

DELEGATED REPORT

Application No:	P/22/0060
Site Address:	26A Courtland Terrace Union Street Merthyr Tydfil CF47 0DT
Development:	Erection of a 4 bedroomed dwelling with an integral garage
Case Officer:	Caroline Pulley
Site Visit:	22nd March 2022
Application Expiry Date:	6th May 2022
Consultation reply date expired:	12th April 2022

APPLICATION SITE

The application site relates to an infill plot located on Union Street on the outskirts of Merthyr Tydfil Town Centre. The land lies in a predominantly residential area. It adjoins a Victorian terraced property to the south, 26 Courtland Terrace and a large, modern detached dwelling to the north, 1 Sandbrook Villas. The highway of Courtland Terrace/Union Street is to the east and a narrow pedestrian lane is to the west. Beyond the access lane and at a significantly lower level are 88 and 89 Lower Thomas Street, which form part of a terraced row of houses.

The application site lies within the settlement boundary – Primary Growth Area and Thomastown Conservation Area, as designated by the Merthyr Tydfil Replacement Local Development (LDP) 2016-2031.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a four bedroom dwelling on the site.

The proposed dwelling would measure 8.9m wide, a maximum of 14.5m deep (when taking into account the depth of the walls enclosing the rear balconies) and 9.8m in height at the front and 15.2m in height at the rear. It would be sited so that its front elevation would be east facing (onto Courtland Terrace/Union Street) with the rear garden area facing west towards the rear elevations of the properties located on Lower Thomas Street. Its front elevation would be two-storeys in height and would include a projecting gable, an integral garage and a pitched dormer window in its roof plane. The rear elevation would comprise bi-folding doors and enclosed glazed balconies set over three levels and two flat roof dormers.

At ground floor the dwelling would be served by an integral garage, an open plan kitchen/dining room, two w.c's and an enclosed terrace. At first floor, the dwelling would accommodate two bedrooms (bedroom 1 would lead out onto an enclosed balcony) and a bathroom. Within the roof space, there would be a further two bedrooms and a bathroom. The main living accommodation would be located on the lower ground and would comprise a family room, a cinema room and an office. Below this and on lower level 2 would be a gymnasium, a steam room, a sauna, a utility and a w.c.

The external walls of the dwelling would predominately be finished in render with grey horizontal cladding to the first/second floor. The roof would be covered with reconstituted slate. The windows would be grey uPVC and the doors would be made from grey composite or grey aluminium. The front courtyard garden would be enclosed by 900mm high face brick boundary wall and piers and would include a bin storage area. It is proposed that 1.8m high fencing would secure the side northern and southern boundaries. A glazed privacy screen, measuring 1.1m high, would be provided to the rear elevations of the balconies.

The application is supported by a Design and Access Statement.

PLANNING HISTORY

There is no recent planning history relating to the site.

CONSULTATION

Head of Engineering:	No objection, subject to conditions relating to ground stability and retaining works.
Planning Division's Policy Officer:	No objection.
Ecologist:	Advises that a Preliminary Ecological Appraisal (PEA) of the site and a Preliminary Roost Assessment (PRA) for bats and nesting birds is required.
Welsh Water:	No objection subject to a condition relating to the disposal of surface water.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and site notices were 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 paragraphs are:

Paragraph 3.3 refers to good design and states that *‘...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...’*

Paragraph 3.9 refers to character and states that *‘...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...’*

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

Paragraph 3.55 states that *‘...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...’*

Paragraph 4.2.17 goes on to state that *‘...maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...’*

Paragraph 6.1.14 refers to conservation areas *‘...There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed...’*

Paragraph 6.4.3 discusses biodiversity and states that '*...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...*'

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 5: Nature Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

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.

TAN 24 - The Historic Environment

Section 1.14 of TAN 24 refers to conservation principles and '*... recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital...*'

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW1 – Provision of New Homes

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW10 – Protecting and Improving Open Spaces

Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network

Policy CW1 - Historic Environment

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. 4 – Sustainable Design

Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Conservation

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as defined by the LDP Proposals Map. Therefore, the principle of residential development is considered acceptable and is generally supported by Policy SW4 of the LDP, provided that the proposal is compatible with other relevant policies and material planning considerations. Thus, the main issues to be considered when determining this application are:

- The impact of the development on the character and appearance of the area and the Thomastown Conservation Area.
- The impact of the development on the amenity of neighbouring residents.
- The highway/pedestrian safety implications of the development.
- Ecology.

The impact of the development on the character and appearance of the area and the Thomastown Conservation Area.

The application site relates to an area of land situated on an infill plot between two residential properties within the Thomastown Conservation Area. The site is most prominent at its Union Street frontage, opposite, which are Victorian two storey, terraced houses framed by modest front gardens. It is steeply sloping and was until recently occupied by a pair of garages which presumably provided off-road parking provision in connection with the adjoining property, 26 Courtland Terrace.

The building form in the surrounding area is dominated by linear residential development, which is set on a slope of the hill overlooking the town centre. Most buildings have two storeys, however, the properties on the western side of Union Street/Courtland Terrace have a basement level and thus appear as three storeys in height when viewed from the rear (west). Whilst the area to the north of the site comprises several large, detached dwellings, the traditional architecture and distinctive development pattern of Union Street, framed against the steep hillside contribute positively to the character and appearance of the conservation area. While it is fully acknowledged that the proposed dwelling would be seen in association with the modern houses to the north of the site, the design and scale of these detached houses do not reflect the positive character of the conservation area and thus represent an inappropriate cue. The character of the area is dominated by Victorian terraced dwellings. Some have modest gable projections and bay features, others are flat fronted and some have roof gables on the front elevation.

It would appear that the design of the proposed dwelling attempts to draw reference to the character and design of the Victorian terraced houses along Union Street by incorporating a pitched roof and a vertically designed front projecting gable. However, the bulk, mass, height and design of the proposed dwelling is inappropriate. The development proposes a dwelling of increased height and the provision of an overly fenestrated rear elevation, comprising a series of glazed balconies and bi-folding doors, which would accentuate the overall prominence and scale of the building. Whilst it is acknowledged that there are some variations in the building heights of the properties along the street, the buildings are generally set down in line with the topography of the street. The proposed dwelling also appears top heavy in terms of the roof massing and its overall height and proportions fail to respect the height and massing of the adjoining buildings in the street. While it can be appreciated that the front fenestration may have been designed to give the front gable a modern appearance, the arrangement and size of the windows across the front elevation

give the property a chaotic and confusing appearance. The rear fenestration clearly has been designed to afford cross valley views. However, the extent and arrangement of the glazing to the rear also gives the back of the property an overly dominated and over fenestrated appearance, which does not integrate well with the building form of the existing houses. Furthermore, the design and mass of the three storey side privacy screens (to each side of the rear elevation) adds to its inappropriateness. As such, the proposal would create a discordant and visually intrusive feature that would not preserve or enhance the character and appearance of the conservation area. The use of dormers to both the front and rear of the property is also out of character with the local context. In addition to this, the introduction of an alien material (grey horizontal cladding) is also considered unacceptable. The photographs in the Design and Access Statement clearly indicate that external render is the dominant external walling material that has been used in the local area. The proposed use of grey cladding is not appropriate to the local context.

As pointed out in PPW, TAN12 and Policy SW11 of the LDP, the local context of the site must be taken into consideration when designing a dwelling for this plot. As highlighted above, the scheme has resulted in a proposal which fails to respect the design, height, form and massing of the existing houses and has resulted in a poor and inappropriate design which would have an adverse impact on the character and appearance of the Thomastown Conservation Area. The proposal is therefore contrary to Policies CW1 and SW11 of the LDP.

The impact of the development on the amenity of neighbouring residents.

In terms of amenity, the site is bound by 1 Sandbrook Villas to the north and 26 Courtland Terrace to the south (a property currently being converted into 2 flats). As such, the greatest impact arising from this scheme would be to the occupiers of these properties. The proposed dwelling would be located 0.9m from the northern site boundary enclosing 1 Sandbrook Villas and 1.7m from 26 Courtland Terrace. Being located on an infill plot, the dwelling would be situated directly between the side elevations of these two properties. As such, there would be some level of overbearing impact to these properties, particularly as the two properties both have side facing windows. Also, 1 Sandbrook Villas is located to the north of the site and therefore this property would also experience some level of overshadowing and loss of light to its side facing windows and rear/side amenity area. While these impacts are noted, the bulk of the proposed dwelling would lie adjacent to the side wall of these two properties. Additionally, the relationship shared between the existing and proposed dwelling would not be so dissimilar to the relationship shared between other properties along Union Street. Taking this into account and the fact that no objections have been received to the application, the proposed dwelling would not result in a harmful overshadowing or overbearing form of development upon the adjacent properties.

In terms of overlooking, the bathroom window proposed within the northern side elevation of the dwelling would be obscured, and the lower ground floor office window would be positioned 1.8m above the internal floor level. As such, these openings would not result in a significant loss of amenity or privacy. It is appreciated that raised balconies would be provided to the rear of the dwelling and these provide some opportunity for overlooking. However, as the sides of the balconies would be enclosed, the level of overlooking would not be so significant to warrant the refusal of planning permission. With regard to the neighbouring properties located to the rear, the site slopes significantly downwards and at an angle that would make any overlooking into these properties very difficult. As highlighted by the section details, the raised balconies would be sited above the roofline of

the terrace below and a distance of 13m would be maintained from the terraced houses below (namely 88 and 89 Lower Thomas Street). Taking into account the proposed levels and the separation distance, the development would not have a significant adverse impact on properties along Lower Thomas Street in terms of overlooking, overshadowing or overbearing impacts.

Having regard to the above considerations, the proposed development would not adversely impact upon the amenities or privacy of the adjoining occupiers to such a degree that would warrant the refusal of planning permission. As such the proposal complies with Policy BW7 of the LDP.

The highway/pedestrian safety implications of the development.

The proposed dwelling would be accessed via Union Street. The Head of Engineering does not consider that the dwelling would be detrimental to highway or pedestrian safety and has therefore not raised an objection. Given that the site is located in a highly sustainable location that is close to the town centre, the off-street parking proposed is also considered sufficient for a dwelling of this size. The proposed development would therefore not give rise to adverse highway/pedestrian safety concerns or impinge the free flow of traffic within the wider site. As such, it would comply with Policy SW11 in this respect.

Ecology

The Council's Ecologist has requested a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment of the site (PRA) to be submitted. He has noted that there are known records for protected and priority species e.g. bats (including Schedule 1 Species), birds, Hedgehog and Amphibians within 500m of the application site. It is also noted the site is within 300m of a Buglife B-Lines Area. While the advice of the Ecologist has been acknowledged, the existing garage on the site has already been demolished and given the condition of the land, it is not considered necessary to request the undertaking of an ecological survey for this site.

Conclusion

Finally, it should be noted that a pre-application enquiry was submitted to the local planning authority for a similar proposal to that being considered under this application. However, the height and design of the proposed dwelling differed and the changes that have been undertaken to the scheme do not overcome the concerns raised at this pre-application stage.

Given the above, the proposed development would not be appropriate to its local context in terms of its overall design, massing, elevational treatment and external materials and would fail to preserve or enhance the character and appearance of the Thomastown Conservation Area.

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 REFUSED for the following REASONS

1. The proposal, by virtue of its design, height, mass and external materials would be unsympathetic to its local context and thus fail to preserve or enhance the character and appearance of the Thomastown Conservation Area. As such, it does not accord with Policies CW1 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

5/5/22