

DELEGATED REPORT

Application No: P/21/0268

Site Address: 13 Mackintosh Terrace
Trelewis
Treharris
CF46 6DA

Development: Replacement garage, new boundary walls and changes to level of rear garden. Change of use of grass verge to garden

Case Officer: Caroline Pulley

Site Visit: 5th August 2021

Application Expiry Date: 26th October 2021

Consultation reply date expired: 24th September 2021

APPLICATION SITE

The application site comprises a two-storey end of terrace property and a small grass verge adjacent to its northern side boundary. The property fronts onto but is set back from the main highway by a paved area and a small lay-by. Its northern boundary fronts onto a side street and its rear garden abuts a narrow service lane. To the east, the property adjoins the neighbouring terraced house, 12 Mackintosh Terrace. This property has been extended in a similar manner to the application property. It has a two-storey pitched roof extension projecting out from its main back wall, beyond which is a single storey lean-to projection (containing a side facing window). To the side of the two-storey extension there is a small flat roof extension positioned alongside the side wall of the applicant's two storey addition. At the rear of its garden, there is a large detached garage, access to which is from the rear lane. The rear garden of the application property itself is enclosed from the road by a natural stone wall. It is elevated above the floor level of the house and is currently covered by a raised decking area. At the very rear of the garden is a modest garage fronting a northerly direction onto the side street. Adjacent to this garage and next to the raised decking area is a small outbuilding.

PROPOSED DEVELOPMENT

This application seeks planning permission for the construction of a replacement garage, new boundary walls and changes to the level of the rear garden. It also seeks permission to incorporate a narrow strip of land adjacent to the northern boundary into the garden of the property. As part of the proposal, the existing garage and shed would be demolished and a new garage would be erected along the rear boundary. The replacement garage would measure 5.2m wide by 5.2m deep (the existing garage currently measures 3.3m wide by 5.3m long). It would be accessed from the lane/side street through a curved roller shutter door opening located within the north-eastern corner of the building. The roof of

the garage would be pitched from east to west and would have a maximum height of 3.65m.

In addition to the above, the raised timber deck area covering the majority of the rear garden would be removed and the ground level beneath would be raised by a maximum of 0.6m to create a level garden area (which would be located 0.9m below surface of the existing decking). To accommodate the change in garden level, a new 1.3m high retaining wall would be constructed 0.7m away from the back wall of the applicant's rear single storey extension. The submitted plans also detail a new 2.1m high rendered wall being erected along the dividing southern boundary with 12 Mackintosh Terrace.

The proposal also seeks to incorporate a narrow strip of land into the property's garden. This aspect of the proposal would involve the northern (roadside) boundary being extended out by a metre and the erection of a new 2.1m high natural stone boundary wall with timber infill fencing.

PLANNING HISTORY

There is no recent planning history relating to the property.

CONSULTATION

Head of Engineering: No objection.

Bedlinog Community Council: No response.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining 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 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 EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Supplementary Planning Guidance (SPG)

- Note No. 6 – A Design Guide for Householder Development

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and within a predominately residential area. As such the principle of the change of use of the additional strip of land to residential curtilage and developing it within this use is considered to be acceptable subject to compliance with other relevant planning policies and material planning considerations.

The proposed extension to the garden of 13 Mackintosh Terrace and the use of the land for residential purposes is considered to be in keeping with the residential character of the area and would not appear out of place. It is noted that the proposal would result in the loss of a small grass verge. However, it is not considered that the enclosure of this narrow strip of land would significantly harm the character or visual amenities of the area. With regard to the boundary treatments proposed, it is noted that the applicant proposes to erect a 2.1m high stone boundary wall with cast stone capping and timber infill panels along the highway. While acknowledging that new wall would be positioned hard on the boundary with the pavement, a similar arrangement exists opposite whereby the boundary wall of no. 14 Mackintosh Terrace lies immediately adjacent to the edge of the pavement. As such, the positioning of the boundary wall would not appear out of place in the area. It is also noted that the boundary wall would be set back from the front of the property and its height would fall in line with the gradient of the road. Taking this into account, the proposed boundary enclosure would not have a detrimental impact on the character and appearance of the area. It is also noted that the proposed extension to the garden would not have any notable impact on the residential amenities of the neighbouring occupants.

Whilst the replacement garage would be relatively large in size, it would be of a similar scale to the garage located to the rear of number 12 Mackintosh Terrace (the adjoining property). The garage would also have quite a shallow pitched roof and this helps to lessen the mass and bulk of the building, particularly when viewed from the highway to the north. The design of the garage does feature an unusual curved roller shutter door, which

would be visible from the highway to the north. Whilst such an arrangement is uncommon, there are a number of garages/outbuildings of different designs in the area and taking this into account, it is not considered that the design or siting of the garage door would cause material harm to the character of the surrounding area. It is also noted that the Head of Engineering has not raised any highway safety concerns to the proposed access. Given that the proposed garage would sit alongside the side wall of the neighbouring garage, it is not considered that there would be any adverse overshadowing or overbearing impacts arising from the construction of the proposed garage. It is also noted that the garage would be set away from the neighbouring property to the rear, which is also located at a higher level. As such, the garage would not adversely affect the amenities currently enjoyed by the occupiers of this property.

The changes proposed to the level of the garden area is also deemed acceptable. While it is noted that the ground level would be raised, the garden level would be positioned 0.9m below the level of the existing decking. Taking this into account, it is not considered that the level changes or the new 2.1m high boundary wall would adversely affect the neighbouring property in terms of overlooking, overbearing or overshadowing impacts. Moreover, the proposed boundary wall would be of a standard height and thus would not have any harmful impact on neighbouring properties. It is also acknowledged that no representations were received following the publicity exercise. The proposal therefore again complies with Policy SW11 of the LDP.

Finally, 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:

Drawing no. 21-093/P/01 Rev A received on 25.08.2021

Drawing no. 21-075/P/04 received on 21.07.2021

Drawing no. 21-093/P/05 Rev C received on 31.08.2021

Drawing no. 21-093/P/06 received on 21.07.2021

Drawing no. 21-093/P/07 received on 21.07.2021

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

3. Prior to the commencement of the development hereby approved, a sample of the natural stone together with details of the coursing and pointing to be used to face the northern boundary wall shall be submitted to and approved in writing by the Local Planning Authority and such details shall be demonstrated by the prior construction of a sample panel. The development shall be completed in accordance with the approved materials.

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.

4. **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. 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.

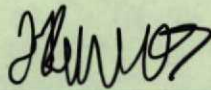
Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

3. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

27/9/21