

DELEGATED REPORT

Application No:	P/23/0015
Site Address:	11 Cwrt Bevan Merthyr Tydfil CF47 0AQ
Development:	Conversion of garage to habitable room
Case Officer:	Rebecca Owens
Site Visit:	2nd February 2023
Application Expiry Date:	20th March 2023
Consultation reply date expired:	14th February 2023

APPLICATION SITE

The application relates to a detached dwelling located in a mainly residential area within the settlement boundary. The site is bound by a shared driveway to the front and dwellings on either side and to the rear.

PROPOSED DEVELOPMENT

Full planning permission is sought to convert an integral garage into habitable rooms that would be used as playroom and store. This would involve the removal of the garage doors and the insertion of a window in the front elevation (with the remaining area around this blocked up).

PLANNING HISTORY

The relevant planning history is detailed below:

- P/11/0007 Application under Section 73 of the Town and Country Planning Act 1990 to extend the time for a further 3 years in which to submit an application for reserved matters, and to allow for a further five years in which to commence development (or a further 2 years from approval of reserved matters, whichever is the later) from the date of permission, in respect of planning consent 05/0157 (Residential development comprising the erection of houses and garages, demolition of No's 7-10 Milbourne Terrace and all associated engineering and building operations)
Granted planning permission subject to conditions on 7 September 2011
- P/07/0292 Residential Development of 73 dwellings (Reserved Matters)
Granted permission subject to conditions on 27 September 2007

CONSULTATION

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

Head of Engineering
and Highways

Objects to the application for the following reason:

“The conversion of the existing garage to a habitable room will result in the loss of an off-street parking space. As such, the proposal will result in on-street parking demand to the detriment of highway safety and the free flow of traffic”.

Local ward councillors have been advised of this objection and they wish the application to be determined under delegated powers by the Director of Neighbourhood Services.

PUBLICITY

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

No letters of objection were received following this publicity exercise.

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

The following sections of Planning Policy Wales (Edition 11, February 2021) are relevant to this application:

- Para. 4.1.50 which states “Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed”
- Para. 4.1.52 which notes that “Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places”.

Local Planning Policies

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

It is noted that a garage conversion as proposed would normally constitute permitted development. However, the original planning permissions (outlined above) relating to this housing development included a condition which removed these rights and thus necessitates an application for such developments to be fully considered.

The garage conversion as proposed would result in the existing garage door being replaced with a window. This is considered to be of an acceptable design and scale which would be sympathetic to the existing fenestration. As such it would not harm the character or visual amenities of the dwelling itself or indeed the wider area which forms part of Urban Character Area 4 (South of the Town Centre: Plymouth Street Area). Accordingly, the proposal would accord with Policies SW11 and CW1 of the LDP.

Regard has also been had for the impact of the proposal on the residential amenities of the surrounding residents. However, in this respect it is not considered that the proposal would have any unacceptable impact. The proposed use of the garage following conversion would remain residential and the new windows would overlook the front garden area and adjacent highway. It is also noted that no representations were received following the publicity exercise. The proposal is therefore again in accord with Policy SW11 of the LDP.

The garage conversion would result in the loss of an off-street parking space. The Head of Engineering and Highways has objected to the planning application on the grounds that the loss of the parking space within the garage would result in on-street parking demand to the detriment of highway safety. Whilst this objection has been acknowledged, it is noted that there is space on the existing driveway to allow off street parking for two vehicles and this would remain following the conversion of the garage. Given the relatively sustainable location of the dwelling and the clear shift in national planning policy, with an emphasis placed on reducing the reliance on private cars, it is considered that two parking spaces are sufficient to meet the needs of this dwelling. Furthermore, the Planning Division cannot control whether the occupiers of the property use the garage for parking. Thus, it is not considered that this would justify the refusal of the planning application on highway safety grounds. It is also noted that the Head of Engineering and Highways has raised concerns that indiscriminate parking will take place on the turning area of the private shared access, potentially resulting in vehicular reversing movements onto the public highway. However, illegal/indiscriminate parking is not a planning issue.

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/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: Existing & Proposed Plans, Elevations & Sections, Drawing Number: CWRT 11.01, Received on 23 January 2023

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 surface of the garage conversion 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.

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:

14/3/23