

DELEGATED REPORT

Application No: P/21/0224

Site Address: 13 Shirley Drive
Heolgerrig
Merthyr Tydfil
CF48 1SE

Development: Demolish conservatory and construct a new
single storey kitchen and living room extension

Case Officer: Caroline Pulley

Site Visit: 12th July 2021

Application Expiry Date: 20th August 2021

Consultation reply date expired: 22nd September 2021

APPLICATION SITE

The application site relates to a semi-detached dormer bungalow situated along Shirley Drive in Heolgerrig. The property is set back from the highway to the front. It is bound by neighbouring properties on both sides and undeveloped land to the rear. Its rear back wall has been extended with a lean-to conservatory. Beyond the conservatory, there is a long garden which is at a lower level to the house. The south-eastern boundary (adjoining 11 Shirley Drive) is formed by a row of conifer trees. The north-western boundary (adjoining 15 Shirley Drive) is formed by the side wall of a garage and a row of conifer trees.

PROPOSED DEVELOPMENT

This application seeks planning permission for the construction of a single storey extension to the rear of the dwelling. As a result of the proposal, the existing conservatory would be demolished and a new extension would be formed across the back wall of the dwelling. The extension would measure 6.88m in width. It would extend out from the back wall at a depth of 7.44m and would have a flat roof (with a roof lantern) with a height of 3.8m.

PLANNING HISTORY

There is no recent planning history relating to the property.

CONSULTATION

None undertaken with this type of application.

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.

One letter of representation has been received as a result of this publicity exercise. The points raised are summarised below:

- The development would take away external access to the applicant's rear garden;
- Concern that development may affect the structural condition of the neighbours garage.

Local Ward Members were advised of the objection received to this application however, no request has been submitted requiring the application to be reported to the Planning Committee. As such, the application will progress to be determined by the Chief Officer Planning and 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 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

Policy EnW4 – Environmental Protection

Supplementary Planning Guidance (SPG) Note No. 6 – A Design Guide for Householder Development

Paragraph 3.3 provides guidance relating specially in relation to rear extensions. It states *'Single storey rear extensions can often be easily accommodated without significantly impacting on neighbours. However, care needs to be taken in terms of their height and length to avoid an unacceptable loss of light or overbearing impacts on neighbours. The appropriate size of the extension will likely vary depending on the size of the garden area, the depth of the extension and whether the extension is stepped away from the existing boundaries.'*

PLANNING CONSIDERATIONS

The proposed extension is considered to be of a relatively acceptable scale and design. While the extension would double the footprint of the dwelling, it would only be single storey in height and it would not be visible from the front street scene. Moreover, part of the extension would sit alongside the side wall of the applicant's existing garage. Taking into account the siting of the extension to the rear of the property, its height and its design, the development would not significantly affect the overall character of the dwelling itself. As such, the proposal is acceptable in terms of its impact on the character and visual amenity of the dwelling and the wider area and thus it complies 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 extension would be erected hard on the boundary with the adjoining semi-detached dwelling to the south-east (11 Shirley Drive). Whilst it is acknowledged that it would be some 7.4m in depth along this boundary, given the generous rear garden sizes and the modest height, it is not considered that it would have an overbearing impact on this property or create any unacceptable overshadowing or loss of light. Moreover, the overall length of the extension has been reduced through the course of this application. Being located along the other side of the garage, the extension would also be located a sufficient distance away from the side boundary of other neighbouring property, which is to the north-west. The extension would feature large, glazed doors in its rear elevation, which would look out over the rear garden. As the boundaries are enclosed by conifer trees, there would be no adverse overlooking to the neighbouring properties. Moreover, the doors are at ground level and as such, there would be no greater level of overlooking when compared to the use of the existing garden.

In response to the issues raised by the residents of the neighbouring property, the need for an external access to the rear garden is a matter for the applicant to consider. Whilst the comments raised in relation to the condition of the existing garage are acknowledged and should be considered by the applicant before work commences, this is not a matter that the planning authority can control. Moreover, building works on a shared boundary are dealt with under the Party Wall Act which falls outside the remit of the planning system.

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. GJ/04 Rev A

Drawing no. GJ/03 Rev A

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. 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.

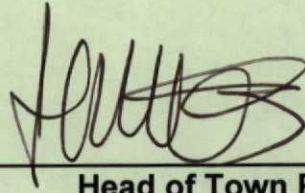
Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

3. 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



Head of Town Planning

DATE:

27/9/21