

DELEGATED REPORT

Application No:	P/23/0046
Site Address:	1 Wern Street Dowlais Merthyr Tydfil CF48 3NG
Development:	Detached garage to rear
Case Officer:	Rebecca Owens
Site Visit:	22nd March 2023
Application Expiry Date:	1st June 2023
Consultation reply date expired:	23rd May 2023

APPLICATION SITE

The application relates to an end of terraced dwelling located in a mainly residential area within the settlement boundary. The property is orientated to face north, directly fronting onto Wern Street. Its rear garden is irregular in shape and is bound by a narrow access lane to the side (east) and rear (south). The access lane serving the rear of the terrace and a detached dwelling known as Ty Bryn Wern is adopted and is only wide enough to cater for a single vehicle. It currently provides rear access to the terrace as well as providing vehicular access to a detached dwelling.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a detached garage to the rear of the application site. The garage would be accessed from the rear lane with its rear elevation set back 0.55m from the rear boundary. It would have an irregular footprint which would follow the angled boundaries of the rear garden. The garage would have a maximum depth of 6.875m, with the rear elevation (facing into the garden) being 5.3m in width and the front elevation (fronting onto the rear lane) having a width of 2.98m. The garage would have an almost flat roof of between 2.4 and 2.5m. It would feature a door in the rear elevation and a steel roller shutter door in its front elevation.

The eastern and southern elevations of the garage would form the boundaries to the rear garden but the plans also indicate that the existing walls within the site would be demolished and a new boundary wall re-built along the eastern boundary. This wall would be 1.8m in height and rendered to match the garage.

PLANNING HISTORY

The relevant planning history is detailed below:

P/18/0343 Erection of garage
Refused planning permission on 1 August 2019 for the following reason:

“The proposal, by virtue of its siting and encroachment on the access lane to the east of 1 Wern Street, would reduce the width of the carriageway to the detriment of the flow of traffic and highway and pedestrian safety. As such, the proposal is not in accordance with Policy BW12 of the Merthyr Tydfil Local Development Plan”.

This decision was appealed and the appeal was dismissed on 17 October 2019

P/11/0225 Single storey rear extension for disabled use
Granted planning permission on 26 September 2011

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering & Highways No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties.

One letter of objection was received following this publicity exercise. Whilst the objector states that they are not objecting to the applicant having a garage, they do object to the garage being this close to their property. The main points raised within the objection are summarised below:

- Impact of the proposal on the objector's property value.
- Impact on access to the objector's property. Since the unauthorised works previous undertaken, the objector claims they are no longer able to get their motorhome on their drive and the rubbish collection vehicles are unable to access the lane. In addition, their house runs on oil central heating and the company now has to send a smaller vehicle resulting in more frequent trips and additional cost to the objector. They note that this highlights that the applicant has encroached onto the public highway.
- Public service vehicles, such as ambulance and fire service, cannot reach the objector's property putting their family at risk.
- the land for the proposed garage is not in the ownership of the applicant and the boundary wall which distinguished the boundary line has been demolished.
- The dwelling has never had access from the rear boundary. Access was previous from the side.
- Are vision splays required and can the garage be accessed without encroaching on their property.

Local ward councillors have been consulted and they wish the application to be determined under delegated power by the Chief Officer Planning and Neighbourhood Services.

POLICY CONTEXT

National Development Framework

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

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

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

As outlined above planning permission has recently been refused for the erection of a garage at this site and a subsequent appeal dismissed. The refusal of this application centred around the infringement of the proposed garage onto the adjacent lane which would reduce the width of the carriageway to the detriment of the free flow of traffic and both highway and pedestrian safety. This application seeks permission for an amended scheme with the proposed garage demonstrated as falling within the red line site boundary provided and certificate of ownership A completed indicating that the site is wholly in the ownership of the applicant. It is not for the planning division to dispute land ownership and boundary disputes are not material planning considerations. However, the impact of the proposal on highway and pedestrian safety is an important consideration which is addressed below.

Highway Safety

The garage subject to this application has been considered by the Head of Engineering and Highways and no objection has been raised. Given that no definitive evidence could be established with respect to encroachment on the highway and noting that the amended proposal would have a lesser impact on the narrowing of the lane than the previous application, it was not considered justified to object on the basis of any encroachment to the highway. In this respect it is also noted that the amended proposal appears to more accurately reflect what is considered to be the original boundary line (although the removal of the original boundary wall makes this difficult to accurately site) and the garage would be contained entirely within this. Indeed whilst the relocated boundary wall would slightly narrow the highway from the current arrangement erected on site, the garage itself would have a chamfered elevation which would require the demolition of a section of the existing wall and widen the highway as it meets with lane to the south which would make manoeuvring along the highway and into the lane easier.

Character and Appearance

The proposed garage would be constructed to the rear of the application property and as such is unlikely to have a significant impact on the main streetscene due to the fact that it would be screened by the existing property. While it is acknowledged that the garage would be situated with its side elevation facing directly onto the access lane, the garage would be of a modest scale and it would be viewed against the backdrop of the rear elevations of properties in Wern Street. It would also be situated alongside the side wall of the neighbour's garage. Therefore, whilst the design of the garage could be improved by squaring off the footprint and by providing a sympathetic pitched roof, the garage would not significantly harm the character or visual amenities of the area. As such, in this respect, the proposal is found to be in accordance with Policy SW11 of the LDP.

Residential Amenity

The siting of the proposed garage in relation to neighbouring residential properties, those on Wern Street, Barrack Row and the detached dwelling accessed off the rear lane to the south (Ty Bryn Wern), is such that no unacceptable overshadowing or overbearing impact is likely to result. In this respect, it is reiterated that the garage would be erected alongside the side wall of an existing garage that is located to the rear of 2 Wern Street. This would minimise any potential impact that the proposal may have on this dwelling and its occupants. Also, the height of the garage would be just 2.5m. As such, it would be very modest in terms of its height. It should also be noted that the garage would not contain any windows. Therefore, there would be no adverse overlooking arising from this scheme. Whilst acknowledging that the front of the garage would be positioned directly opposite the objector's property (Ty Bryn Wern), its positioning on the opposite side of the lane would ensure that there would be no significant impact on the occupants of this dwelling. Moreover, the principal front and rear elevations of Ty Bryn Wern are orientated away from the lane and as such, the scheme is unlikely to have a significant impact on the outlook from this property. The scheme is therefore acceptable in respect of its impact on the surrounding residential amenity and would comply with Policy BW7 of the LDP.

Response to objection

As noted above one letter of objection was received following the publicity exercise. In response to this the following comments are made:

- The impact of a proposal on property value is not a material planning consideration.
- The objectors concerns with respect to landownership, encroachment onto the highway and the impact this has on access to their property are acknowledged. However, based on the information available it would appear that the boundaries identified on the proposed plans are reflective of the original site boundaries and it is not possible for the Planning Division to prove otherwise. The applicant has signed ownership certificate A, declaring ownership of all the land outlined and notwithstanding this land ownership is not a material planning consideration. Furthermore, no objection has been received from the Head of Engineering and Highways (as detailed above) who is satisfied that the garage can be suitably entered and exited and with the impact of the proposed on the highway to the east of the site.
- The fact that access has never previous been gained from the rear would not be a consideration of this application.

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: Proposed Grage Layout, Drawing Number: 0013-XBM-V1-ZZ-DR-A-1000 Rev. PL2, Amended Plan Received on 30 August 2023.

Drawing Title: Existing Site Walls & Block Plan Layout, Drawing Number: 0013-XBM-V1-ZZ-DR-A-1001 Rev. PL2, Amended Plan Received on 30 August 2023.

Drawing Title: Block Plan, Drawing Number: 0013-XBM-V1-ZZ-DR-A-1002 Rev. PL1, Received on 6 April 2023.

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

INFORMATIVES

1. The developer is advised to contact the County Borough Council's Head of Engineering regarding any works affecting the highway **BEFORE** construction works commence.

RECOMMENDATION ENDORSED




Director of Neighbourhood Services

DATE: 08.09.2023