

DELEGATED REPORT

Application No: P/20/0238

Site Address: 4 Newland Park
Penyard
Merthyr Tydfil
CF47 0TJ

Development: Construct rear extension. Construct side extension to accommodate indoor swimming pool. Extension of garden curtilage to include the erection of new boundary wall/fence and new outbuilding (gym)

Case Officer: Marlene Ferreira

Site Visit: 27th October 2020

Application Expiry Date: 4th December 2020

Consultation reply date expired: 8th December 2020

APPLICATION SITE

The application site relates to a large detached property, 4 Newland Park, and the adjoining land to the rear (north) in the area of Penyard. The two storey dwelling is elevated and set back from its private driveway access, which leads from a private access road, off the adopted highway, Incline Top, at the rear of Bradley Close. The property, which has been extended by means of a two-storey addition to its western side elevation, is served by private garden areas to the rear (north) and side (east). On-site parking provision is provided to the front of the dwelling, by means of an attached double garage and a large driveway.

The dwelling lies in a cul-de-sac of large scale detached properties. The 'L' shaped properties all vary in appearance, but share similar features and material finishes.

The property and adjoining land lies within the settlement boundary – Primary Growth Area. The land to the rear, which is owned by Merthyr Tydfil County borough Council, also lies within the Incline Top/Newland Park Open Space Site, as designated within the Merthyr Tydfil Local Development Plan 2016-2021. A watercourse/culvert is located approximately 15 metres, at its closest point, from the rear garden boundary of the existing property.

PROPOSED DEVELOPMENT

This application seeks planning permission to extend the rear garden serving the property to the north, to provide a larger rear garden area to include the construction of gym room. The garden extension would have a maximum width of 38.4 metres and a maximum depth of 7.4 metres. The gym room would have a maximum width of 8.6 metres, a maximum depth of 8 metres with a 2.95 metre flat roof height. It would be finished with a slate roof, timber clad elevations and UPVc windows.

The extended garden area would be enclosed from the western boundary by a new 1.8 metre high timber fence and from the northern rear boundary, by a new 2.4 metre high timber fence, and this boundary treatment would continue along its eastern side boundary. Part of the rear and eastern boundaries would also comprise a 2.4 metre high retaining brick wall behind the proposed 2.4 metre high timber fence, in order retain the planted embankment to the north and east.

In addition to these works, a flat roof swimming pool extension is proposed to the eastern side of the property, which would adjoin the proposed mono-pitched glazed extension which would provide additional living areas along the entire rear elevation of the property. The swimming pool extension would comprise a shower room and a plant room and would have a maximum width of 14.8 metres, a depth of 18.5 metres and a 3.6 metre height.

During the site visit, it was noted that construction works had already been carried out and the land to the rear had been cleared and incorporated into the garden of the existing property, however, these works remain to be completed. This application will therefore assess whether the proposed works (part of which are retrospective), would be acceptable.

It was also noted that additional planting and engineering works (mainly the re-profiling of the ground to create a bund), had also been carried out on land to the rear of the site, which is also under council ownership. The applicant has confirmed that these works however were carried out partly in association with the damage left behind by storm Dennis in the winter of 2020. The storm had caused several trees to fall which led to substantial damage to the applicant's original rear boundary. Large amounts of debris had also accumulated within the watercourse/culvert which was causing water to back up into the property. These works however have been undertaken on land which falls outside the application site and as such, their acceptability would not be considered or assessed under this application. This matter however is currently being investigated by the Council's Estates and Property Section and being discussed with the applicant and the Council's Ecologist and Landscape Architect.

PLANNING HISTORY

The following planning history is recent and relevant to this application:

P/18/0194 - Proposed two storey side extension – Approved: 9th August 2018

CONSULTATION

Engineering Manager

No objection.

Estates and Property Manager	No objection.
Town Planning Division Policy Manager	No objection.
Town Planning Division Ecology Officer	No objection.
Town Planning Division Landscape Architect	Concerns raised regarding the loss of open space and vegetation.
Environmental Health Manager	No objection.
Natural Resources Wales	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 a site notice was displayed within the vicinity of the site. No letters of representation have been 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 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...*'

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW10 – Protecting and Improving Open Space

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

Other Guidance:

Merthyr Tydfil Open Space Strategy and Action Plans (July 2016).

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed garden extension, retaining works and extensions would be acceptable, in principle in this location, and in respect of their impact upon the character and appearance of the dwelling and that of the wider area. Their impact upon residential amenity, ecology, parking provision and highway safety are also important considerations.

Principle of Development

The proposed development includes a substantial extension to the rear garden area serving the property, which would also incorporate a gym room, a boundary fence measuring between 1.8 metres and 2.4 metres high and a 2.4 metre high retaining wall. These works however, all lie within the settlement boundary and as such LDP Policy SW4 is a relevant policy consideration. This policy is supportive of new development provided it accords with other relevant policies and material planning considerations. As such, the proposal would comply with LDP Policy SW4.

Furthermore, these works are also located within the Incline Top/Newland Park Open Space and SW10 is also a relevant policy consideration. This policy seeks to protect and improve open space sites and states that:

Development proposals that improve the quality, quantity or access to open space will generally be supported.

Development proposals that would have an unacceptable adverse impact on or result in a loss of open space will not be permitted unless:

- It would not cause or exacerbate a deficiency of open space in accordance with the Council's open space standards or;*
- The majority of the open space can best be retained and enhanced through the redevelopment of a small part of the site or;*
- Satisfactory equivalent community benefit or enhanced compensatory provision can be provided in accordance with the Council's open space standards and,*
- In all cases, the open space has no significant nature or historic conservation importance.*

Whilst the proposed garden extension would amount to a substantial increase to the existing garden area, the loss of the open space is only minimal, since the Incline Top/Newland Park Open Space extends widely to the north, east, west and south of the existing property. As such, the majority of the open space would remain unaffected by this proposal. Furthermore, compensation works for the partial loss of the open space, which would include the planting of any replacement trees/habitat has been requested by the Council's Ecologist and the Council's Landscape Architect. These compensation measures would be undertaken within the remaining open space site and would include the removal of any non-native planting (laurel hedgerow) carried out and the introduction of a wildflower area. Whilst these compensation measures/details do not form part of this application, they would be provided on land owned by the Council. As highlighted above, this encroachment matter and felling of trees is a legal issue being assessed/discussed and eventually resolved by the Council's Property and Estates Section. As such, it is therefore considered that the small partial loss of the open space combined with these proposed works (when completed), would comply with the criteria set out under SW10 and would therefore be acceptable in this instance.

Character and Appearance

The proposed garden extension, gym room, new fence and retaining wall boundaries, would be sited to the rear of the property and would continue to be enclosed by a 1.8 metre high boundary fence from the western side boundary. The proposed glazed extension would be located along the rear elevation of the dwelling, and the swimming pool would be sited to the eastern side of the dwelling. As such, these works in their entirety would be discretely sited and would not be easily viewed from within the private cul de sac street as a result of their siting and the dwellings elevated location. Furthermore, the timber clad finishes of the modest single storey gym room, as well as the brick retaining 2.4 metre high wall, 1.8 metre high and 2.4 metre high timber boundary fencing are also considered appropriate in respect of their scale, height and finishes. In respect of the rear extension and swimming pool building, these single storey additions would appear proportionate to the existing dwelling and provided these are conditioned to be finished in matching materials to the existing dwelling, would also be considered acceptable within this setting. The nature of the proposed development and its discrete location would therefore ensure that the proposal does not have an adverse impact on the character or appearance of the area or disturb the rhythm of built development within the cul-de-sac street. The proposed garden extension, by virtue of its minimal intrusion and the compensation works proposed within the remaining open space site, would also be deemed acceptable and would not have a significant or adverse impact on the quality,

character and appearance of the Incline Top/Newland Park Open Space. The proposed works are therefore considered acceptable and would comply with LDP Policy SW1.

Residential Amenity

The proposed development has been assessed in respect of the neighbouring dwellings' and 3 Newland Park, located to the west, is the property most likely to be affected by this proposal.

The proposed garden extension, associated works and other extensions are all proposed to the rear of the property, within the extended garden area or to the rear elevation and eastern side elevation of the dwelling. Whilst these works would involve the construction of a gym room near the western boundary, this would amount to a single storey structure which would measure less than 3 metres in height and as such would be largely contained to the rear of the new 1.8 metre high boundary fence along the extended gardens western boundary. The remaining extensions to the rear and side, including the proposed retaining wall and other fencing, would be located at least 4 metres away from the western boundary and screened from this neighbouring dwelling by the timber boundary fence. As such, the proposed works, by virtue of their siting and scale, would not result in an overbearing form of development, nor would they give rise to any loss of light or privacy. Thus, they would not have any significant impact upon the amenities of these adjoining occupiers. Indeed, no letters of representation have been received in respect of this application proposal. The proposed development is therefore considered acceptable and would comply with LDP Policy SW11.

Ecology

As noted previously, works to the rear of the application site are being considered by the Council's Estates and Property Section and the Council's Ecologist and Landscape Architect. Indeed, the Council's Landscape Architect and Ecologist have recently drawn up a landscape plan and maintenance scheme which would be acceptable for this open space site. However, this does not form part of this application.

In respect of the application, the Council's Ecologist has not asked for any survey work to be carried out, but has requested that, in accordance with the Environment (Wales) Act 2016, a bat and bird box be erected on the eastern elevation of the dwelling. As such, provided that such details are secured by condition, the proposed development would comply with DLP Policy EnW1.

Parking Provision and Highway Safety

The proposal does not seek to extend the number of bedrooms at the property. Furthermore, the existing dwelling is accessed off a private driveway and is served by multiple parking spaces, within the garage and front driveway. The Engineering Manager has considered the existing arrangement/layout and has not raised any objections. The proposal would therefore accord with LDP Policy SW11.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and in compliance with relevant policies and guidance.

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 be carried out in accordance with the following approved plans and documents:

- Drawing no: Newland 4 02A, received: 9th October 2020;
- Drawing no: Newland 4 04A, received: 9th October 2020;
- Drawing no: Newland 4 05, received: 9th October 2020;
- Our ref: Swimming Pool, received: 18th January 2021.

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

2. The materials to be used in the construction of the external surfaces of the rear extension and swimming pool extension, shall match those used in the existing 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.

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.

3. 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.

4. **Within 3 months of the date of this permission**, details of a bat box and a bird box to be erected on the eastern elevation of the dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The bat box and bird box shall be erected in accordance with the approved details within 5 months of the date of this permission.

Reason - In the interest of biodiversity to protect the natural environment in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.

All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

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.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

9/12/21