

DELEGATED REPORT

Application No:	P/22/0226
Site Address:	Elland House 12 Fair View Estate Old Winch Fawr Road Swansea Road Merthyr Tydfil
Development:	Single storey extension to provide a self-contained residential unit and extension of hardstanding to front
Case Officer:	Rebecca Owens
Site Visit:	6th September 2022
Application Expiry Date:	19th October 2022
Consultation reply date expired:	30th September 2022

APPLICATION SITE

The application relates to a detached dwelling located in a mainly residential area within the settlement boundaries. The site is bound by a highway to the front, undeveloped land to the rear, a dwelling to the east known as Mizpah, 11 Fair View Estate and a chapel to the west which is utilised as a day care facility. The dwelling occupies a lower level than the highway to the front and the rear garden is relatively flat in profile.

PROPOSED DEVELOPMENT

Full planning permission is sought for a single storey extension off the rear elevations of the main dwelling and its side annexe. This in conjunction with the side annexe would provide a self-contained residential unit for use by the applicant's parents and thus is akin to a "granny annexe". Thus whilst self-contained the residential unit would be ancillary to the existing dwelling in that it would not have its own residential curtilage or private amenity space (which would all be shared with the existing property). The unit would provide a bedroom, open plan living/kitchen/dining room, small bathroom, utility and store.

The extension would project off the main rear elevation of the dwelling by 9.2m and would be a maximum width of 6.5m. It would have a flat roof with a height of 3.6m which would feature a glazed roof lantern (2.5m in width by 1.5m in depth) that projects 0.5m above the roof. The extension would have two windows in its rear elevation serving the bedroom and bi-folding doors in its north eastern facing side elevation which would serve the main open plan living space. This elevation would also contain a back door providing access to the rear garden from the existing dwelling. The roof of the extension would comprise of EDPM rubber roofing and the external elevations would be finished in render.

It is noted that the existing flat and mono-pitched roofs of the existing side annexe would be removed and replaced with a new flat roof to match the roof of the extension. This would involve building up the existing south western elevation of the side annexe so the height of the roof would match the extension.

In addition, permission is sought for a new hardstanding to the front of the dwelling which would be accessed off the adjacent highway. This would be 5m in depth by 5.8m in width and thus would accommodate up to two vehicles. The hardstanding would be covered with permeable block paving.

PLANNING HISTORY

There is no recent planning history which needs to be taken into consideration when determining this application.

CONSULTATION

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

Head of Engineering	No objection
Planning Division's Ecologist	No objection
Environmental Health Manager	No objection subject to conditions
Dwr Cymru Welsh Water	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 and two site notices were 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

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW1: Provision of New Homes.
- SW4: Settlement Boundaries.
- SW9: Planning Obligations.
- SW11: Sustainable Design and Placemaking.
- SW12: Improving the Transport Network.
- CW1: Historic Environment
- EnW4: Environmental Protection.

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- *Note 2: Planning Obligations;*
- Note 4: Sustainable Design;
- Note 6: A Design Guide for Householder Development.

PLANNING CONSIDERATIONS

The site relates to a detached dwelling located in a mainly residential area within the settlement boundaries. Accordingly, the principle of development is considered to be acceptable subject to compliance with other planning policies and material planning considerations.

Character and visual amenity

The proposed extension is generally considered to be of an acceptable design and scale. It is noted that it would result in a projection off the main rear elevation of the dwelling which is quite substantial being 9.2m but given that it is single storey and contained to the rear of the property, it is not considered that it would result in any significant harm to the character of the dwelling or the wider area. Whilst the extension itself would not be visible from the front street scene, it is noted that the proposal also includes alterations to the roof of the existing side annexe which is evident within the front elevation. However, the change of the shallow mono-pitched roof to a flat roof would not represent a significant alteration and would not be detrimental to the visual amenities of the dwelling or the streetscene. Similarly, no concerns are raised with respect to the visual impact of the proposed hardstanding.

In addition, the proposal is for an extension to provide living accommodation for relatives, akin to a “granny annexe” and would not have its own curtilage or external amenity space, as these would be shared with the existing dwelling. As such, the proposal would have the appearance of an extension to the dwelling rather than a new unit in its own right and thus would not have a significant impact on the character and existing pattern of development.

Having regard to the above, the proposal would not impinge on the character or visual amenities of the dwelling or area in general and as such would comply with Policy SW11 in this respect.

Residential amenity

Regard has also been had for impact of the proposal on the residential amenities of neighbouring occupants. In this respect it is noted that the site is bound by vegetated land to the rear, a dwelling to the east known as Mizpah, 11 Fair View Estate and a chapel to the west which is utilised as a day care facility.

It is noted that the proposed extension would be erected hard on the shared boundary with the chapel. This occupies a higher level adjacent to the application dwelling with its rear grounds at the same level as the rear garden. Whilst this is not a residential property, the impact of the proposal has still been considered. In this respect it is acknowledged that with the existing side annexe, the proposal would result in built development hard on the shared boundary for over 16m. However, the existing side annexe comprises over just over half of this and is adjacent to the higher level of the church. As such, this section, even when slightly raised in height as part of this proposal, would not give rise to any significant impact. Whilst the depth of the extension would be alongside the lower ground level, this would be single storey in height at 3.6m. Thus, on balance, it is not considered that it would have an overbearing impact and any overshadowing would only affect a small section of the neighbouring property for part of the morning. Thus, given that the adjoining property is not residential and no objections have been received following the publicity exercise, the impact of the extension on the church is deemed to be acceptable.

Whilst the site is bound by a dwelling to the east, given the distance between the extension and the shared boundary with this property, it would not give rise to any overbearing impact or overshadowing. However, it is noted that there would be glazed bi-folding doors in the side elevation which would look directly towards this neighbouring dwelling. Given that these are at ground floor level, any views from them would be largely obscured by the existing boundary treatment and as such they would not result in any harmful overlooking or loss of privacy.

With respect to the windows in the rear elevation of the extension, these would look towards the rear boundary of the site which adjoins undeveloped, vegetated land. As such they would not give rise to any overlooking.

Similarly, no concerns are raised with respect to the hardstanding area which would not harm the residential amenities of any of the neighbouring properties.

It is noted that the residential unit would not have its own curtilage or private amenity space and as such the unit would be ancillary to the existing dwelling with these being shared. If the residential unit was to operate as a completely self-contained residential unit which is entirely separate from the existing dwelling it is likely that there would be issues with respect to overlooking between this unit and the existing dwelling which would not be an acceptable arrangement. As such, if planning permission is to be granted for this proposal a condition should be attached to the decision controlling the residential unit so it remains ancillary to the existing dwelling.

Finally, whilst the proposal would result in the creation of an additional residential unit, its modest size and ancillary nature would not give rise to any significant increase in comings and goings and it is not considered that it would result in harmful noise and disturbance to neighbouring occupants. In this respect it is noted that no objections were received from the Environmental Health Manager.

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 would accord with Policy SW11.

Car parking and highway safety

The proposal would provide two additional parking spaces within the curtilage of the dwelling resulting in a total of three spaces to serve the dwelling and this additional unit. This is considered to be adequate parking provision to meet the needs of these two properties and given that no objections were received following consultation with the Head of Engineering and Highways it is considered that these parking spaces can be suitably accessed and egressed. As such no concerns are raised with respect to parking or highway safety.

Ecology

As the proposal would not involve any extensive works to the main property and its roof, no ecological surveys were deemed necessary. However, enhancements would be required in line with the Environment (Wales) Act 2016 and Welsh Government Circular 'securing Biodiversity Enhancements'. The Planning Division's Ecologist has indicated that a single integrated bat box installed on the north eastern gable end of the main building would be appropriate and this can be secured through suitably worded condition.

Conclusion

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:

Proposed floor plan/site layout, elevations and sections, Drawing Number: 2 of 2,
Received on 24 August 2022

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

3. The residential Annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Elland House, 12 Fair View Estate, Old Winchfawr Road, Swansea Road, Merthyr Tydfil.

Reason - To avoid the creation of a separate unit of accommodation in the interests of highway safety and residential amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons - Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.

5. **BEFORE** works relating to the extended hard standing commence, details of its construction, including levels and any associated retaining works shall be submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details **PRIOR** to residential annexe being brought into beneficial use and the car parking spaces shall remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>
Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

4. With respect to condition 4 of this planning permission the developer is advised that the Planning Division's Ecologist has indicated that a single integrated bat box installed on the north eastern gable end of the main building would be appropriate.
5. 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.

6. 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.

7. The proposed development site is crossed by a public sewer. The position of this shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.
8. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e., a drain which extends beyond

the connecting property boundary) or via a new sewer (i.e., serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact Dwr Cymru Welsh Water's new connections team on 0800 917 2652 for further information on water and sewerage connections. The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

9. Dwr Cymru Welsh Water advise that a water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

14/12/2022