

DELEGATED REPORT

Application No: P/20/0246

Site Address: 21 Harris Court
Quakers Yard
Treharris
Merthyr Tydfil
CF46 5LX

Development: Conversion of garage to home office

Case Officer: Rebecca Owens

Site Visit: 26th October 2020

Application Expiry Date: 19th April 2022

Consultation reply date expired: 10th November 2020

APPLICATION SITE

The application relates to a detached dwelling located within a cul-de-sac. The site is within a mainly residential area on the outskirts of the settlement boundary and is bound by other residential dwellings on either side, a highway to the front and a field containing a telephone mast to the rear.

PROPOSED DEVELOPMENT

Full planning permission is sought, in retrospect, to convert an existing integral garage into living accommodation comprising of a home office. This involves the removal of a garage door in the front elevation and the insertion of a new window. The area below the window is blocked up and finished to match the existing elevation.

Whilst the submitted drawings illustrate the creation of an extended hard standing area within the front curtilage, the applicant has confirmed that this application relates solely to the garage and as such this is not being considered. It is also noted that the submitted block plans appear to be incorrect, illustrating a longer driveway area than exists. However, as the application relates to the garage conversion, it was not considered necessary have the plans amended.

PLANNING HISTORY

The relevant planning history is detailed below:

P/09/0043 Construction of 25 dwellings and associated works
Granted planning permission subject to conditions on 31 July 2009

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 adjoining properties.

One letter of objection was received following this publicity exercise. It is noted that a number of the points of objection relate to the creation of an extended parking area which although illustrated on the plans does not now form part of this application. The objector has been contacted and advised of this. As such below is a summary of just the points raised in relation to the garage conversion:

1. There are restrictive covenants on the title deeds which the objector has outlined that they believe would be contravened.
2. Access to the site is via a private, shared access driveway which is the shared responsibility of 5 properties all of which would contribute towards its maintenance. The running of a business from the proposed home office which could result in more comings and goings which in turn would increase wear and tear of the shared driveway and the objectors liability for costs towards it.
3. There may be legal implications for the shared owners of the access driveway should an individual attending for business reasons suffer an injury on the driveway itself which would then make the owners personally liable for damages following a personal injury claim.
4. There is already intensive on street parking pressure in Harris Court which affects the objector's access to the shared access driveway and their property and it is noted that there is an increase in vehicle traffic and parking from dog walkers who travel to and park in the street to walk in the adjacent fields. The objector has outlined various issues with respect to inappropriate parking in the street and on the shared access which impedes their access and makes reversing difficult as they have to avoid such obstacles. An increase in vehicle traffic would therefore affect the objector's right of access.
5. Vehicles persistently obstructing access within Harris Court and in particular access to the properties within the shared access driveway could have a risk to life in the event of an emergency and inappropriate driving and parking poses a danger to residents, children and pets.
6. Unobstructed access to the neighbours property is a requirement due to a disability.
7. The close proximity of the home office/business will result in the objectors feeling more overlooked and result in a loss of privacy, increasing their sense of enclosure and being hemmed in.
8. The proposal would impact on the objector's right to the quiet enjoyment of their property.

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

POLICY CONTEXT

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

It is noted that a garage conversion as proposed would normally constitute permitted development. However, the original planning permission relating to this housing development (detailed above) included a condition which removed these rights and thus necessitates an application for such developments to be fully considered. It is also noted that on conducting a site visit it was apparent that the conversion had already taken place.

The garage conversion has resulted in the existing garage door being replaced by a new window and the remaining area below being filled in. The window is of an acceptable design and size, which is sympathetic to the existing fenestration of the dwelling. Furthermore the area below the window has been finished in materials which match those on the existing elevation. As such the proposal is in keeping with the character of the dwelling and does not appear out of place. It is also noted that there are examples of similar garage conversions visible within the wider area and as such, the works do not harm visual amenities. The development therefore accords with Policy SW11 of the LDP

Regard has also been had for the impact of the proposal on the amenity of the surrounding residents. However, in this respect it is not considered that the proposal results in any unacceptable impact. The converted garage would be used as a home office which would be ancillary to the residential use and a room commonly found within dwellings. The applicant has also confirmed that its use would not necessitate any deliveries or visiting members of the public. As such, there would be no additional noise or disturbance to neighbouring occupants and it is noted that no complaints have been received following the conversion of the garage which took place over a year ago. In addition, the new front window overlooks the front garden area and adjacent highway and as such would not give rise to any overlooking or loss of privacy.

It is acknowledged that the garage conversion has resulted in the loss of an existing off street parking space leaving the dwelling with a single parking space on the existing driveway. However, there has been a clear shift in national policy with an emphasis placed on reducing the reliance on private cars. In this location, which is served with public transport, there is an opportunity for the occupants of the dwelling to be less dependent on private cars and thus it is possible that two car parking spaces may not be required. It is also noted that the cul-de-sac in which this site is located is relatively restricted with limited on road parking available. However, it is considered that there is suitable on-street parking available within the wider housing estate (and at just a short distance from the application site) to accommodate the loss of a single on-site parking space without harming highway safety. In addition, the local planning authority are unable to control that the garage is always used for the parking of cars. As such, no objections are raised with respect to parking or highway safety.

It is acknowledged that one letter of objection was received following the publicity exercise from the occupant of the adjoining dwelling known as 20 Harris Court. A number of the points raised within the letter relate to the creation of the car parking area which does not form part of this application. However, in response to the other points raised the following comments are made:

- Any breach of covenants resulting from the proposal would be a legal rather than a planning matter.
- The applicant has confirmed that the home office would be purely for the use of the residents of the dwelling and that there would be no associated deliveries or members of the public visiting the office. As such, there would not be any increase in coming and goings to the property which would affect the shared access driveway. Notwithstanding this, wear and tear of the driveway and any associated maintenance costs is not a material planning consideration. In addition, any legal implications for the shared owners of the access driveway should an individual suffer an injury on the driveway itself, would be a legal matter and is also not a material planning consideration.
- Whilst it is noted that there may be parking pressures within Harris Court and occurrences of inappropriate parking. It is not considered that the loss of a single off street parking space would significantly add to the parking issues in the area, as outlined in more detail above. Whilst it is acknowledged that inappropriate parking can give rise to access and highway safety issues, the planning division cannot control where people park their vehicles or ensure unobstructed access to any properties including that of the objector. Any obstruction or illegal parking would potentially be private/legal or police matter.
- The conversion of the garage would not result in any harmful overlooking to the objectors property or impinge on their privacy. In addition, no new or extended structure is proposed so the development would not have any overbearing impact.
- The garage conversion would not result in any additional comings or goings which would create noise and disturbance to the objector and as such it is not considered that it would impact on the objector's right to the quiet enjoyment of their property.

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 be carried out in accordance with the following approved plans and documents:

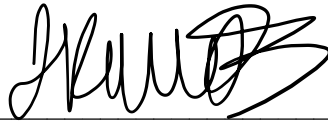
Proposed Layout, Drawing Number: Math01, Received on 15 October 2020 and amended 22 February 2022.

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

INFORMATIVES

1. Planning permission is granted solely for the conversion of the garage to a home office and does not include the creation of any new parking areas or hard surfacing works. This is in accordance with the email from the applicant dated 22.02.2022.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

5/4/22