2.26 – a community's need for affordable housing is a material planning consideration which must be considered in ...determining relevant planning applications.

Relevant Technical Advice Notes (TAN's) include the following: -

Technical Advice Note (TAN) 2: Planning & Affordable Housing

Technical Advice Note (TAN) 5: Nature Conservation & Planning

Technical Advice Note (TAN) 12: Design

Technical Advice Note (TAN) 18 Transport

Technical Advice Note (TAN) 23: Economic Development.

Merthyr Tydfil Replacement Local Development Plan 2016 – 2031

The relevant LDP Objectives are:-

- LDP Objective 3 To ensure the sufficient provision of land for the delivery of a range and choice of housing and affordable housing to address local housing needs.
- LDP Objective 4 Regeneration: To promote the suitable reuse of previously developed land and the continued regeneration of local communities.

- LDP Objective 6 Sustainable Design: To promote high quality, sustainable and inclusive design and support measures which mitigate the predicted effects of climate change.
- LDP Objective 7 Transport: To support an integrated transport system, promote active travel and ensure new developments are accessible by walking, cycling, and public transport links.
- LDP Objective 10 Biodiversity: To improve ecosystem resilience and connectivity which support habitats and species of principle importance.

The following development plan policies would apply:-

- Policy SW1: Provision of New Homes
- Policy SW2: Provision of Affordable Housing
- Policy SW3: Sustainably Distributing New Homes
- Policy SW4: Settlement Boundaries
- Policy SW9: Planning Obligations
- Policy SW11 Sustainable Design and Placemaking
- Policy SW12: Improving the Transport Network
- Policy EnW1: Nature Conservation & Ecosystem Resilience
- Policy EnW4: Environmental Protection.

The following supplementary planning guidance is also applicable: -

Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 1: Affordable Housing (March 2012)

Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)

PLANNING CONSIDERATIONS

Outline planning permission is sought for the construction of a single dwelling within the garden of an existing residential dwelling known as Ael Y Bryn North. Some matters (appearance and landscaping) are reserved for future consideration with details of access, layout and scale being considered, at this stage.

Planning Policy

The application site is located within defined settlement limits and within an established residential area where the principle of residential development is considered acceptable and is generally supported by Policy SW4 of the LDP, providing that the proposal is compatible with other relevant policies and all other material planning considerations. Consideration should also be given to the Inspector's decision relating to the P/20/0305 application for a dwelling which was subsequently dismissed at appeal. It is noted that the main concerns with the P/20/0305 application related to its unacceptable impact on the residential amenity in terms of overbearing impacts and overlooking concerns. There was also insufficient information at the time regarding the impact on the ecological environment.

Consequences of the Earlier Planning Appeal Decision.

It is noted in the Inspector's decision that with a suitable design the issue of overlooking and perceived overlooking can be managed down to an acceptable level. Commenting on the availability of daylight, the inspector found the development at that time might have some potential impact on adjacent properties, however it would not be so great as to warrant the refusal of the application. It should be noted that at that time a more conventional two storey design was sought. The appeal failed only on the basis of the potential visual impact of the proposal on the existing properties on Regent Street, which was considered overbearing and unacceptably harmful to the neighbouring residents. In response to these concerns, the layout and scale of the current proposal has been revised to minimise any harmful impacts.

Impact on Character and Appearance of the Area

In support of the current submission, the applicant has submitted details of the layout and scale of the dwelling in response to the context of the site. The submitted plans illustrate a proposed single storey dwelling with a mono pitched roof of relatively modest proportions located within the generous grounds of a semi-detached property, on a part of the site that is currently undeveloped. The intention is to provide a building of deliberately lightweight appearance on an area of land that slopes steeply to the west towards the properties at Balaclava Road. Details of appearance and landscaping are reserved for future consideration, however the design approach is to create a structure that in terms of its layout and scale would resemble a large shed and this is reflected in the detail that supports this application. The host property possesses sufficiently generous grounds to accommodate the proposed development. Additionally, it should be noted that the dwelling would largely be screened by the surrounding housing and would be set back from the highway to the east. The discreet siting of the dwelling together with the change in levels and single storey nature of the building, means it would not have an imposing impact on the nearby streetscene. Whilst the appearance of the dwelling and the landscaping proposals for the development are reserved, it is considered that appropriate elevational design and materials finishes can be incorporated without adversely affecting the character of the area. The submitted plans indicated tree/hedge planting would be introduced along the boundaries of the site, which would have the potential to introduce additional screening and help soften and integrate the development within its context. Accordingly, the proposal meets the requirements of Policy SW11 of the LDP.

Impact on Residential and General Amenity

In considering the potential impact of the development on the amenity of the neighbouring properties, it is noted in the Inspector's decision to the P/20/0305 application that a two-storey development would be prominent and would have a harmful overbearing impact on the existing properties along Regent Street.

In response to this the dwelling has been redesigned to be single storey which greatly reduced the scale of the development and would have a far lesser impact. There is some potential as part of the landscaping scheme that additional screening could also be provided which may soften any views of the development. Additionally, the dwelling has been designed with an 'L' shaped footprint to further reduce the level of development along the shared boundary with Regent Street. This results in a small gable end facing these properties with the remainder of the building set back from the boundary. As such, it

has been adequately demonstrated that the proposal would not give rise to an adverse overbearing impacts that warrant the refusal of the application.

There is need to further consider the degree of overlooking, which would depend on the position, height and type of fenestration to be introduced into the elevations, which is a matter that is currently reserved for future consideration. However, given the single storey nature of the building with accommodation only at ground floor, it is considered that a suitable design solution can be achieved that would avoid causing adverse impacts on the privacy of neighbouring occupiers.

Whilst concerns have been raised in the publicity exercise in respect of the potential impact on the mental health and wellbeing of those within the vicinity of the site, it is noted that the development would appropriately integrated within the surrounding context. The residential use of the site would be consistent to neighbouring properties and would not give rise to impacts that would be unacceptable to such environments.

As such the proposed development is considered consistent with the requirements of Policy SW11 of the LDP.

Highway Considerations

Access to the proposed development would be via a shared driveway also serving Ael y Bryn North directly from Walter Street. The submitted details show a 2.4m by 34m vision splay available to the north and a 2.4m x 29m vision splay available to the south. Immediately within the site four parking spaces are shown which includes 2 on a driveway and 2 within an existing garage. Whilst the Head Engineering and Highways has concerns at the lack of a pedestrian footway on Walter Street the previous decision of the Inspector remains a substantial material consideration in this case and as such no objections are raised on this basis. Parking provision as illustrated is considered acceptable subject to a planning condition to secure its presence as part of the proposed development. The objector raises concern over congestion, and it should be noted that the level of car parking provision offered to serve the proposed development exceeds current requirements for a property of the size proposed. The impact of machinery used in the construction of the development would be transitory and would not be a viable reason for refusing the current proposals. Maintaining access to the adjacent property would be a site management issue and is not one that could sustain a refusal of the planning application. It has been adequately demonstrated at the proposal would provide a suitable means of access to serve the development and would not give rise to significant highway safety concerns. Therefore the proposal complies with policy SW11 of the LDP.

Ecology

The Council's Ecologist has given consideration to the proposed development and given that this is an outline application has advised that the developer would need to demonstrate Net Benefit for Biodiversity through the provision of a Green Infrastructure Statement. The applicant has not provided this detail however; the Council's ecologist accepts that suitable outcomes can be achieved through the imposition of suitable conditions that would secure appropriate landscaping for the site and the provision of integrated bat and bird boxes. It should be noted that the P/20/0305 application at the appeal stage was subject of an ecology technical note which found due to the small size of the site and the management of it that it would be unlikely that there would be any impact on protected species subject to appropriate mitigation being provided in the

development of the site in the form of integrated bird and bat box provision along with an insect tower. At appeal the Inspector found the submission adequate and concluded that the impact of the development on the ecology of the area could be managed through appropriate conditions. Photographs taken at the time of the appeal present a similar appearance to the present state of the site and in light of the comments of the Council's ecologist a similar approach is appropriate at this point. As such, the development of the site would not give rise to significant ecological concerns and that a suitable landscaping scheme and ecological enhancements could be provided to provide net benefits to biodiversity. Accordingly the proposal complies with Policy EnW1 of the LDP.

CONCLUSIONS

In conclusion, the proposed layout and scale of the development is deemed to be appropriate to the character of the area and would appropriately integrate with its surrounding environment. The existing means of access into the site is suitable and would not give rise to adverse highway safety concerns. Whilst full details relating to the appearance of the development and the landscaping scheme have not been finalised, it is considered that a suitable scheme can be presented as part of a subsequent reserved matters application.

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 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 in 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.

For the above reasons the proposed development is acceptable and complies with the relevant LDP policies. Accordingly, the following recommendation is made:

RECOMMENDATION: OUTLINE PERMISSION BE APPROVED for the following CONDITIONS:

1. Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

4. The development shall be carried out in accordance with the following approved plans and documents:

- Proposed Plan – Dwg No. 727.001 Rev C, received 26/03/2026
- Proposed Plan – Dwg No. 727.003 Rev C, received 12/03/2026

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

5. **Prior to the occupation of the dwelling** hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment including screening between the application site and Regent Street, shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved prior to the occupation of the dwelling.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

6. **No development shall commence**, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason - In the interests of the highway safety and free flow of traffic and to protect the environment and so as to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. Site clearance or construction works shall not take place outside the hours of 8am to 6pm; Mondays to Fridays and 8am to 1pm on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. **No development shall commence** until details of existing ground levels and proposed finished ground and floor levels (including relevant sections) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason - To protect residential and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. Prior to the construction of the dwelling hereby approved samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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.

11. Along with the submission of the reserved matters, details of scheme for the provision of Net Biodiversity Benefit, to include the provision of integrated bat and bird boxes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first beneficial occupation of the property.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

12. The parking spaces, as shown on the Site Plan (Dwg No. 727.001 Rev C), on the driveway and in the garage, shall be used for the sole purpose of vehicular parking to serve the proposed development only. The approved parking spaces shall be provided and available for use prior to the first occupation of the dwelling hereby approved and shall be retained for such purposes at all times thereafter.

Reason - To ensure vehicles are parked off the public highway in the interests of the free flow of traffic and highway safety in accordance with Policy SW12 of the Merthyr Tydfil replacement Local Development Plan

13. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

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.

3. The applicant/developer is advised to liaise with the County Borough Council's Head of Engineering regarding any consents which are required in association with the provision of any vehicle cross over.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'Mog', is positioned above a horizontal line.

Director of Neighbourhood Services

DATE: 27.04.2026