

DELEGATED REPORT

Application No:	P/20/0135
Site Address:	28 Commercial Street Bedlinog Treharris CF46 6RE
Development:	New garden wall with adjoining shed, log store and coal store
Case Officer:	Marlene Ferreira
Site Visit:	13th July 2020
Application Expiry Date:	29th October 2020
Consultation reply date expired:	28th September 2020

APPLICATION SITE

The application site relates to a mid-terraced dwelling in Bedlinog. The property is sited immediately adjacent to the public highway, but benefits from a large rear garden area, provided over varying ground levels, which also extends to the west and east. The garden area immediately adjoining the rear of the property is limited in size. The upper grassed area to the west (which runs along the rear boundary of neighbouring rear gardens of 26 and 27 Commercial Street) and the yard area to the east (which runs along the side boundary of the rear garden of 31 Commercial Street) are extensive in size. External access to the garden areas is provided off a private lane located east of the property, which runs along the front of 30 and 31 Commercial Street and adjacent to the rear gardens of properties located along High Street, off Bedlinog Square (which back onto this lane).

The property lies in a street of similarly designed two-storey terraced properties, where some have been extended to the rear by means of single storey and/or two storey extensions. These neighbouring properties however do not benefit from external access into their rear gardens. However, the properties located along the High Street, off Bedlinog Square, also have rear access into their properties via the private lane.

The application site lies within the settlement boundary and Cwmfelin Conservation Area as designated within the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

PROPOSED DEVELOPMENT

This application seeks planning permission to construct a new garden wall with adjoining shed, log store and coal store within the eastern part of the garden. The works have

commenced and a new wall, adjacent to the private lane, has been substantially built. However, the development is yet to be completed. This application was submitted following an investigation carried out by the Councils Enforcement Section.

The new blockwork wall of the outbuilding has been constructed on top of an existing brick wall, which is highest at a point adjacent to 31 Commercial Street (given that the lane rises from the west to the east). The existing wall therefore has a maximum height of 1.1 metres and the proposed wall would have a maximum height of 1.8 metres. The existing wall and the proposed wall would therefore have a total height of 2.9 metres. The new wall measures 10.4 metres in width and serves as the rear elevation of the shed, log and coal store. The roof has not yet been constructed, but would be sloping away from the lane. The front elevation of the shed, log and coal store would be accessed from within the garden area (where its ground level is higher than the adjacent lane). It would measure 2.36 metres in height. The development when completed would be finished with painted rendered elevations and metal roof sheeting.

PLANNING HISTORY

The Council's records do not indicate any other relevant or recent planning history for this site.

CONSULTATION

Bedlinog Community Council

Objection raised. The concerns have been summarised as follows: The wall is extremely high and has blocked daylight for residents living on the square. Residents are concerned that it may reduce the value of homes. It is an eyesore and there is concern that it is higher than allowed. The log store is thought to be used in association with dog breeding and not as a garden store.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, letters were sent to adjoining properties and a site notice was displayed within the vicinity of the site. One letter of representation was received which raised the following concerns:

- The building has been erected immediately adjacent to the lane, immediately to the rear of a residential property, making it difficult for the owner to reverse into the lane;

Committee members were advised of the objections received from the Community Council and nearby occupiers, however they have not requested that the application be determined at Planning Committee. As such, the application will progress to be determined, under delegated powers, by the Chief Officer Planning and Neighbourhood Services.

POLICY CONTEXT

Local Planning Policies

- The Merthyr Tydfil Replacement Local Development Plan 2016-2031

SW4 – Settlement boundaries/location constraints

SW11 – Sustainable design and place making

- Supplementary Planning Guidance (SPG)

SPG Note No. 6 – A Design Guide for Householder Development (September, 2015)

PLANNING CONSIDERATIONS

The issues to consider in the assessment of this application relate to whether the proposed works, by virtue of their scale, design and finishes, would be acceptable in terms of their impact upon the character and appearance of the area and surrounding residential amenity.

Character and Appearance

The proposal would result in a prominent development when viewed from the adjoining lane. It should be noted however, that the external walls when completed would be rendered (and painted) and as such would appear more aesthetically pleasing than the existing part built blockwork wall. Whilst at its highest point (given that the lane rises from the west to the east), it would measure 3.3 metres in height from the ground level of the lane, it would only measure 2.36 metres in height from the garden level of the application site (since the applicants garden level is higher than the adjoining private lane). In addition, the outbuilding would be viewed in context with the scale of 31 Commercial Street and would therefore not appear as a disproportionate large structure. Indeed, this part of the applicant's garden appeared to be formerly enclosed by a 1.8metre high fence and a former shed also previously existed within the applicant's garden, which was located adjacent to the side elevation of 31 Commercial Street. Although not quite as wide, the former shed was higher than the development hereby proposed. It should also be noted that a 2 metre high wall, measuring 10.4 metres in width, could be constructed along the boundary of the applicants garden without planning permission, and thus, the proposed wall and roof (with adjoining shed, coal and log store), would only be 0.36 metres higher than the permitted height of a wall. Whilst it is noted that this boundary wall would also serve as the rear elevations of the proposed shed and stores, the internal views of the outbuilding would be screened when viewing the development from the lane and would only be seen from within the applicants garden area.

The proposed wall and adjoining shed, coal and log stores would therefore be considered acceptable and would not have a detrimental impact on the character and appearance of the street scene or the conservation area and as such, would accord with LDP Policy SW11.

Residential Amenity

The proposed development would be constructed adjacent to 31 Commercial Street, and opposite the rear of the properties located along High Street, off Bedlinog Square. These are the properties most likely to be affected by this proposal.

As discussed above, the development would be sited adjacent to 31, Commercial Street. However, it would be set 0.3 metres from the gable elevation of this neighbouring property and would run adjacent to its gable end elevation only. As such, the outbuilding would not run along the side boundary of this neighbouring property's rear garden area nor would it have any side facing windows. The development would therefore, given its siting and height, not have any overbearing impact on this neighbouring property, nor would it result in any loss of light or privacy to these neighbouring occupiers. As such, it would not detract from the amenities of this occupier and would therefore be acceptable.

With regards to the neighbouring properties sited along the High Street, which back onto the private lane, the development has also been considered acceptable. The development would result in a 2.2 metre high wall with adjoining outbuildings, which would be constructed above an existing brick wall, and as such would amount to a 3.3 metre high proposal adjacent to these properties. However, it should be noted that the proposal would be located to the other side of the lane, and therefore be at least 4.1 metres (at its closest point) from the rear boundary of these neighbouring dwellings. Thus, whilst objections have been received which refer to loss of light into these properties and difficulties in accessing/reversing into the driveways of these neighbouring dwellings, it is considered that the proposal, which has been constructed within the boundary of the applicant's site would be located at a reasonable distance from the rear boundaries of these neighbouring properties, to allow for adequate manoeuvring to be achieved to access the rear driveways. Indeed, the situation in this respect has not changed, since the wall/outbuilding has been constructed on top of an existing low brick wall. With regards to the loss of light into the rear garden of these neighbouring dwellings, whilst some loss of light may occur, this would not be significant given the overall height of the wall and the distance from the application site to these neighbouring dwellings. Likewise, the distance from the neighbouring boundaries, its height and absence of any rear facing windows, would ensure that the proposal does not appear overbearing or results in the loss of privacy to these nearby occupiers.

The relationship between the proposed wall/outbuilding and the neighbouring surrounding properties, would therefore be considered acceptable and would comply with LDP Policy SW11.

Responses to Representations

Most of the objections received have been addressed in the main body of the report. In respect of the other concerns raised, it is advised that the loss of value of a property would not be a material planning consideration. With regards to the proposed use of the shed, log or coal store being used in association with dog breeding, the applicant has confirmed that this would be used for domestic purposes in association with the existing dwelling. Specifically with regard to dog breeding, this may also be considered an ancillary use to the dwelling, which does not need planning permission, depending on the breeding activities which were taking place (i.e. fact and degree considerations).

CONCLUSION

For the reasons discussed above, the proposed development would comply with the relevant policies and should therefore be approved.

Finally, I have considered 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"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision 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:

- Amended Plan, received: 3rd September 2020.

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

2. **Prior to the shed, coal and log store being brought into use** the external walls shall be rendered in accordance with details (including colour) that have first been submitted to and approved in writing by the Local Planning Authority:

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

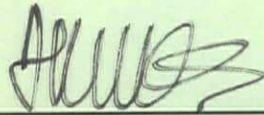
1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should 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.

2. 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.

RECOMMENDATION ENDORSED

A handwritten signature in dark ink, appearing to be 'APLWZ' or similar, written over a horizontal line.

Head of Town Planning

DATE:

8/10/20