

DELEGATED REPORT

Application No:	P/23/0148
Site Address:	56 Pantygerdynen Swansea Road Merthyr Tydfil CF48 1HR
Development:	Change of use of garage to create a one bedroom annex with external balcony
Case Officer:	Rebecca Owens
Application Expiry Date:	1st November 2024
Consultation reply date expired:	12th July 2023

APPLICATION SITE

The application site comprises the curtilage of a large, detached dwelling is located within a predominantly residential area with Pantygerdynen to the west and neighbouring properties to the east and north. To the south, the site is bound by a number trees and dense vegetation with a large plateau beyond, that forms parts of the wider Trago Mills development.

Access to the site would be via a private shared access road that currently serves 3 residential properties (with planning permission granted for a fourth (P/21/0304).

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a self-contained residential annexe within the side garden area of the existing property. The annex would be constructed on the footprint of the existing garage and would be two storey in height. The annex would measure 7.5m by 8m with a 7.4m pitched roof height. At ground floor level will be a gym, and at first floor level there will be an open plan living/kitchen/dining room, a bathroom and a bedroom. A large balcony will wrap around the south and west elevation, creating an undercover car port alongside the southern elevation.

The roof of the annexe would be covered with tiles and the external elevations would be finished with a render finish to the lower half and a grey brick finish to the upper storey.

PLANNING HISTORY

P/21/0304	Erection of 4 bedroom detached dwelling Approved 29.04.2022
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P/02/0071	Erection of a detached house and garage Approved – 07.05.2002
P/01/0526	Erection of 3 No. two storey (with loft rooms) dwellinghouses and associated infrastructure Approved – 18.02.2002
P/99/0148	4 detached houses (outline application) Approved – 24.09.1999

CONSULTATION

Planning Division's Ecologist: No objection subject to conditions

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 objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040
Planning Policy Wales (PPW) – Edition 11, February 2021
Technical Advice Note (TAN) 12 – Design
Technical Advice Note (TAN) 15 – Development and flood risk

Local Policy

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

Policy SW4 – Settlement boundaries
Policy SW11 – Sustainable design and Placemaking
Policy CW1 – Historic Environment
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

Other Material Considerations – Supplementary Planning Guidance (SPG):

SPG4 - Sustainable Design, July 2013.
SPG5 - Nature and Development, May 2015

PLANNING CONSIDERATIONS

The issues to be considered in the assessment of this application relate to whether the proposed development would be acceptable in this location and whether it would be acceptable in respect of its impact on the character and appearance of the area, on the amenities of the nearby occupiers and upon parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary where new development is supported provided it complies with the relevant policies and any other planning considerations. It is also located within a predominately residential area. As such, the principle of the development is acceptable and is in line with Policy SW4 of the LDP.

Character and Appearance

The application site comprises a large detached dwelling and separate garage within a generous curtilage which is enclosed by a high boundary wall to the front. As such, the dwelling, despite being in a residential area feels quite secluded and is not readily visible from the front street scene. Having regard to the proportions of the existing dwelling and its curtilage, it is not considered that the annexe would appear out of scale and its design and finish is generally considered to be acceptable. As such, the development would not adversely impact on the character of the existing dwelling or indeed the visual amenities of the wider area and as such would accord with Policy SW11 of the LDP.

Residential Amenity

Regard has been had for the impact of the proposal on the residential amenities of the neighbouring occupants. In this respect it is recognised that the proposal would result in two storey development adjacent to the boundary with the dwelling known as Brynhyfryd (located to the west). This dwelling occupies a higher level than the application and the boundary between the two properties is comprised of trees and hedges. Having regard to the arrangement between these two properties, the vegetated boundary line and the generous curtilage of Brynhyfryd, it is not considered that the proposal would have a harmful overbearing impact or result in any adverse overshadowing or loss of light. In addition, the proposed elevation directly facing towards the western boundary would not contain any windows to directly overlook this property. It is recognised that the balcony does not include a privacy screen along with western side which is close to the shared boundary with Brynhyfryd. However, the extensive vegetation between these properties creates a natural screen which would obscure any harmful views and it is also noted that no objections have been received from the occupants of this dwelling following the publicity exercise. As such, it is not considered that the loss of privacy would be adverse enough to warrant the refusal of the application on such grounds. Furthermore, whilst the balcony would allow direct views towards the rear boundaries of 4 and 5 Thornbury Close, given its distance from these and the existing vegetation, it is not considered that it would lead to any harmful overlooking to the private gardens of these properties.

With respect to overlooking and privacy, it is recognised that the development would comprise of windows and doors which overlook the existing property and its amenity areas. However, given that it would be used ancillary to this property the impact is deemed to be acceptable. However, to ensure that this situation does not change it is recommended that a condition restricting its use is attached to any permission issued.

It is also acknowledged that the development of a self-contained unit within the garden of the existing property could lead to additional movements along the private driveway, which is shared by three other properties. However, the additional comings and goings arising from the proposed granny annexe, given its ancillary nature and connection with the existing house, would not be so significant as to cause a harmful level of noise and disturbance to the existing occupiers. As such, the proposal accords with Policy SW11 of the LDP.

Highway Safety

It is recognised that the annex would replace an existing detached garage and thus would result in the loss of the two spaces which it currently provides. However, the proposal includes a new parking space underneath the proposed balcony and further space alongside the northern elevation. The property also benefits from a large driveway with room for vehicle parking. This is considered acceptable to serve the needs of the occupiers of the existing property and the proposed annexe. Notwithstanding this, it is pertinent to impose a condition to ensure that the annexe remains ancillary to the existing house in the future due to the access arrangements being shared between the two properties.

Ecology

A Preliminary Roost Assessment was undertaken which found no evidence of bats roosting within or on the external parts of the existing garage. However, it was identified as being of overall moderate roosting suitability. As such further bats survey works were undertaken. This concluded that bat activity at the site was low and the property was not identified as a bat roost. In addition, enhancements were suggested in the form of a bat box and bird box on the new annexe building. The planning department's ecologist is satisfied that there would be no harmful impact to protected species and has therefore no objected to the development subject the recommendations of the report being followed and a condition to secure the provision of the enhancements.

Conclusion

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 Elevations, Drawing Number: SR-03 Rev C, Amended Plan Received 17 September 2024

Drawing Title: Proposed Plans, Drawing Number: SR-02 Rev A, Received 9 June 2023

Drawing Title: Proposed Site, Drawing Number: SR-05 Rev A, Received 9 June 2023

Preliminary Roost Assessment dated November 2023, produced by Acer Ecology, received 10 November 2023

Bat Activity Survey, Issue 1 Version B, dated September 2024, produced by BE Ecological Ltd received 17 September 2024

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

3. The annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 56 Pantygerdynen, Swansea Road, Merthyr Tydfil

Reason - To avoid the creation of a separate unit of accommodation in the interests of highway safety and residential amenity in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **BEFORE** the annexe hereby approved is occupied, bat and bird boxes shall be installed in accordance with drawing number SR-03 Rev C. The bat and bird boxes box shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council 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



Director of Neighbourhood Services

DATE: 12.11.2024