

DELEGATED REPORT

Application No:	P/21/0174
Site Address:	43 Ty Llwyd Parc Quakers Yard Treharris CF46 5LA
Development:	Erection of garage in rear garden and installation of 2 No. dormers to front elevation
Case Officer:	David James
Site Visit:	28th May 2021
Application Expiry Date:	6th July 2021
Consultation reply date expired:	28th June 2021

APPLICATION SITE

The application site relates to a semi-detached bungalow located in a culs-de-sac in the residential development of Ty Llwyd Parc, Quakers Yard. The property faces in a north-easterly direction onto the street, and is bound by other dwellings to either side, and to the rear.

The application site lies within the settlement boundary as designated in the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031.

PROPOSED DEVELOPMENT

This application seeks planning permission to install two dormers on the front elevation of the bungalow and to remove the existing garage and construct a larger garage within the rear garden of the property. Following discussions with the applicant and agent, the original plans were amended to remove a proposed canopy/shelter on the southeast side of the garage. Additionally, the height and depth of the garage were reduced by 0.3m and 1.6m respectively, and the siting of the garage was amended to move it 0.7m closer to the bungalow, and away from the rear boundary wall.

The dormers would each measure 2.4m wide, a maximum of 3.8m deep, and a maximum of 2.2m in height, with a pitched roof. They would be set back 0.6m from the eaves of the roof, and would be set 0.2m below the ridgeline. Their roofs would be covered in concrete tiles and their windows would be upvc to match the existing bungalow. The walls would be finished in brown cladding.

The existing garage would be demolished to accommodate the proposed garage, which would measure 4.5 metres wide, 7.5 metres deep, with a pitched and hipped roof

measuring a maximum of 4m in height. It would be finished with face brick, concrete roof tiles, and UPVc windows and doors (in its southeast side elevation), which would match the existing bungalow. It would also have and an up-and-over door in its front elevation.

PLANNING HISTORY

There is no planning history relevant to the determination of this application.

CONSULTATION

Consultations were not carried out under this application.

PUBLICITY

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

Two letters of representation have been received as a result of this publicity exercise, from the adjoining dwellings of 36 and 38 Ty Llwyd Parc.

Summary of objections

- The garage and would be constructed extremely close the boundary walls of the dwellings to the rear of the application site (numbers 36 & 38, Ty Llwyd Parc), which is unnecessary, and could affect ground conditions and cause the potential destabilisation or collapse of the boundary wall and its foundations.
- Due to the positioning of the garage and shelter, they would result in a detrimental and overbearing impact to the surrounding dwellings.
- The garage would be of an overbearing size and height, being significantly higher than the garage it would replace, and having a larger footprint.
- The current garage has a flat roof, which is in keeping with other garages in the area. The proposed garage would have a pitched roof.
- The proposed development is against building regulations, party wall agreements and site covenants.
- The foundations of the garage may not be adequate, given the local soil type, and that a number of established trees would be removed to accommodate the structure.
- The shelter/canopy would be used to store a caravan. There is no reference to provide a suitable base to store a caravan.
- The plans do not show any means of rainwater capture on the rear of the proposed garage, or on one side, nor are they shown on the shelter/canopy.

- The plans do not indicate any provision to evacuate rainwater, from the proposed garage and canopy, to mains drainage (however, there is reference to a rainwater soakaway). Given the local soil type, this could result in a detrimental impact to the gardens, patios and boundary walls of surrounding properties.
- The garage may be used as a home office.
- The proposed garage would affect the resale value of adjacent properties.
- The removal of the trees will have a negative impact on drainage, as they currently help with water retention.
- The trees also contribute to the presence of local wildlife. Their removal would be detrimental to this.
- The removal of the trees could cause damage to adjacent properties, including the boundary wall, which is not in the ownership of the applicant.
- The development would negatively impact the mental health of neighbouring residents.

The objections were received in relation to the originally submitted plans and were reiterated in relation to the amended plans.

Ward members were advised of the objections but have not requested that the application be considered at Planning Committee. As such, the application will progress to be determined under delegated powers by the Chief Officer of Planning and Neighbourhood Services.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

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

Policy EnW4 – Environmental Protection

Other Material Considerations – Supplementary Planning Guidance (SPG):

SPG 4 - Sustainable Design

SPG 5 - Nature and Development

SPG 6 – Householder Design

PLANNING CONSIDERATIONS

The issues to consider in the assessment of this application relate to whether the proposed dormers and garage, in terms of their siting, scale and design, would be an acceptable form of development with regards to their impact upon the character and appearance of the dwelling, residential amenity, parking provision and highway safety.

The proposed dormers would be installed on the front slope of the bungalow's main roof. As such, they would be a prominent and visible feature in the street scene. They would however, be relatively modest in scale (being proportionate to the front roof profile), and their roofs and external finishes would complement and match the existing bungalow. While it is acknowledged that there are no other dormers in this particular cul-de-sac, there are examples within the residential development of Ty Llwyd Parc, including a dwelling, with similar dormers to those proposed, at the entrance to the cul-de-sac. As such, given the scale, design and material finishes of the dormers, it is considered that they would not result in a harmful form of development, and would respect the character and appearance of the existing dwelling and the wider area.

Given the position, scale and design of the dormers, it is not considered that they would result in any harmful impact on residential amenity in terms of loss of light or overbearing impact. Furthermore, as they would be located on the front of the bungalow, overlooking the front street scene and the front gardens of surrounding dwellings, it is not considered that they would result in a harmful impact in terms of loss of privacy. The proposed front dormers would therefore comply with LDP Policy SW11.

The proposed garage would be sited to the side and rear of the bungalow, at the end of a driveway from the front highway. The garage would therefore be somewhat visible from the front street scene, but would be screened, to an extent, by the bungalow and adjoining dwellings, and would be set back from the front highway by over 20m. Additionally, the

proposed garage would have a pitched roof, which would better complement the roof of the bungalow, than the flat roof of the existing garage, and would be finished in matching materials. It is acknowledged that it would be larger, both in terms of height (4m) and footprint (4.5 x 7.5m), than the existing garage (2.5m in height and a footprint of 3.5 x 7.2m). However, it is considered to be of a reasonable scale for a domestic garage, particularly within an area of generously sized plots. Thus, the siting, scale and design of the proposed garage would appear in context with the surrounding built environment and would not harm the visual appearance of the rear street scene or the wider area. The proposal would therefore accord with LDP Policy SW11 in these respects.

The proposed garage would be sited in close to the proximity to the boundaries with the adjoining dwellings of 36 & 38 Ty Llwyd Parc (to the rear), and with 45 Ty Llwyd Parc (to the northwest). With the greatest impact being on number 45.

The existing garage is located 0.8m away from the shared boundary with number 45, for a length of 7.2m and a height of 2.5m (with a flat roof). The proposed garage would be sited 2.3m further back into the rear garden of the application site, and directly adjoining the shared boundary with number 45, for a length of 7.5m and a maximum height of 4m (with a pitched and hipped roof). It is noted that number 45 is at a slightly lower level than the application site (by 0.6m), with the existing garage measuring 3.1m and the proposed garage measuring 4.6m when measured from this adjacent ground level. It is acknowledged that the larger proposed garage would have a greater impact on number 45, in terms of overbearing impact and overshadowing/loss of light, than the existing garage. However, the proposed garage would be only 0.3m longer than the existing garage. Moreover, while its maximum height would be 1.5m higher than the existing garage, its roof would be pitched and hipped at the rear, rather than flat, with the highest point being 2.4m away from the boundary with number 45. This would serve to reduce the bulk and massing of the proposed garage, and somewhat mitigate and potential impacts. As such, while the proposal would result in a greater degree of overbearing impact and loss of light than that which already exists, it is not considered that this would be to a harmful degree and would not be to an extent that would warrant the refusal of the application. It should also be noted that no letters of representation have been received from the owner/occupier of number 45 in respect of the proposed development.

The existing garage is located a minimum of 3.8m away from the shared boundaries with numbers 36 & 38 Ty Llwyd Parc, to the rear. The proposed garage would be sited a minimum of 0.7m from these boundaries, with its rear elevation (4.5m wide) facing them, and its roof being hipped away. The highest point of the roof would be a minimum of 3.5m away from the shared boundaries. As previously mentioned, the design of the garage's roof would serve to reduce its bulk and somewhat mitigate its impact. Given these points, and that the proposed garage would be sited to the northeast of numbers 36 & 38, it is not considered that the proposed garage would result in any harmful impact in terms of loss of light or overbearing impact.

As the garage would be single-storey, and that there are no windows proposed in its roof or northwest and rear elevations, it would result in any harmful impact on the adjoining dwellings of 36, 38 or 45 in terms of overlooking or loss of privacy.

Given the siting of the garage, adjoining the boundary of the site on the northwest side of the garden, it is not considered that it would result in any harmful impact on the residential amenity of the adjoining dwelling of 42, Ty Llwyd Parc, being located 6.5m away from the boundary with this dwelling.

Thus, the relationship between the existing neighbouring properties and the proposed development would therefore be considered acceptable and accord with LDP Policy SW11.

The proposed dormers would have no impact on parking or highway safety. The proposed garage seeks to replace an existing garage and as such would continue to serve the dwelling with an on-site vehicular parking space. It would not significantly reduce the size of the bungalow's drive, and would be set back from the front highway by over 20m. Thus, the proposed development would not have a detrimental impact upon highway or pedestrian safety. It would therefore accord with LDP Policy SW11.

Objections

The objections received, which relate to the design, height, mass and siting of the proposed garage, have been dealt with in the preceding section. The objections relating to the shelter/canopy have been addressed, as this element of the proposal was removed in the amended plans received, and therefore no longer forms part of the proposal. The objections in relation to the rear boundary walls have been somewhat addressed by the amended plans, as the garage will no longer be built directly on the rear boundary of the application site. Notwithstanding this, boundary wall issues are not material planning considerations, and any issues in respect of ownership or damage of these, would need to be pursued by the relevant parties via other legislation.

In terms of the objections relating to drainage/flood risk and the foundations of the garage (and other technical aspects of the proposal), these would be dealt with under Building Regulations legislation, as the garage (due to its nature), would require a Building Control application.

Regarding the objections in relation to the trees (and the related objections relating to wildlife), it is noted that the trees are not protected, and their removal would therefore not be a planning consideration. However, information would be attached, to any permission granted, informing the applicant of their responsibilities in this regard.

An objection to the potential use of the garage was raised. Whilst no information has been provided to indicate that the garage would be used for anything other than a domestic garage, if this were to occur, and the alternative use required planning permission, this could be dealt with via planning enforcement.

Additional points were raised in the objections received regarding loss of property value. However, this is not a material planning consideration.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and in compliance with relevant policies and guidance.

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:

101 rev B received 11th June 2021
102 received 11th May 2021
103 received 11th May 2021
104 rev B received 11th June 2021

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

INFORMATIVES

1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

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.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

16/7/21

