

DELEGATED REPORT

Application No:	P/26/0130
Site Address:	4 Brunswick Street Merthyr Tydfil CF47 8SB
Development:	Rear retaining wall and steps and rear shed.
Case Officer:	Rebecca Owens
Site Visit:	30th June 2026
Application Expiry Date:	13th August 2026
Consultation reply date expired:	14th July 2026

APPLICATION SITE

The application relates to a mid-terrace dwelling located in a mainly residential area within the settlement boundary. The site is bound by a highway to the front, lane to the rear and other dwellings on either side. The rear lane occupies a lower level to the dwelling and as such the garden is currently terraced.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a retaining wall and steps to create a raised pathway and access to the lower garden level. The pathway and steps would be 0.86m in depth off the upper garden level with the associated retaining wall at a maximum height of 0.8m. It is also proposed to erect a timber clad shed on the lower garden level. This would be 2.4m in width by 2.4m in depth and would have a pitched roof with a ridge height of 2.5m. Finally, the plans include the installation of timber fencing adjacent to the rear boundary wall (garden side) which would have maximum height of 2m. This would only project slightly higher than the existing stone boundary wall.

PLANNING HISTORY

The relevant planning history is summarised below:

P/23/0211	Retention of timber gazebo in rear garden Granted planning permission subject to conditions on 31 October 2023
P/17/0325	Erection of single storey rear extension (Certificate of Lawful Development) Lawful development certificate granted on 7 November 2017

CONSULTATION

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

Head of Engineering and Highways No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties.

One letter of objection was received following this publicity exercise. The objector raised concerns that the boundary appeared incorrect on the submitted plans and as such indicated that this amounted to a boundary dispute. However, land ownership and boundary disputes are not material planning considerations and would be a private/legal matter which would need to be resolved between the parties concerned outside of the planning system.

The objector has also highlighted that as the boundary is incorrect, part of the site is not in the ownership of the applicant and as such ownership certificate B should be completed within the application form with notice served on other landowners. The applicant has confirmed that the red line site boundary is correct and that all land within it is in their ownership and the onus to complete this information correctly lies with them.

The objector also notes that because the site is actually smaller than represented on the plans the proposed building works cannot be constructed without encroaching/trespassing on their land. However, none of the proposed works would interfere with the existing boundary treatments in situ and as such, it would appear to be wholly contained within the existing garden area of 4 Brunswick Street. Furthermore, the proposed works are set off the shared boundary with the objector (as illustrated in the plans) by over 2.5m so it would not appear that the developments would encroach onto their land.

In addition to the above the objector has also raised the following points which will be addressed in the considerations section below:

- Overdevelopment with the outbuilding cramming excessive mass into a restricted space;
- The proposal fails to respect the local context; and
- The development would harm residential amenity.

Local ward councillors have been informed of the objection raised by the local resident and have not requested the application be presented to the planning committee, as such the application is to be determined under the delegated power by the Director of Neighbourhood Services.

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 12, February 2024)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.
- Note 5, Nature and Development.
- Note 6, A Design Guide for Householder Development.

PLANNING CONSIDERATIONS

It is recognised that an objection has been submitted following the publicity exercise which refers to overdevelopment of the site, highlighting the mass of the proposed building as a concern and the impact of the development on the local context. The proposal relates to the rear garden of a terraced property with the rear gardens in this row of properties largely obscured from public view. Notwithstanding this, it is noted that there are examples of outbuildings within the rear street scene including sheds and garages. The proposed shed is considered to be of an acceptable design and scale and not overly large. It would be sited adjacent to the neighbouring garage and would sit comfortably within the lower garden level with ample space remaining. Whilst the property already benefits from a large canopy, it is not considered that the works would amount to an overdevelopment of the site. The shed and other works are features which are typically found in the gardens of residential properties. As such, the developments would not appear incongruous or impinge upon the character and appearance of the dwelling. In addition, being located to the rear of the property, they would not be readily visible from public view. This includes the timber boundary fence located adjacent to the rear boundary wall which although adjacent to a public lane, would be located within the garden and would be no higher than the wall which would remain in place. As such the proposal would not appear out of context or harm the character or visual amenities of the wider area which it is noted forms part of Urban Character Area 7. Having regard to the above, the application is therefore found to be acceptable in this respect and in accord with Policies SW11 and CW1 of the LDP.

Regard has also been had for the impact of the development on the residential amenities of the neighbouring occupiers and it is noted that the objection received raised concern that the development would be harmful in this respect. The site is bound on either side by other dwellings. The proposed raised pathway, steps and associated retaining wall would be erected adjacent to the southern eastern boundary which is shared with 3 Brunswick Street. This would project along the boundary for 0.86m at a height of 0.8m but would be

alongside the existing fence and garage of the neighbouring property and as such would not result in an overbearing impact or overshadowing. Whilst it would create a raised area next to this neighbouring garden, views from this would be no greater than those from the existing upper garden level so there would be no additional impact on its privacy. The shed would also be erected adjacent to this shared boundary, but this would be on the lower garden level and again would be alongside the flank elevation of the neighbour's garage. As such this would not have any adverse impact on the occupier's residential amenity. None of the works proposed would be adjacent to the north western boundary which is shared with 5 Brunswick Street and as such there would be no overbearing impact or loss of light to this property. In addition, the existing boundary fencing would obscure any overlooking from the raised pathway and steps. Thus, having regard to the above, the impact on residential amenity is found to be acceptable and the development would therefore comply with Policy SW11.

It is recognised that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS) and it is noted that a GIS has not been submitted with this application. However, the development relates to the creation of a raised pathway and steps and siting of a shed on an area already hard surfaced and the erection of a boundary fence and as such there would not be any impact on existing green infrastructure. Having regard to this and the scale and nature of the development, in this instance, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancement would be sought and secured by condition, which would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policy EnW1.

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 Title: Existing and Proposed Plans and Elevations, Drawing Number: GA001 Rev. A, Received 18 June 2026.

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

3. **Before works commence on site** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 03.08.2026