

DELEGATED REPORT

Application No:	P/23/0098
Site Address:	Land Former Windsor Cottages Adjacent To Aberfan Social And Democratic Club Angus Street Aberfan Merthyr Tydfil
Development:	Erection of a detached dwelling
Case Officer:	Marlene Ferreira
Site Visit:	27th April 2023
Application Expiry Date:	18th September 2023
Consultation reply date expired:	27th September 2023

APPLICATION SITE

The application site relates to a parcel of land situated on the junction of Aberfan Road and Angus Street in the area of Aberfan. The irregular shaped site measures approximately 0.03 of a hectare. It is bound by Windsor Cottage along its northeastern boundary, the side wall and side entrance of 10 Angus Street to the east, Angus Street to the south and Aberfan Road to the west. The land is set over two levels. The front, northwestern part of the site sits above Aberfan Road and Windsor Cottage, whilst the rear, southwestern part of the site is broadly in line with the level of 10 Angus Street. The site, which was previously overgrown, has been completely cleared.

PROPOSED DEVELOPMENT

This application seeks planning permission for the construction of a detached two-storey dwelling. The proposed dwelling would be orientated so that its front elevation would be west facing towards Aberfan Road. It would have a pitched roof with two first floor front gable windows and feature a canopy over the front door. It would measure 8.4 metres wide, 7.4 metres deep, with a minimum ridge height of 7 metres and maximum ridge height of 8.3 metres (due to varying ground levels). The dwelling would have an open plan kitchen/living/dining area, with utility and WC at ground floor and three bedrooms (one with en-suite) and a bathroom at first floor. It would be served by three parking spaces which would be provided to the rear of the dwelling, access to which would be from Angus Street.

The proposed dwelling is identical in respect of its siting, scale and design as that recently approved at planning appeal, APP/U6925/A/21/3277092 (resulting from the refusal of planning permission P/21/0106). This proposal however, seeks to construct the dwelling on a ground level approximately 0.95 metres higher, than that originally approved. As noted in the planning statement, this alteration is required *‘...to ensure that the scheme provides for safe and convenient disabled access and to ensure that the visual aspect of the dwelling and plot is not dominated by high retaining walls...’*

PLANNING HISTORY

The following planning history is relevant to this site:

P/21/0106 – Detached dwelling – Refused: 14th May 2021

Reason for refusal: *‘The proposed dwelling by virtue of its siting and design, would fail to integrate effectively with the street scene to the detriment of the character and appearance of the area. As such, the proposal fails to comply with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2006 – 2031’.*

The applicant appealed the refusal of the above application under appeal APP/U6925/A/21/3277092, which was upheld on the 11th October 2021. The appeal inspector stated the following: *‘...Given the land rises up Aberfan Road towards the plot, the scale and height of the new house would be relatively restrained...the proposed set back behind the existing building line would not appear discordant...dwellings set back from the road are not uncommon in the area...the set back of the proposed dwelling would reduce its prominence on the corner and limit its effect on the street scene...Overall therefore, those (gabled dormer windows) design features would not be out of keeping with the area or cause harm, especially given the generous plot size and separation distances from the adjacent houses. Similarly, while the size and shape of the proposed window openings may not be in exact symmetry with each other, the differences would be minor and not likely to draw the eye....while I have considered the Council’s concerns, it seems to me that the proposed design responds reasonably to surrounding built forms, while taking account of the constraints of the site and the topography of the area...Overall, I conclude that the proposed development would not have an adverse effect on the character and appearance of the area. Rather, it would successfully integrate with the street scene. It follows that the proposal would comply with policy SW11 of the Merthyr Tydfil county Borough Council Replacement Local Development Plan (2016-2031) (LDP) which, amongst other things, seeks to ensure that development is appropriate to its local context, integrates effectively and enhances the general street scene...’*

P/20/0268 - Detached dwelling – Withdrawn: 22nd December 2020

CONSULTATION

Head of Engineering and Highways	No objection, subject to conditions.
Ecology Officer	No objection, subject to conditions.
Environmental Health Manager	No objection, subject to conditions.

Natural Resources Wales

No response.

Welsh Water

No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and three 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)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 11 (February 2021)

Paragraph 3.3 refers to good design and states that *‘...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...’*

Paragraph 3.9 refers to character and states that *‘...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...’*

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

Paragraph 3.55 states that *‘...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for*

development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...

Paragraph 4.2.17 goes on to state that ‘...*maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...*’

Paragraph 6.4.3 discusses biodiversity and states that ‘...*the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...*’

- TAN (Technical Advice Note)

TAN 5: Nature Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 12: Design (2016) – This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

TAN 15: Development and Flood Risk (2004) – This TAN provides guidance on how flood risk should be assessed through the planning process.

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW1 - Provision of New Homes

Policy SW3 - Sustainably Distributing New Homes

Policy SW4 – Settlement Boundaries

Policy SW9 - Planning Obligations

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

- Supplementary Planning Guidance (SPG):

Supplementary Planning Guidance Note 1: Affordable Housing (March 2011)

Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)

Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)

Supplementary Planning Guidance Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as defined by the LDP Proposals Map. Therefore, the principle of residential development is considered acceptable and is generally supported by Policy SW4 of the LDP, provided that the proposal is compatible

with other relevant policies and material planning considerations. Indeed, a very similar planning proposal has been recently approved under planning appeal APP/U6925/A/21/3277092. Thus, the main issues to be considered during the assessment of this application relates to whether the proposed dwelling would be acceptable in respect of its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

It is noted that a small part of the site lies in a C1 flood zone and residential properties are classed as highly vulnerable developments. Paragraph 6.2 of TAN 15 states that *'...new development should be directed away from Zone C and towards suitable land in Zone A, otherwise to Zone B, where river or costal flooding will be less of an issue.* In this case, NRW have been consulted and have not provided a response. However, under the last application, P/21/0106, they had not raised an objection to the proposal as only a small slither of garden would be situated within the C1 flood zone. Given that the proposal is almost identical, the proposed dwelling would be considered acceptable in this location in this instance, and would therefore accord with LDP Policy EnW4.

Character and appearance

The proposed development would be located on a corner plot at the junction of Aberfan Road with Angus Street and would be seen as part of a street scene along Aberfan Road, which varies in scale and design, and along Angus Street, which is primarily formed by rows of traditional terraced properties. In particular, the properties located to the southwest and west, which comprise of dormer bungalows and a large two storey community centre off Hillside Close, as well as a grand three storey red brick building known as Aberfan Hotel, located off Aberfan Road, are all part of this varied street scene. Similarly, the boundary treatments enclosing the varied property types also differ between stone wall, brickwork walls and/or timber fencing of varying heights.

This proposal, as noted previously, is identical in respect of its siting, scale and design, to the dwelling approved at appeal stage against the planning refusal of application P/21/0106. The proposed boundary treatments, comprising of a low 0.75 metre high red brick wall along the front boundary with Aberfan Road and a 1.8 metre high red brick wall with infill panels along the side boundary with Angus Street would also be identical to those previously approved. Although located in a prominent corner plot, the appeal inspector concluded that the plot was suitable for a development of this scale and design in this location. Under this current proposal however, the proposed dwelling would be located on a ground level approximately 0.95 metres higher as previously noted. As such, its ridge height would now sit approximately 2.5 metres above the ridge height of Windsor Cottage (as opposed to 1.5 metres above its ridge height, as approved under the original permission), and approximately 1 metre below the ridge height of 10 Angus Street (as opposed to approximately 2 metres below the ridge height, as approved under the original permission). However, since the proposed dwelling would remain situated in the same position as that previously granted, and therefore, set back from the dividing boundaries with these neighbouring dwellings, the proposal would continue to appear as an appropriate development which would be viewed in context with the varied character and appearance of the surrounding area. The proposal would therefore be considered an acceptable form of development within this setting which would accord with LDP Policy SW11.

Residential Amenity

The greatest impact from the proposed dwelling, in respect of overlooking, overbearing, loss of light and privacy, would be to the dwelling to the north-east of the application site Windsor Cottage and the two-storey dwelling to the east of the application site, 10 Angus Street.

In respect of 10 Angus Street, the proposed dwelling would be located approximately 15m from the eastern site boundary enclosing the side of this neighbouring dwelling. Whilst it is noted that the proposed dwelling would now sit approximately 0.95 metres higher, given the changes in the proposed ground levels, the impact of the proposed dwelling on this neighbouring property would not be significantly different from the development previously granted. Indeed, whilst it is acknowledged that there would be some potential for overlooking into the rear garden and side entranceway of this neighbouring property from the first floor windows of the proposed dwelling, this would not result in a significant loss of privacy due to the distance between the properties and the fact that the neighbour's main amenity area is angled away from the proposed dwelling. Furthermore, as any loss of light to this neighbouring dwelling, even with the increased height, would be considered minimal due to the distance separating these two properties. It should be noted that no representations have been received from this neighbouring dwelling. The relationship between the proposed dwelling and this existing neighbouring property would therefore be considered acceptable and would accord with LDP Policy SW11.

The proposed dwelling would be located 1.4 metres (at its closest point) from the north-eastern site boundary enclosing Windsor Cottage and approximately 6 metres (at the closest point) from the neighbouring dwelling itself. Given the topography of the site, the proposed dwelling would be located at a higher level to this neighbouring property and there would be some level of overshadowing, particularly since the dwelling would now be constructed approximately 0.95 metres higher. However, given its siting on the plot, the bulk of the dwelling would lie adjacent to the side wall of Windsor Cottage and the proposed dwelling itself would therefore not be deemed to cause a significant overshadowing or overbearing impact upon this neighbouring property. In addition, the proposed dwelling would not have any northeast side facing windows, which would prevent any direct overlooking to the side and rear garden area serving Windsor Cottage. The proposed rear facing first floor window serving bedroom 3 would also be angled away from Windsor Cottage and its rear garden area, thus limiting the extent of overlooking into their amenity space. However, it was acknowledged that an increase to the site's ground levels by 0.95 metres could result in overlooking over the side boundary wall, when using the proposed northern side patio area, and that the addition of any enclosure above this existing wall could appear overbearing upon this private side garden area serving Windsor Cottage. Thus, to prevent any significant overlooking, amended plans were requested to show that this part of the site would remain almost at existing ground level. Thus, whilst the increase in ground levels would result in the provision of a relatively level threshold from the side entrance gate, which could provide adequate wheelchair access, to the main entrance of the property, three sets of steps would then be provided, which would run from the elevated front patio to the lower side patio area. The reduction in the ground levels of the side patio area would greatly limit overlooking and would negate the need for any additional boundary treatment to be erected above the existing side wall between the application site and this neighbouring property. It is also noted that a new 1.8 metre high boundary wall would be provided to the rear eastern boundary of the site which tapers away from the proposed dwelling. This part of the site naturally has a higher ground level and as such, the proposed enclosure is required to provide a private amenity area to serve

the future occupiers of the property. Whilst it is noted that a 1.8 metre high boundary wall would result in some loss of light into this neighbouring property's rear garden area, this arrangement would not be any different to that as approved under the original application. Furthermore, the existing outbuilding within the neighbour's rear garden, which is approximately 3 metres deep and lies adjacent to this dividing boundary, would provide a greater separation between the new wall and the neighbours useable garden space and as such, would help to reduce any loss of light impact. Additionally, the existing outbuilding also helps to reduce any overbearing impact which may otherwise result from the proposed 1.8m high boundary wall along this boundary. It should be noted that no representations have been received from this neighbouring dwelling. The relationship between the proposed dwelling and this existing neighbouring property would therefore be considered acceptable and would accord with LDP Policy SW11.

Ecology

This site, as discussed previously, has been cleared. However, enhancement measures in line with the Environment (Wales) Act 2016, have been proposed comprising of integrated bat boxes on the gable end elevations of the proposed dwelling. The Council's Ecologist has considered the proposal and enhancement measures and has not raised any objections. The proposal would therefore accord with LDP Policy EnW1.

Parking and Highway Safety

The property would be accessed via Angus Street and 3 on-site parking spaces would be provided to the rear of the site. The off-street parking provision is deemed sufficient to serve a dwelling of this scale and its access off Angus Street is also considered acceptable. The Head of Engineering and Highways has therefore not raised an objection. The proposed development would therefore not give rise to adverse highway/pedestrian safety concerns or impinge the free flow of traffic within the wider site. As such, it would accord with LDP Policy SW11.

CONCLUSION

For the reasons set out above, the proposed development is considered to be acceptable and complies with the relevant LDP policies.

Finally, 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 Site Plan Drawing No. 034_SI_003a, received: 18th April 2023;
- Proposed GP Drawing No. 034_FP_001a, received: 18th April 2023;
- Proposed FF Plan Drawing No. 034_FP_002a, received: 18th April 2023;
- Ecological enhancements 034-SP-401d, received: 24th July 2023;
- Proposed section G 034_SC_307a, received: 25th August 2023;
- Proposed Section F 034-SC-306e, received: 25th August 2023;
- Proposed Section E 034-SC-305d, received: 25th August 2023;
- Proposed Section D 034-SC-304d, received: 25th August 2023;
- Proposed Section C 034-SC-303e, received: 25th August 2023;
- Proposed Section B 034-SC-302f, received: 25th August 2023;
- Proposed Section A 034-C-301e, received: 25th August 2023;
- Proposed boundary plan 034-SP 402f, received: 7th September 2023;

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

3. **Prior to the commencement of development**, details/samples of the materials to be used in the construction of the external surfaces of the dwelling, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. Notwithstanding the provisions of schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no additions or alterations shall be carried out to the roof of the dwelling other than those expressly authorised by this permission.

Reason - In the interest of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Notwithstanding the provisions of schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no enlargements, improvements or other any other alterations, shall be carried out to the dwelling other than those expressly authorised by this permission.

Reason - In the interest of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. Notwithstanding the provisions of schedule 2, part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no outbuildings shall be erected other than those expressly authorised by this permission.

Reason - In the interest of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. No surface water and/or land drainage shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

9. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14.00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. The car parking area, at the rear of the property, as indicated on Drawing No. 034_SI_003a, shall be completed in accordance with the approved details prior to the occupation of the dwelling and 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 Policies SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The applicant/developer is advised to liaise with the County Borough Council's Head of Engineering regarding any consents which are required in association with the provision of any vehicle cross over.
2. The applicant/developer's attention is drawn to the comments received from Welsh Water during the course of this application. Their records indicate that the site is crossed by a public sewer. Under the Water Industry Act 1991, Dwr Cymru has rights of access to its apparatus at all times.

Some public sewers and lateral drains may not be recorded on Welsh Waters maps 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. The presence of such assets may affect the proposal.

The applicant is advised to contact Welsh Water on 0800 917 2652 and request a sewer trace to establish the location and status of the sewer. The applicant is advised that diversion works/other works may be required to accommodate the proposed development.

RECOMMENDATION ENDORSED




Director of Neighbourhood Services

DATE: 17.10.2023