

DELEGATED REPORT

Application No: P/20/0270

Site Address: Plot 6 Sandbrook Place
Bryntirion Road
Merthyr Tydfil
CF47 0EW

Development: Proposed detached dwelling includes details of boundary fencing proposed along northern boundary

Case Officer: Caroline Pulley

Site Visit: 12th November 2020

Application Expiry Date: 31st December 2020

Consultation reply date expired: 1st March 2021

APPLICATION SITE

The application site comprises an irregular shaped parcel of land which forms part of a larger housing development at Sandbrook Place. The site has been developed with 11 houses and this is the last remaining plot to gain full planning permission. The site known as plot 6, is sandwiched between the rear of Brynteg Terrace and Plot 7, which is now known as 7 Sandbrook Place. Its front south facing boundary abuts St Tydfil's Avenue and is dominated by a small substation and a large facebrick retaining wall, which encloses the rear boundary of 7 Sandbrook Place. The western boundary is retained by a low stone wall, above which is a small grass embankment and metal railings. To the rear of the site is plot 4 (now known as 9 Sandbrook Place) and plot 5 (known as 8 Sandbrook Place). These two properties are accessed from an internal access road located within Sandbrook Place. The rear boundary of plot 5 (8 Sandbrook Place) borders the northern boundary of the site. Its rear elevation is angled to face a south-easterly direction onto the application site. Plot 4 (9 Sandbrook Place) faces a more easterly direction but part of its side/rear garden area abuts the far northern corner of the application site.

PROPOSED DEVELOPMENT

This application is for the construction of a detached dwelling on plot 6 at Sandbrook Place. The proposed dwelling would be constructed to face south onto St Tydfil's Avenue. However, its main entrance door would be located in the eastern side elevation of the dwelling. The roof of the property would be gabled onto the highway and would include a small roof gable to the middle of the eastern side elevation.

The main two-storey part of the dwelling would measure 9.5m wide by 12m deep and would have a maximum height of 7.35m. Its rear elevation would include an orangery, which would measure 3.7m wide, 3.3m deep and 3.5m high (excluding the roof lantern).

The dwelling would be finished externally in a fine sand cement render and its roof would be covered in grey/black slates.

At ground floor, the dwelling would accommodate a sitting room, study, an open plan kitchen/family room and an orangery. At first floor the dwelling would be served by three bedrooms and a bathroom. Two vehicular off road parking spaces would be provided to the front of the dwelling, access to which would be directly off St Tydfil's Avenue to the south.

In terms of boundary treatments, it is proposed that the rear northern boundary of the property would be enclosed by a 1.8m high timber fence. To the front, the plans illustrate timber screen fencing being erected around the boundary of the substation. To the west, the plans illustrate a stepped access to the side entrance door with a form of enclosure.

PLANNING HISTORY

The most relevant history concerning this site is as follows:

- | | |
|-----------|---|
| P/15/0436 | New detached dwelling (Plot 7)
Approved 01/03/16 |
| P/16/0200 | Detached dwelling with attached garage (Plot 4)
Approved 02/11/16 |
| P/16/0259 | Detached dwelling (Plot 7)
Approved 17/10/16 |
| P/17/0050 | Detached dwelling (Plot 5)
Refused 30/03/17 |
| P/17/0236 | Detached dwelling (plot 5)
Approved – 19.09.2017 |
| P/18/0027 | Non material amendment application to P/16/0259 (Plot 7) for the erection of solar panels to the rear of the property
Approved 30.01.2018 |
| P/19/0274 | Variation of condition 2 of planning permission P/17/0236 to change the scale and design of windows, the front balcony and the front porch.
Introduction of a Juliette balcony and new section of glazed roofing (plot 5)
Approved – 05.12.2019 |

CONSULTATION

- | | |
|-------------------------------------|---------------|
| Head of Engineering: | No objection. |
| Environmental Health Manager: | No objection. |
| Planning Division's Policy Officer: | No objection. |
| Western Power: | No response. |

Welsh Water: No objection.

Wales & West Utilities: No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and site notices were displayed within the vicinity of the site

No letters of objection were received following this publicity exercise. However, some queries have been raised in connection to the accuracy of the rear boundary line as shown on the submitted drawings, how the rear boundary of the dwelling would be enclosed and what proposed drainage arrangements would be.

Following receipt of amended plans and re-consultation, no further concerns have been raised to the application.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

Paragraph 2.7 points out *'Placemaking in development decisions happens at all levels and involves considerations at a global scale, including the climate emergency, down to the very local level, such as considering the amenity impact on neighbouring properties and people.'*

Paragraph 4.1.9 states *'The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act.'*

Paragraph 4.1.30 advises *'New development places additional demand on transport infrastructure and networks, with the location, layout and design of development affecting the distance and way in which people travel. Developing local active travel networks can help to mitigate the impact of new development, by providing an alternative mode of travel to the private car, particularly for shorter journeys'.*

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as defined by Policy SW4 of the LDP. Outline planning permission (P/14/0256) has also been previously approved for a larger area which includes the application site. Therefore, the principle of residential development is acceptable and is generally supported by Policy SW4 of the LDP, provided the proposal is compatible with other relevant policies and material planning considerations. Therefore, the main issues to consider when assessing this application relate to whether the new dwelling, in terms of its scale, design and siting, would be acceptable with regard to its impact upon the character and appearance of the area. The impact of the proposal upon residential amenity, parking provision and highway safety are also important considerations.

In terms of visual amenity, as mentioned earlier, the proposed dwelling has been designed to create a frontage onto St Tydfil's Avenue. This is welcomed, as while the site does have a close relationship with the existing houses at Sandbrook Place, this plot would be accessed directly off St Tydfil's Avenue. As such, it would have a closer relationship with the properties situated along this highway. In this respect, it is noted that the dwellings along St Tydfil's Avenue do vary in terms of their appearance, design and scale. Directly opposite the site, there is a gabled bungalow, which appears to have been altered over time to provide accommodation in its roof space. To the west of this property are several other dwellings, which are of a similar scale and overall design. Taking into account the design and appearance of these properties, a gabled two-storey dwelling such as the one proposed, would fit well into the character and appearance of the area. While the siting of the dwelling behind a substation is not ideal, the development would not result in a cramped form of development nor would it have a harmful impact on the character and appearance of the area. It is also noted that the fencing proposed around the boundary of the substation could be suitably controlled by a condition to ensure that this element of the scheme does not have a detrimental impact on the character and appearance of the area.

Regard has also been had for the impact of the proposed development on the residential amenities of the surrounding occupiers. The property to the east of the site (Plot 7 now known as 7 Sandbrook Place) is significantly elevated above the level of the plot. As such, the scheme would not cause any undue impact on this dwelling. The greatest impact from the proposed dwelling, in terms of overlooking, overbearing and loss of light would be to the properties located to the west (Brynteg Terrace) and north of the site (Plots 4 and 5 Sandbrook Place, now listed as numbers 8 and 9).

The proposed dwelling would be sited in an elevated position in relation to the terraced houses located along Brynteg Terrace. Its western side elevation would be within 10m of the rear elevation of the numbers 4, 5 and 6 Brynteg Terrace and would be approximately 5.4m from the rear boundary line of these properties. Taking into account these short distances as well as the elevated nature of the site, there is some potential for the dwelling to appear overbearing when viewed from the rear of these houses. Notwithstanding this, the submitted plans show that the ground levels across the site would be lowered by approximately a metre. This would result in the floor level of the dwelling being 2.5m above the level of the lane, which borders the rear of Brynteg Terrace. Whilst it is appreciated that the dwelling would still be elevated above Brynteg Terrace, the walls of the dwelling would have a limited height of 3m. Additionally, the roof of the dwelling would slope away from the terrace and this would further help to ensure that the development does not appear significantly overbearing from these properties. It is also noted that being to the east of Brynteg Terrace, the development would not result in a harmful level of overshadowing. In terms of overlooking, it is noted there are three rooflights proposed within the western side elevation of the dwelling. Two of these roof lights serve a bathroom and an en-suite and the other one serves a secondary window. As such, there would not be a significant overlooking impact from the proposed rooflights. The western elevation of the conservatory would also have no windows. While there is a utility room window and door located at ground floor level, these openings would serve a non-habitable room. Additionally, the utility window is small in scale and is unlikely to cause a significant level of overlooking. Overall, taking into account the proposed levels, separation distances and the design and scale of the proposed dwelling, the development would not have a significant adverse impact on the occupiers of the properties in Brynteg Terrace in terms of overlooking, overshadowing or overbearing impacts. It is also noted that a condition could be imposed to ensure that a suitable boundary treatment is erected along the western boundary to prevent car lights shining directly into the rear of neighbouring properties.

In terms of the relationship with plot 4 (9 Sandbrook Place) and plot 5 (8 Sandbrook Place) to the north of the site, it is noted that the main two-storey part of the dwelling, when measured from the western side of the orangery, would be set back at least 6m from the dividing boundary. When measured from the ridgeline of the property, a distance of 9.8m would be maintained between the main back wall and the dividing boundary. It is also noted that the two trees located along the rear boundary are to be felled as part of the development. Acknowledging this and having regard to the distances between the proposed dwelling and the dividing boundary, it is considered that some level of overlooking would occur to the neighbouring properties to the rear as a result of the siting of the first floor bedroom windows. Whilst acknowledging this, the angle of the proposed dwelling in relation to the neighbouring properties and their gardens would help to ensure that the level of overlooking would not be to an unacceptable level. In particular, it is noted that plot 5 (8 Sandbrook Place) is angled so that its rear elevation faces a south-easterly direction onto the site. As a result, the view from the applicant's first floor bedroom windows would not look directly towards the rear elevation of this property. Also, given

that the dwelling would be set off the boundary by a minimum distance of 6m, there would not be a significant level of overshadowing arising from the development to either plot 4 (9 Sandbrook Place) or plot 5 (8 Sandbrook Place). Further to this, as mentioned above, the ground levels across the site would be lowered and the submitted plans illustrate that a 1.8m high timber fence would be erected along the rear boundary. This would help to lessen any overlooking impact between garden areas. Taking into account the above, the relationship between the proposed dwelling and the neighbouring properties to the north would be acceptable and would therefore not result in any significant overbearing, loss of light or loss of privacy impact.

In terms of highway safety and parking, two off road parking spaces are proposed to serve the dwelling. The Head of Engineering has considered the proposal and has not raised any objections. Accordingly, it is considered that the car parking, turning facilities and visibility splays onto St Tydfil's Avenue are acceptable and the scheme would not impinge on highway or pedestrian safety.

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

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 number 2764 NB received on 15.02.2021
Drawing number 2764 NB S received on 15.02.2021
Topographical Survey received on 07.01.2021

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

3. Prior to the construction of the dwelling hereby approved 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. 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 Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

6. Prior to the occupation of the dwelling hereby approved, a boundary enclosure shall be erected along the western boundary of the site, details of which shall first be submitted to and approved by the local planning authority indicating the positions, height, design, materials and type of the boundary treatment to be erected. The boundary treatment shall be implemented in accordance with the approved details before the dwelling is occupied and retained in perpetuity.

Reason - To protect the amenities of neighbouring properties and to ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. Prior to the occupation of the dwelling hereby approved, details of the design, height and appearance of the timber screen fencing proposed within the southern part of the site as illustrated on drawing number 2764 NB shall be submitted to and approved in writing by the local planning authority. The fencing shall be completed in accordance with the approved details prior to the occupation of the dwelling.

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.

8. **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 .

9. The car parking spaces hereby permitted shall be provided prior to the occupation of the dwelling and shall thereafter be kept available for the parking of vehicles at all times.

Reason - To ensure that cars are parked off the highway in the interests of highway safety and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. The 1.8m high fence along the northern boundary of the site as shown on drawings 2764 NB and 2764 NB S shall be erected in accordance with the approved details prior to the occupation of the dwelling and retained in perpetuity.

Reason - To protect the amenities of neighbouring properties and to ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The applicants/developers attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problem to neighbouring properties arising from the creation of noise and dust during the construction process. To avoid unexpected and unnecessary enforcement action by the Public Health and Protection department, the applicants/developers are advised to contact the Environmental Health Section prior to the commencement of development to agree an appropriate method of noise and dust suppression.

The developer must ensure that all waste arising from the site is disposed of at a site licensed for its reception. Under no circumstances shall waste be burnt on site.

2. 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 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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.

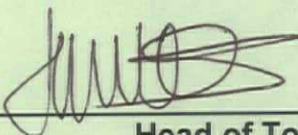
If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

5. No surface water shall be allowed to connect to the highway drainage system.
6. The applicant/developer is advised to liaise with Merthyr Tydfil County Borough Council's Highway Division regarding any consents which are required in association with the provision of any vehicle cross over of verge or footway. This approval is independent of the approval of planning permission. The developer is also advised to contact the highway division regarding any retaining works or other works affecting the highway **BEFORE** construction works commence. This approval is also independent of the approval of planning permission by the local planning authority
7. 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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

11/3/21