

DELEGATED REPORT

Application No:	P/22/0265
Site Address:	20 Cwrt Bevan Merthyr Tydfil CF47 0AQ
Development:	First floor extension above garage, conversion of this garage to living accommodation with associated external works and loft conversion comprising of skylight windows (including 2 no. rear skylights that can be used as balconies)
Case Officer:	Rebecca Owens
Site Visit:	10th October 2022
Application Expiry Date:	24th November 2022
Consultation reply date expired:	25th October 2022

APPLICATION SITE

The application relates to a detached dwelling located in a mainly residential area within the settlement boundary. The site is bound by a highway and shared driveway to the front, dwellings on either side and vegetated, undeveloped land to the rear which appears to form part of a buffer between a open-space/recreation field and the adjacent houses.

PROPOSED DEVELOPMENT

Full planning permission is sought for a first floor extension above the existing integral garage located on the north eastern elevation of the dwelling. This would be the same depth and width of as the existing garage (6.13m by 2.73m respectively) and would have a pitched roof with a ridge height of 7.7m. The extension would feature windows in its front and rear elevations which would serve an office. The roof of the extension would be finished to match the main roof, the external elevations would be finished in a painted render to match the existing dwelling and brick head and cills would also match those existing.

It is also proposed to convert the garage to living accommodation providing a playroom with stairs to access the aforementioned office in the extension above. This would involve the removal of the garage doors and the insertion of a window in the front elevation (with the remaining area around blocked up). It is also proposed to remove an existing door in the rear elevation and provide bi-folding doors in the rear and western elevations which wrap around the western corner of the garage.

Finally, permission is sought for a loft conversion comprising of skylight windows in the front and rear planes of the main roof. Two roof lights are proposed in the front roof plane

with a further four in the rear. These would all project approximately 0.1m above the plane of the roof. It is noted that two of the rear roof lights open out to form balconies. These types of windows open upwards allowing side railings to unfold and a person to stand within the window opening but do not create any platform or additional floor space.

PLANNING HISTORY

The relevant planning history is summarised below:

P/11/0007 Application under Section 73 of the Town and Country Planning Act 1990 to extend the time for a further 3 years in which to submit an application for reserved matters, and to allow for a further five years in which to commence development (or a further 2 years from approval of reserved matters, whichever is the later) from the date of permission, in respect of planning consent 05/0157 (Residential development comprising the erection of houses and garages, demolition of No's 7-10 Milbourne Terrace and all associated engineering and building operations)
Outline planning permission granted subject to conditions on 7 September 2011

Condition 20 of this permission restricts the use of parking spaces for parking of vehicles only and prevents the formation of parking spaces within landscaped areas.

P/07/0292 Demolition of Nos 7 - 10 Milbourne Terrace and erection of 73 dwellings and associated access road
Reserved matters approval granted subject to conditions on 27 September 2007

Condition 7 of this permission restricts the use of parking spaces for parking of vehicles only.

Condition 8 prevents the formation of car parking spaces within landscaped areas.

P/05/0157 Residential development comprising the erection of houses and garages, demolition of no's 7-10 Milbourne Terrace and associated engineering and building operations
Outline planning permission granted subject to conditions on 4 August 2006

Condition 20 of this permission restricts the use of parking spaces for parking of vehicles only and prevents the formation of parking spaces within landscaped areas.

CONSULTATION

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

Head of Engineering & Highways No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties and a site notice was displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

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 11, February 2021)

Local Planning Policies

Policies SW11: Sustainable design and place making and CW1: The Historic Environment 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 first floor extension is considered to be of an acceptable design and scale. Whilst it is recognised that it would result in a two storey side annexe, given that this would be set back from the main front elevation and with a lower ridge height than the main roof it is considered that it would represent a subservient addition to the property and would not impinge on the wider streetscene. Similarly, no concerns are raised with respect to the external alterations associated with the proposed garage conversion. The window which would replace the current garage door would replicate the design and proportions of the existing fenestration and the rear bi-fold doors would be discretely located away from public view. Finally, with respect to the introduction of roof lights to the front and rear roof planes, it is noted that whilst there would be only two front roof lights which are modestly sized, there would be four roof lights to the rear which are of varying sizes including two relatively large roof lights which open to form balconies. Whilst it is acknowledged that these rear roof lights appear somewhat inconsistent in their scale and appearance, when closed they are viewed against the roof plane where they are less prominent and being located to the rear they would be less visible from public view. In addition, notwithstanding the above, it is acknowledged that the front and rear roof lights can be installed under permitted development rights and as such it would be unjustified to refuse the application as a result of their inclusion. Having regard to the above, it is not considered that the proposal would harm the character or visual amenities of the dwelling itself or indeed the wider area which forms part of Urban Character Area 4 (South of the Town Centre:

Plymouth Street Area). Accordingly, the proposal would accord with Policy SW11 of the LDP.

Regard has also been had for the impact of the proposal on the residential amenities of the neighbouring residents. In this respect it is noted that the first floor extension would be erected in close proximity to the dwelling known as 21 Cwrt Bevan, which is located to the north east of the site. However, given that it would be partly located adjacent to the flank elevation of this property (which does not contain any windows) with only 3.05m of the extension projecting beyond its rear elevation, it is not considered that it would have a significant overbearing impact and whilst it may result in some overshadowing for part of the day this would not be to a degree which would warrant the refusal of the application on such grounds. Similarly, given its distance from the dwelling adjoining the south western boundary no concerns are raised in these respects. Furthermore, whilst the extension would incorporate a first floor rear window which project further out than the existing rear windows, it is not considered that it would give rise to a substantially greater degree of overlooking into neighbouring gardens (to the sides and rear) than existing rear windows. It is also noted that the proposal would introduce roof lights into the front and rear roof planes. The front roof lights would give views across the front gardens of neighbouring dwellings and any views to windows of surrounding properties would be angled to prevent any direct lines of sight and significant loss of privacy. However, it is recognised that the rear roof lights would allow for elevated views across private rear gardens (to the sides and rear) and that two of these windows open to form a balcony allowing a person to stand within the window opening. However, they do not create any external platform and as such, whilst they would allow for views to the sides these would be somewhat restricted. Thus, it is not considered that the overlooking from the rear skylights would be significantly greater than that from the existing rear windows or that which already exists between neighbouring dwellings. As such the overlooking and a loss of privacy is not deemed to be harmful enough to warrant the refusal of the application on such grounds. Notwithstanding the above, it is also noted that these windows could be inserted without the benefit of planning permission under the householder's permitted development rights. Finally, given that the garage would be converted into a habitable room to be used in connection with the dwelling, it would remain residential and would not give rise to any change in terms of noise and disturbance. Accordingly, having regard to the above and noting that no objections have been received following the publicity exercise, the proposal is found to be acceptable in terms of its impact on residential amenity and as such in accord with Policy SW11 of the LDP.

In terms of parking and highway safety, it is noted that the dwelling currently benefits from four bedrooms. Wales Parking Standards 2008, requires one space per bedroom (up to a maximum of three spaces). Therefore, the dwelling current has an off-street parking requirement of three spaces. However, as the garage does not meet the minimum clear internal dimensions set out in the Wales Parking Standards 2008, it cannot be considered as providing an off-street parking space. As such, the dwelling currently benefits from two spaces provided on a hard standing and the drive to the existing garage. Whilst the proposed would add bedrooms to the dwelling, resulting in a total of six bedrooms, the property's off street parking requirement would remain the same (3 spaces) and the conversion of the garage would not result in the loss of a parking space given that it does not meet the required standards. As such, the property's off street parking requirement and provision will remain unchanged and on this basis no objection is raised in regard to parking from the Head of Engineering and Highways. It is noted that it would appear that one of the existing parking spaces has been created on the original landscaped area to the front of the dwelling and as such would be in breach of condition. However, part of the

landscaped area remains to the front and the parking space is considered to be suitable both in terms of highway safety and visual amenity. As such, this alteration has not had a harmful impact and the additional space created is therefore deemed to be acceptable. Thus the proposal is acceptable on parking and highway safety grounds.

It is noted that there is a tree within the rear garden of the dwelling which is subject of a Tree Preservation Order. However, given the nature and siting of the works proposed, it is not considered that there would be any impact on this protected tree.

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: Proposed plans, Drawing Number: A104, Received on 29 September 2022

Drawing Title: Proposed elevations, Drawing Number: A105, Received on 29 September 2022

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

INFORMATIVES

1. 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.

2. 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.

3. 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.

4. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety

and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

2/11/22