

DELEGATED REPORT

Application No: P/20/0252

Site Address: 11 Treharne Road
Treharris
CF46 5NY

Development: Erection of conservatory to rear elevation

Case Officer: Rebecca Owens

Site Visit:

Application Expiry Date: 16th December 2020

Consultation reply date expired: 16th November 2020

APPLICATION SITE

The application relates to a mid-terrace dwelling located in a mainly residential area within the settlement boundary. The site is bound by other dwellings on either side, a highway to the front and a highway to the rear and parcel of grassed land. The rear garden occupies a substantially higher level than the dwelling itself with steps from the existing back door up to this raised garden level.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a conservatory extension to the rear elevation. This would be 2.9m in depth by 4.1m in width and would have a pitched roof with a maximum height of 3.3m. The conservatory would feature windows and a door in its rear elevation and a glazed roof. The external walls would be finished with facing brickwork.

In order to facilitate the conservatory, a section of the rear garden would need to be excavated and new retaining walls erected along with new steps up to the higher garden level. Retaining walls would be constructed 1m off the rear elevation of the conservatory and would be 1.8m in height.

PLANNING HISTORY

The relevant planning history is detailed below:

P/02/0154 Extension and internal alterations
 Granted planning permission subject to condition on 13 June 2002

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 adjoining properties and a site notice was displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

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 proposed conservatory is considered to be of an acceptable design and scale which would be in proportion with the existing dwelling and which would not appear incongruous. It is noted that the external walls of the conservatory would be finished with brickwork as opposed to render to match the existing dwelling. However, its discrete siting below the level of the rear garden, would largely obscure any views of the conservatory. To facilitate the development some excavation and retaining works would be necessary. However, these would not appear discordant or be detrimental to the site. Accordingly, the development would not harm the character of the dwelling or indeed the visual amenities of the area in general, and thus complies with Policy SW11 of the LDP.

Regard has also been had for the impact of the proposal on the residential amenities of the surrounding occupants. In this respect, it is noted that the conservatory, when considered in conjunction with the existing two storey annexe, would result in built development for a depth of 7.15m adjacent to the shared boundaries with the dwellings on either side. However, given that there are already high boundary walls on both sides and the conservatory would in part, be erected into the excavated garden (along with the necessary retaining works), it is not considered that the development would have any significant overbearing impact or result in any unacceptable overshadowing. Furthermore, the conservatory would only feature windows in its rear elevation and thus no concerns are raised in terms of the loss of privacy. It is also noted that no representations were received following the publicity exercise. On this basis the proposal is found to accord with Policy SW11 of the LDP.

As highlighted above, excavation and retaining works would be required in order to erect the proposed conservatory, which may affect neighbouring properties and shared boundaries. However, any damage in this respect is not a material planning consideration and would be a private matter between the parties concerned. Notwithstanding this, an informative can be included with any planning permission issued advising of the party wall act.

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:

Drawing Title: Erect a conservatory to the rear elevation, Drawing Number: 125595, Received on 21 October 2020.

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

3. **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.

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. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE: 24.11.20