

DELEGATED REPORT

Application No: P/24/0030

Site Address: 28 Heather Court
Quakers Yard
Treharris
CF46 5RP

Development: First floor extension above garage

Case Officer: Nia Chard

Application Expiry Date: 5th April 2024

Consultation reply date expired: 7th March 2024

APPLICATION SITE

The application relates to a detached dwelling located in a mainly residential area. The site is bound by a highway and other dwellings and its profile is relatively flat.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a first floor extension above an existing integral garage which is set back from the main front elevation of the property by 3.6m. This extension would measure 5.2m in depth and 2.96m in width and would have a pitched roof with a ridge height of 7.3m. The extension would feature a window in the front and rear elevation which would serve a bedroom. The roof of the extension would be covered with concrete tiles to match the existing roof and the walls would be finished with brickwork to the front and render to the side and rear to match the existing elevations.

PLANNING HISTORY

P/19/0281 Erection of Conservatory to rear
Granted subject to Conditions 02.12.2019

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 neighbouring properties. One letter of representation were received following this publicity exercise. The contents of the letter has been summarised below:

- The height of the extension will effectively reduce the side access path to the rear of our property to a dark alleyway with full height building to the roofline apexes on both sides
- Our property has two openings on the affected side, a side door with window into our utility room and a window to our first floor ensuite. Installation of the full height extension will have an enormous impact on the natural light to both of these areas this will be particularly profound in the months where the sun is lower
- A new rear window is proposed. This window will be set back from the rest of the rear aspect of the property, it will provide virtually full overview of our rear garden and thus completely removing the privacy we sought
- The additional weight of a full height extension being added over the garage on top of foundations laid for a single storey structure will, over time present potential structural issues to our property
- The construction of both the extension walls and particularly the overhanging roofline will rob our property of much of the attractive views we currently enjoy over the valley to Treharris
- Concerns have also been raised about potential impact on the value and saleability of our property
- The proposed bat a bird box will be located above the path along the side of our property. As such, debris and droppings would freely fall from these boxes onto our path posing not only an unacceptable mess but also a potential risk for our dog

Ward Councillors were made aware of the representations received but have not requested that the application be determined at Planning Committee. As such, the application will progress to be determined under delegated powers by the Chief Officer Planning and Neighbourhood Services.

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 12, February 2024)

Local Planning Policies

Policy SW11: Sustainable design and place making 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 issues to consider under the assessment of this application relate to whether the proposed extension, in terms of its siting, design and scale, would be an acceptable form of development with regards to its impact upon the character and appearance of the property and the street scene. The impact upon residential amenity are also important considerations.

Character and Appearance

The application site is located in an area where there are dwellings of differing designs and scales. These are mainly two storey properties with a single storey element to the side. It is acknowledged that the proposal would result in the loss of the single storey side annexe which is a feature of many of the dwellings within the area. However, due to the location of the application property within a cul-de-sac location, and that the proposal would be set back from the front gable of the property, on balance the overall design and appearance of the dwelling as a result of the proposal is considered to be acceptable and it would not appear incongruous within the wider streetscene. Consequently, the proposal would not conflict with Policy SW11 of the LDP.

Residential Amenity

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 27 Heather Court which is located to the south east of the site. However, given that it would be partly located adjacent to the flank elevation of this property with only 2m of the extension projecting beyond its rear elevation, it is not considered that it would have a significant overbearing impact. Furthermore, due to the proposal being located to the north of the neighbouring property it would not result in a level of overshadowing which would have a detrimental impact. Whilst the extension would incorporate a first floor rear window it is not considered that it would give rise to a substantially greater degree of overlooking into neighbouring garden than existing rear windows. 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. It is noted that the neighbouring property has a small first floor window which is obscure glazed on the side elevation facing the proposal, this window serves an ensuite bathroom and whilst there may be some loss of light to this window this would be minimal. Accordingly, 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.

Ecology

It is noted that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, which only includes a first floor extension, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancement would be provided, which would provide additional habitats in the local area, which would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policy EnW1.

Reponses to representations

Some of the concerns raised in the letters of representations have been considered above. The remainder of the concerns raised have been addressed below:

- Loss of view is not a material planning consideration;
- Should any damage or structural issues result to neighbouring properties or boundaries as a result of this proposal, this would be a civil matter between the parties involved.
- The bat and bird box are proposed within the curtilage of the application property, and the potential droppings is not considered to be a planning matter

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:

Site Location Plan, Received 09.02.2024

Proposed Plans, Received 09.02.2024

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

3. **BEFORE**, the proposal is brought into use the bat and bird boxes shall be installed in accordance with the approved drawing received 9 February 2024, and shall be retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. 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.

2. 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




Director of Neighbourhood Services

DATE: 26.03.2024