

DELEGATED REPORT

Application No:	P/24/0229
Site Address:	84 Kingfisher Crescent Merthyr Vale Merthyr Tydfil CF48 4TL
Development:	Retain existing outbuilding in rear garden and reduce the roof height and overhang.
Case Officer:	Rebecca Owens
Application Expiry Date:	22nd November 2024
Consultation reply date expired:	24th October 2024

APPLICATION SITE

The application site relates to a detached dwelling located within a new housing development in Merthyr Vale. The site is bound to the front by a highway, dwellings to the south west and south east and undeveloped land to the north. The profile of the land is such that it slopes gently down from south east to north west.

PROPOSED DEVELOPMENT

This application seeks planning permission to retain an outbuilding which has been erected in the rear garden subject to alterations to reduce its height.

The outbuilding has an irregular shape which is 8.92m in length and 5.54m at its widest. It is proposed to reduce the height of the roof so it would have a maximum height of 2.49m with an almost flat roof. The submitted plans also indicate that the roof hangover would be reduced. The summer house will be finished in timber effect composite cladding with a rubberised roof. A bat box would also be installed on the side elevation.

PLANNING HISTORY

P/24/0084 Outbuilding in rear garden (Retrospective)
Refused planning permission on 29 May 2024 for the following reason:

“The outbuilding, by virtue of its siting, scale and design, would have an overbearing impact on the neighbouring property of 83 Kingfisher Crescent. As such, it would have a significant detrimental impact upon residential amenity contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031”.

A subsequent appeal was dismissed by PEDW.

CONSULTATION

Consultations were not carried out under this application.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties. One letter of objection was received. The main concerns raised within this are summarised as follows:

- The structure would still be overbearing and oppressive despite the proposed reduction in the roof height.
- It is erected hard against the fence shared with the neighbouring property and runs along the full length of this.
- Loss of light impacting on the neighbour's use of their garden
- Drainage and water running off the roof into the neighbouring garden

The ward councillors have been informed of the concerns raised as a result of the publicity exercise and have not requested that the application be presented to the planning committee for consideration. As such, the application shall proceed to be determined under the delegated agreement by the Director of Neighbourhood Services.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

National Planning Policies

- Planning Policy Wales (Edition 12, February 2024)

Local Planning Policies

- Merthyr Tydfil Count Borough Replacement local Development Plan 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Supplementary Planning Guidance (SPG)

SPG Note No. 6 – A Design Guide for Householder Development (September 2015)

PLANNING CONSIDERATIONS

The outbuilding subject to this application was erected without the benefit of planning permission and accordingly an application was submitted for its retention. This application was refused planning permission as it was determined that the outbuilding was resulting in an overbearing impact on the neighbouring property which was harmful to their residential amenity. The refusal was appealed but this was subsequently dismissed. This current application has therefore been submitted to retain the outbuilding, with the roof height reduced to overcome the previous reason for refusal.

The siting of the structure would not change and as such it would remain adjacent to the south eastern and southern western boundaries which are shared with 83 and 85 Kingfisher Crescent. The building is less than 0.1m from the boundaries with 83 and 85 Kingfisher Crescent. At 8.9m in length it effectively spans the whole of the garden boundary with number 83 and spans 5.54m along boundary with number 85. This application seeks to reduce the height of the outbuilding from a maximum height of 2.74m to 2.49m. It is recognised that this would represent only a modest reduction in height (just 0.25m) and the structure would remain 8.9m in length adjacent to number 83 and 5.54m adjacent to number 85. It is recognised that this minor reduction is unlikely to result in a significant change in impact and as such it is considered that the structure would still be a relatively un-neighbourly form of development that would still effect the residential amenity of number 83 Kingfisher Crescent. However, at this height the structure would constitute permitted development and thus can be erected without the benefit of planning permission. Accordingly, it would not be justifiable to refuse planning permission.

It is recognised that an objection has been received from a neighbouring occupier. At the proposed height and having regard to the orientation of the properties it is not considered that the outbuilding would result in a harmful loss of light and any overshadowing of the neighbouring gardens would only occur for part of the day. As outlined above, it is acknowledged that the structure has been erected almost hard on the fence line with neighbouring properties and that it runs along the majority of the garden boundary with 83 Kingfisher Crescent. The concerns of the objector that the outbuilding would continue to be overbearing and oppressive despite the proposed reduction in the roof height are also understood. However, given that the alterations proposed would render the structure permitted development, it would not be reasonable to refuse planning permission. In terms of the issue regarding the drainage and water run-off from the roof into the neighbouring garden, the submitted plans illustrate a reduction in the roof overhang to ensure that the outbuilding would be confined wholly within the applicant's garden area and a slimline gutter has been indicated on the south western elevation draining into the application site.

The outbuilding would generally be of the same appearance following the reduction of its roof height and being located to the rear of the property it does not have any adverse impact on the character and appearance of the street scene. As such no concerns are raised with respect to the impact of the development on the character or visual amenities of the dwelling itself or the area in general.

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 a basic GIS has been provided which is deemed to be sufficient given the scale and nature of the development, which relates to a residential outbuilding. The ecological enhancement of a bat box will be secured by condition, which would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policy EnW1.

CONCLUSION

Whilst the reduction in the height of the roof of the structure would represent only a minor alteration which in turn would only result in a modest improvement in terms of its impact on neighbouring properties, given that it would then fall within the householder's permitted development rights and thus could be erected without planning permission it would not be justifiable to refuse permission.

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.

RECOMMENDATION: BE APPROVED subject to the following CONDITIONS:

1. The development shall be carried out in accordance with the following approved plans and documents:

Drawing Title: Proposed Plans and Elevations, Drawing Number: 02 Rev. C, Amended Plan Received 6 December 2024

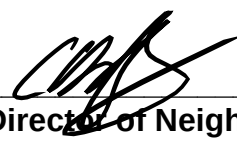
Drawing Title: Block Plan, Drawing Number: 03 Rev. C, Amended Plan Received 6 December 2024

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

2. **WITHIN 3 MONTHS** of the date of this permission, a bat box shall be installed in accordance with drawing number 02 Rev C. The bat and bird boxes box shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED




Director of Neighbourhood Services

DATE: 10.12.2024