

DELEGATED REPORT

Application No: P/20/0259

Site Address: 10 Parc Cwm Pant Bach
Heolgerrig
Merthyr Tydfil
CF48 1TQ

Development: Proposed replacement and extension of rear decked area, shed and steps to lower garden area

Case Officer: Rebecca Owens

Site Visit: 23rd November 2020

Application Expiry Date: 28th December 2020

Consultation reply date expired: 24th November 2020

APPLICATION SITE

The application relates to a semi-detached dwelling located in a relatively recent housing development. The site is within a mainly residential area in the settlement boundary and is bound by a highway to the front and other residential dwellings on all other sides. The rear garden of the property occupies a lower level than the ground floor of the dwelling and is accessed via steps from an existing raised deck area.

PROPOSED DEVELOPMENT

Full planning permission is sought to replace and extend the existing raised, rear decking area. At present, the deck is 'L' shaped, running along almost the full width of the dwelling with a deeper section adjacent to the boundary with 9 Parc Cwm Pant Bach. It is proposed to replace this and then extend to the edge of the decking so it is almost rectangular in shape and thus all the same depth as the existing longer section (2.7m) and the full width of the dwelling (5.85m). Off the southern side of the decking it is proposed to create a walkway from the main area of decking (1m by a maximum of 2.2m) leading to the repositioned steps down to the rear garden which would run directly alongside the boundary with 11 Parc Cwm Pant Bach. The decking and associated walkway would be enclosed with 1.1m high glass balustrading. It is also proposed to increase the height of the existing boundary fence adjacent to 11 Parc Cwm Pant Bach by 0.5m in height and for a length of 2.2m (making it 1.8m above the level of the decking) alongside the walkway.

Below this decking area it is proposed to form a new shed which would be a maximum depth of 2.7m by a maximum width of 5.85m (the same as the decking above). The shed would have facing brickwork elevations and bi-folding doors.

PLANNING HISTORY

The relevant planning history is detailed below:

- P/20/0001 Insertion of rooflights to front and rear elevations (Lawful Development Certificate)
Granted on 3 January 2020
- P/11/0150 Re-plan of planning consent P/10/0236 for the variation and substitution of plots 5-15, 17-31, 41, 42 & 53 to include 1 No. extra plot and electricity sub station
Granted planning permission subject to conditions on 27 July 2011
- P/10/0236 Erection of 52 dwellings and associated infrastructure works
Granted planning permission subject to conditions on 9 February 2011

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.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

Policies SW11: Sustainable design and place making and CW1: The historic environment 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 proposal is considered to be of an acceptable design and scale and whilst the development would result in a raised decking area which is slightly different and larger than those visible within the rear street scene, it is not considered that it would appear incongruous. Similarly, the creation of a shed below the raised platform would be relatively discrete in appearance and providing it is suitably finished would be a sympathetic addition to the property. As such, it is recommended that a condition controlling the external wall finish is added to any permission issued. The proposal is therefore deemed to be acceptable in this respect and would not harm the character or visual amenities of the dwelling itself or the area in general. Furthermore, it would not have a detrimental impact on Urban Character Area 9 (West Merthyr, including Heolgerrig and Gellideg).

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 raised decking areas are a feature of this housing estate with existing platforms visible on the rear elevations of a

number of properties. Because of the difference in levels between properties and these raised patio areas, there already exists a level of overlooking between properties. However, in addition to replacing the existing raised deck area, the proposal also seeks to extend it to a consistent depth of 2.7m across its entire length (thus increasing the depth of a section of the decking by an additional 1.1m to match the depth of the northern section of decking). It is acknowledged that the increased decking area would have some impact on the adjoining dwellings in terms of additional overlooking. However, given the size of the increased area and the existing levels of overlooking that currently exist, the additional impact would not be great enough to warrant the refusal of the application on such grounds. It is also noted that no representations were received following the publicity exercise.

The proposal also include the erection of a walkway and new steps from the decking to the lower garden area. These would be erected directly adjacent to the shared boundary fence with the dwelling to the south known as 11 Parc Cwm Pant Bach and thus would have the potential to allow views over the existing boundary enclosure. However, to overcome this it is proposed to increase a section of the existing fence so that it is 1.8m above the level of the walkway, which would prevent this. It is noted that this would increase the existing boundary fence to an overall height of just under 4m for a span of 2.2m which would have a greater impact on the occupants of 11 Parc Cwm Pant Bach. However, given that it would only be an additional 0.5m in height for a length of 2.2m it is not considered that it would be significantly overbearing or result in any unacceptable loss of light. In this respect, it is reiterated that no representations were received from the occupants of this neighbouring property following the publicity exercise.

With regard to the proposed shed, it is not considered that this would have any significant impact on neighbouring occupants. Given that it would not be higher than the existing side boundary treatments it would not result in any overbearing impact or overshadowing and whilst it may contain a large glazed folding door, this would be at lower ground floor level and thus views from it would be largely obscured by the existing boundary fences. As such, it would not result in any unacceptable overlooking or loss of privacy.

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.

Having considered the above the proposal is found to be acceptable in terms of its impact on both visual and residential amenity and thus complies with the relevant LDP policies. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

CONDITIONS/REASONS:

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: Replacement & extension of raised decking with new shed below & new steps to rear garden (Amended), Drawing Number: 2A of 2, Received on 2 November 2020.

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

3. The materials to be used in the construction of the external wall surfaces of the shed shall match those used in the existing building.

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. Before the development hereby permitted is brought into use, the boundary fence height shall be increase in accordance with the details shown on drawing number 2A of 2 (received on 2 November 20202) and shall be permanently retained in that condition thereafter.

Reason - In the interest of residential amenity and to accord 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

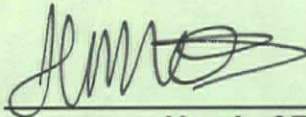
reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

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.

4. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

7/12/20