

DELEGATED REPORT

Application No:	P/23/0109
Site Address:	Llyswen Mount View Mountain Hare Merthyr Tydfil CF47 0UX
Development:	Demolition of existing garage, and erection of single storey extension
Case Officer:	Rebecca Owens
Site Visit:	16th May 2023
Application Expiry Date:	21st June 2023
Consultation reply date expired:	6th June 2023

APPLICATION SITE

The application relates to a detached dwelling (bungalow) located within the settlement boundaries. The site is bound by a highway to the front, other dwellings to the sides and undeveloped land to the rear.

PROPOSED DEVELOPMENT

Full planning permission is sought for the demolition of an existing garage (which has already taken place) and the erection of a single storey side extension. The proposed extension would be erected off the southern flank elevation of the dwelling, in line with the main front elevation. It would be 6.39m in width and would be the same depth as the main dwelling (9.65m). The roof of the extension would also be the same height and pitch as the main roof (ridge height of 4.675m). The extension would feature windows in its front and rear elevations which would serve bedrooms and ensuite shower rooms. The roof would be covered with concrete roof tiles to match the existing roof and the external elevations would be finished with render.

PLANNING HISTORY

The relevant planning history is detailed below:

P/02/0203 Erection of single storey extension
 Granted planning permission subject to conditions on 23 June 2006

CONSULTATION

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

- Welsh Government Transport - No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties and a site notice was displayed within the vicinity of the site.

One representation was received following this publicity exercise. The concerns expressed within this are outlined below:

- The applicant has put his address as the application site but does not live there and will not be living there as it will be for people with disabilities.
- Work has been ongoing for months without planning permission including the laying of foundations.
- The foundation is a strip foundation not a raft foundation (there are mine workings below) and the objector's garage is in close proximity to it.
- If there are 4 separate people living there with visitors, parking could be an issue on a very narrow road. This is already highlighted with the works that has been going on to date, with vehicles having to use the grass verges to pass, which is chewing up the grass and carrying mud along the road and into people's properties.

Local ward councillors have been consulted and they wish the application to be determined under delegated power by the Director of 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

The proposed side extension would be erected of the southern flank elevation, in line with the main front elevation and with a roof of the same height and pitch as the main roof. As such, rather than being a subservient addition, the extension would appear as a continuation of the existing bungalow and have the effect of lengthening the front elevation. It is recognised that side extensions are usually required to be set back, with a lower ridge height to create a visual break between the original dwelling and the addition. However, in this setting and in relation to this dwelling this is not considered necessary and thus whilst the extension would not be subservient, it is not considered that it would be sufficiently harmful to result in the refusal of the application.

The impact of the proposal on the residential amenities of neighbouring occupiers has also been considered. In this respect, the extension would be erected off the southern flank elevation of the bungalow and as thus adjacent to the dwelling known as Windy View Bungalow. However, the garage of this dwelling is erected hard on the shared boundary line and would be directly alongside the proposed extension. This would reduce the effect of the scheme on Windy View Bungalow. Given this arrangement, it is not considered that the proposed extension would have an overbearing impact or result in any harmful overshadowing or loss of privacy. In addition, given that the only windows would be proposed within the front and rear elevations, no concerns are raised with respect to overlooking or loss of privacy.

It is recognised that the proposal would result in the loss of parking spaces within the garage. However, the submitted details demonstrate that three parking spaces can be provided within the curtilage. Thus whilst it is recognised that the number of bedrooms would be increasing from three to five, there would still be sufficient on-site parking to meet the needs of the property. This is discussed further below.

As noted above one representation was received following the publicity exercise. In response to the concerns raised the following comments are made:

- It is not for the planning division to verify the applicant's address. They have signed certificate of ownership A to indicate that they own the property and this is deemed to be sufficient. Notwithstanding this, an application can be made on a site that is not the applicant's address.
- Some of the works that may have been carried out on site may have not require planning permission. However, this application seeks permission for those works that do require planning permission, which would include the construction of any foundations.
- The appropriate foundation is not a planning matter but would be covered by building regulations. As a result of the close proximity of the extension to the neighbours garage a party wall notice may need to be served, but this would be outside of the remit of any planning permission. In addition, any damage to the objector's garage would be a civic matter.
- It would appear that the property is intended for a C3(b) use, which allows up to six people to live together as a single household where care is provided. It would therefore remain within the C3 use class and permission for a change of use has not been sought as part of this application. Whilst it is appreciated that this may increase parking demand as a result of the residents, visitors, and carers, the property would remain a domestic dwelling. As such, the provision of three parking spaces is deemed sufficient to meet the needs of the property. Any unauthorised parking on the verge would not be a planning matter.

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 having regard to the above, the proposal is found to be in accord with Policy SW11 of the LDP and 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 Drawings, Drawing Number: 2, Amended Plan Received on 19 June 2023.

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

3. **BEFORE** the extension hereby approved is brought into beneficial use the proposed car parking spaces illustrated on drawing number 2 shall be provided and remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

INFORMATIVES

1. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property; or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

2. 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.

3. 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

P.P.

DATE: 19.06.2023