

DELEGATED REPORT

Application No:	P/22/0077
Site Address:	25 Heol Corn Du Swansea Road Merthyr Tydfil CF48 1BW
Development:	Re-profile garden including associated retaining works and boundary treatments
Case Officer:	Rebecca Owens
Application Expiry Date:	13th March 2024
Consultation reply date expired:	12th February 2024

APPLICATION SITE

The application relates to a large detached dwelling located within a residential area in the settlement boundary. The site occupies a corner plot and is bound by highways to the east and south and other dwelling to the north and west. The rear garden has a very uneven profile which generally slopes down from the front (south) to the rear (north) and also in a north easterly direction towards the highway adjoining the side of the site, Thus the dwelling itself is elevated above the properties to the rear (15 and 16 Clos Cribyn).

PROPOSED DEVELOPMENT

Full planning permission is sought to reprofile the existing garden area which would involve retaining works and new boundaries. It is proposed to create a garden with two main levels one which currently contains a patio area and then a lower flat garden level, which would involve lowering the land directly adjacent to the upper level by a maximum of 1.6m and increasing the level of the garden along the northern boundary by up to 1.3m.

To support the upper level following the lowering of the garden adjacent to it, a retaining wall is proposed which would be a maximum height of 1.2m. This would also return along the eastern boundary to support the garden of 24 Heol Corn Du where it would gradually step down in height.

A gabion basket retaining wall is then proposed along the northern boundary which is shared with 15 and 16 Clos Cribyn to support the part of the garden which would be increased in height. The gabion baskets would be set 0.15m back from the rear boundary line adjacent to 16 Clos Cribyn and 0.65m back from the rear boundary adjacent to 15 Close Cribyn and thus would have a step along its footprint. The gabion basket wall would have a maximum height of 2.1m (adjacent to 15 Close Cribyn) to ensure there is no unacceptable loading on the existing retaining wall along this boundary but it would not be visible beneath the new garden level. The height of the gabion basket wall adjacent to 16 Clos Cribyn would generally be 1m. The Gabion basket wall would return for 1.5m along

the western boundary (shared with 24 Heol Corn Du). A new 1.5m high timber fence is proposed along the entire northern boundary on the new higher ground level.

Generally the level directly alongside the rear elevation is flat with existing patio areas. However, to the western side of these it is proposed to reduce the land level by a maximum of 0.35m so a small retaining wall is proposed adjacent to the north western corner of the dwelling running to the western boundary and then returning along the western boundary. In addition to the eastern side of the patios the land level slopes down quite significantly towards the rear and the highway. As such it is proposed to increase the level adjacent to the side of the patio by maximum height of 1.4m so it is 0.6m below the level of the patio erect a retaining wall from the north eastern corner of the dwelling to the eastern boundary and then returning along this.

At present the eastern boundary of the rear garden is open with the land level dropping down to match that of the adjacent highway and a retaining wall with fence above then running along side the majority of the side elevation of the dwelling. The proposal would involve the land level of the garden adjacent to this boundary being increased in height and as such retaining wall stepping in height is proposed adjacent to the highway. This would have a maximum height of 1.7m. Above this wall timber fencing is proposed which would largely be 1.5m in height (with the exception of a small section which would be 1.7m). Thus at its tallest point the boundary would be 3.2m in height.

PLANNING HISTORY

The relevant planning history is summarised below:

P/06/0675 Erection of house
Granted planning permission subject to conditions on 12 March 2007

CONSULTATION

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

Head of Engineering and Highways No objection subject to condition

PUBLICITY

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

Two letters of support were received following this publicity exercise indicating that no objections were raised to the application. A further representation was received from a neighbour expressing concerns regarding the following:

- The height of the fence adjacent to their boundary;
- Drainage of water on to their land; and
- The impact of the works on the structural integrity of their existing retaining wall.

However, after submission of additional and amended details and following discussions with the engineering division, the neighbour has indicated that they have no objections to the amended proposal.

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

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

The proposed works are generally considered to be acceptable from a visual perspective. Given the profile of the area, terraced gardens are characteristic of this housing development and as the majority of the works are contained to the rear of the site they would not be readily visible following the completion of the development. However, the eastern boundary of the site adjoins the main highway into the housing estate and as such the proposed works along this would be prominent and highly visible. It is recognised that the development would result in a retaining wall with fencing above it erected hard on the boundary with the highway but there are a number of examples within the immediate vicinity of the site and as such this form of enclosure is characteristic of the area and would not appear incongruous. It is also acknowledged that it would be relatively high compared to a typical boundary enclosure but on balance it is not considered that its impact of the visual amenities of the area would be harmful enough to warrant the refusal of the application on such grounds.

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 site is bound by two dwellings to the rear and a dwelling to the western side. It is noted that the ground level would be increased in height and an associated gabion basket with fence would be erected in close proximity to the rear boundaries with 15 and 16 Heol Corn Du. With respect to 15 Heol Corn Du, this property has a lower garden level than that of the application site and there is an existing retaining wall erected on the boundary and a fence above. The proposed garden level of the application site would be increased adjacent to this property by approximately 0.5m and a 1.5m high fence would be erected on this new level behind the existing boundary fence and retaining wall. This would result in a boundary enclosure up to 3.3m in height from the neighbour's garden level. However, this would only be 0.6m higher than the existing height. Having regard to this and noting that the new fence would be set slightly back from the existing fence, it is not considered that the development would have such an overbearing impact as to warrant the refusal of the application on such grounds. It is also noted that whilst a 1.5m high fence would not

completely prevent any overlooking, users of the garden would need to be standing in close proximity to the fence to allow views over it. Moreover, any increase in the height of this fence would raise the overall height from the neighbour's lower level. Thus having regard to this and the degree of overlooking that already exists from the garden in its present state, it is not considered that the development would have a significantly harmful impact on the occupants of 15 Heol Corn Du.

Unlike number 15, the garden of 16 Heol Corn Du has been terraced with the higher level currently as the same level as the land at the application site. The land level adjacent to 16 Heol Corn Du would be increased in height by 1.4m with a 1.5m fence above, this would be just over 1m above the existing boundary fence and approximately 3m in height above the neighbouring garden. However, it is not considered that this would have a significant overbearing impact on the garden of 16 Heol Corn Du. Moreover, as noted above, it is recognised that the 1.5m high fence would not be tall enough to totally prevent overlooking, but it is considered to be a sufficient height not to result in any harmful loss of privacy particularly having regard to the existing levels of overlooking that exist between these neighbouring dwellings.

Whilst the proposal would also involve works along the boundary with 24 Heol Corn Du, works would have any significant impact on this property. It is recognised that the increase in land level in the north western boundary would result in the land level in this section of the garden being just 1.5m below the boundary fence height but it is not considered that this would give rise to significant overlooking.

No objection has been raised to the proposal from the Highways and Engineering Manager. The structural report and calculations for the gabion basket wall have been considered and found to be acceptable and as such the engineering division are satisfied that there would not be any adverse impact on the existing retaining wall between the application site and 15 Heol Corn Du. The proposal has also been considered by the authority's drainage engineer who is satisfied that there would not be any harmful impact on the properties on Clos Cribyn which occupy a lower level providing the garden is permeable. This can be controlled via a suitably worded condition.

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, having regard to the above, the proposal is found to be acceptable in terms of its impact on visual and residential amenities and thus would accord with Policy SW11 of the LDP. As such 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:

Proposed block plan, Amended plan Received 7 January 2024

Cross sectional plans of rear garden (1-1, 2-2, 3-3, 4-4, 5-5) and elevation, Amended plan received 26 January 2024

Cross sectional plans of rear garden (6-6, 7-7 and 8-8), Amended plan Received 7 January 2024

Structural Report ref: AUX251, rev. C02 dated 12/11/02023, produced by Auxilium Structural Engineering, received 21 November 2023

Structural Calculations for proposed retaining wall, dated Jan 24 received 17 January 2024

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

3. Notwithstanding the provisions of schedule 2, part 1, class F of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no new hard surfacing shall be provided to the rear of the dwelling.

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

4. **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.

5. **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.

RECOMMENDATION ENDORSED

DATE: 05.03.2024


PP Director of Neighbourhood Services