

DELEGATED REPORT

Application No:	P/22/0085
Site Address:	18 Vernon Close Penyard Merthyr Tydfil CF47 0HY
Development:	Single storey rear extension and raised decking
Case Officer:	Rebecca Owens
Site Visit:	9th June 2022
Application Expiry Date:	6th June 2022
Consultation reply date expired:	3rd May 2022

APPLICATION SITE

The application relates to a semi-detached dwelling located in a mainly residential area. The site is bound by a highway to the front, dwellings on either side and Cyfarthfa High School to the rear.

PROPOSED DEVELOPMENT

Full planning permission is sought for a single storey rear extension and raised decking.

The extension would be erected off the rear elevation of the dwelling but would be of a greater width and thus would project past the main side elevation. It would have a maximum depth of 3.83m (due to a slight overlap of the side elevation) but would project off the rear elevation by 3.5m. It would be 10.2m in width, projecting beyond the flank elevation by 1.7m. The extension would have a very shallow mono-pitched roof, which due to the difference in the levels of the site would have a ridge height of 3.6m and an eaves height of 3.5m. It would feature two windows and bi-folding doors in its rear elevation and patio doors in its north-eastern facing side elevation. The roof of the extension would be covered with grey polymer and the external elevations would be finished with fortex cladding to match the existing elevations of the dormer windows and side extension.

The decking would wrap around the north western corner of the proposed extension. It would project out 1.5m off the rear elevation and 1.5m off the flank elevation with a maximum width of 6.3m and a maximum depth of 5.33m. The decking would be 0.8m above ground level with a balustrade on top, which is 0.9m in height.

PLANNING HISTORY

The relevant planning history is summarised below:

P/22/0031 Single storey rear extension with raised decking (certificate of lawfulness)
Certificate of lawfulness refused on 30 March 2022 for the following reasons:

1. The proposed extension does not constitute 'Permitted Development' by virtue of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Planning permission is therefore required and a Lawful Development Certificate cannot be issued.
2. The proposed decking does not constitute 'Permitted Development' by virtue of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Planning permission is therefore required and a Lawful Development Certificate cannot be issued.

P/07/0078 Erection of dormer windows to side roof plane, erection of front porch, single storey rear extension and ridged roof above existing side porch
Granted planning permission on 12 April 2007

P/03/0170 Two new dormer extensions to front and rear of property
Granted planning permission subject to conditions on 17 July 2003

CONSULTATION

No consultation exercise was considered necessary in this instance.

PUBLICITY

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

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 application relates to one of a pair of semi-detached dormer bungalows which would have originally been symmetrical in their appearance. However, the application dwelling has had a number of additions including dormer windows and a side extension which have quite significantly altered its overall appearance and unbalance the pair of dwellings. Given this, the proposed extension is generally considered to be of an acceptable design and scale. Whilst it is acknowledged that it would be wider than the main dwelling and thus project beyond the flank elevation, this would be largely obscured by the existing side extension and thus would not be visible from the front street scene. As such it would not impact on the visual amenities of the wider area. In addition, when viewed in conjunction with the other alterations to the dwelling, it is not considered that it would further harm the character or appearance of the dwelling itself. Similarly, no concerns are raised with respect to the visual impact of the decking. Thus, the proposal is found to be in accord with Policy SW11. It would also have no notable impact on Urban Character Area 2 (Thomastown and Penyard) and thus would not contravene Policy CW1.

Regard has also been had for the impact of the proposal on the residential amenity of the neighbouring occupants. In this respect, it is noted that the proposed extension would be erected almost hard on the boundary with 17 Vernon Close. However, given that it would only be 3.5m in depth and a maximum height of 3.6m, it is not considered that it would have an overbearing impact or result in any significant loss of light or overshadowing. It is noted that the extension would feature windows in its rear elevation, but these would not look directly over the neighbouring gardens and those windows closest to the boundary with 17 Vernon Close would in fact serve a shower room and dressing room and thus non-habitable rooms. As such it is not considered that the extension would give rise to any unacceptable overlooking or loss of light. In terms of the decking, it is noted that there is currently a decked area off the rear elevation of the dwelling which is directly alongside the boundary fence with 17 Vernon Close and which allows for views into the neighbouring garden. Thus, whilst the proposed decking would allow for views over the existing boundary fence, it would be set back from this by over 5m and thus it is not considered that the overlooking into the garden would be any more harmful than that which already exists. In addition, this set back from the boundary prevents any direct views back towards the rear windows of 17 Vernon Close and as such no concerns are raised with respect to loss of privacy.

Given the distance of the proposed extension to the shared boundary with 19 Vernon Close, it would not have any overbearing impact or result in any loss of light or overshadowing. However, it is noted that the extension would feature French doors in its side elevation which would look directly towards this neighbouring property. At their closest point, these doors would be just under 5m from the shared boundary and as such it is not considered that they would give rise to any harmful overlooking or loss of privacy. Similarly, whilst the decking would, create a raised platform which is 0.8m high, this would be between 3m and 5.2m from the boundary line. Given this set back and with the lack of any objections from the neighbouring occupants it is on balance considered that the decking would not result in overlooking and loss of privacy to an extent that would warrant the refusal of the application. It is therefore found to be in accord with Policy SW11.

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:**

CONDITIONS/REASONS:

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: Vernon 18 01A, Drawing Number: Existing & Proposed Plans, Elevations and Section Details, Received on 11 April 2022

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

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.

3. 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.

4. 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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

10/6/22