

DELEGATED REPORT

Application No:	P/21/0300
Site Address:	21 Ash Crescent Gurnos Merthyr Tydfil CF47 9PG
Development:	Extension to existing garden outbuilding to provide a gym
Case Officer:	Rebecca Owens
Site Visit:	31st August 2021
Application Expiry Date:	12th October 2021
Consultation reply date expired:	14th September 2021

APPLICATION SITE

The application relates to a mid-terrace dwelling located in a mainly residential area within the settlement boundary. The site is bound by a highway to the front and dwellings to the sides and rear. The profile of rear of the site is gently sloping with the rear garden occupying an elevated position above the dwellings to the rear.

PROPOSED DEVELOPMENT

Full planning permission is sought for an extension to an existing garden outbuilding to provide a gym. The extension would be sited off the rear elevation of the existing structure and would be 4.5m in depth and 5.622m in width. The roof of the extension would be mono-pitched and would appear as a continuation of the existing structures roof with the extension roof having a maximum height of 2.3m, sloping down to a height of 2.198m at the rear. The proposal would result in an outbuilding, which is 9.115m in depth, 5.622m in width. The roof of the outbuilding would be covered with profiled steel roofing to match the existing roof and the walls would be painted block work. The extension would feature a window in its rear elevation, which would serve the gym.

The proposal also involves the erection of a 1.8m high fence to the rear boundary, which would be 0.4m off the rear elevation of the proposed extension.

PLANNING HISTORY

There is no relevant planning history, which needs to be taken into consideration when determining this application.

CONSULTATION

No consultation exercise was considered necessary in this instance.

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

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

It is recognised that the proposal would result in a substantial outbuilding within the application site. However, the extension would be located to the rear of an existing outbuilding, which spans the full width of the rear garden, and thus is proposed on land, which is completely obstructed by the existing structure, with no access to it. Given this arrangement and the modest height of the proposed extension, it is not considered that the resultant outbuilding would have a significant visual impact and nor would it harm the character or appearance of the dwelling. In addition, the proposal would be erected within the rear garden where it would not be visible from the streetscene and thus it would not impinge on the character or visual amenity of the area in general. It is therefore found to be in accord with Policy SW11 of the LDP.

Regard has also been had for the impact of the development on the residential amenity of the neighbouring occupants. In this respect, it is noted that the extension to the outbuilding would be erected almost hard on the boundaries with the dwellings on either side known as 19 and 21 Ash Crescent and would result in a structure, which spans along the boundaries for over 9m. However, it is also recognised that the development would have a maximum height of 2.3m, which is only modestly higher than boundary treatments allowed under permitted development rights and thus would not have a significantly

greater impact. In addition, it is noted that 23 Ash Crescent has fenced off the bottom section of their garden, alongside which the development is proposed, and this area does not currently form part of their amenity space. As such, the proposal would not have any significant impact on the current garden area. Similarly, the development would be located adjacent to an existing outbuilding belonging to 19 Ash Crescent, which would prevent any significant impact on this property.

The rear boundary of the application site is also bounded by other dwellings known as 46 and 48 Elm Grove, with the majority of the rear boundary of the site alongside number 26 Elm Grove. It is noted that the application site occupies a higher level than these properties and as such, the proposal would be elevated above their garden levels. However, the structure would be sited 0.4m off the rear boundary line and would be just under 2.2m in height. Given that a 2m high boundary enclosure could be erected on the higher ground level without permission is it not considered that it would be justified to refuse the application based on overbearing impact or overshadowing. Indeed, it is noted that a 1.8m high close board timber fence is proposed along the rear boundary, which would largely obscure the structure. It is also recognised that the proposal includes a window in the rear elevation, which could look over the rear gardens on 46 and 48 Elm Grove. However, the proposed boundary fence would obscure any views from this and as such, it is not considered that the window would have a harmful impact. Notwithstanding this it is recommended that a condition relating to the fencing is included with any permission issued to ensure that this arrangement is retained.

Having considered the above and with the lack of any objections following the publicity exercise, the proposal is found to be acceptable in respect to residential amenity and thus in accord with Policy SW11 of the LDP.

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: Proposed Plans and Elevations, Drawing Number: 02, Received on 17 August 2021

Drawing Title: Block Plans, Drawing Number: 03, Received on 17 August 2021

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

3. Before the development hereby permitted is brought into use, the rear boundary fencing shall be installed in accordance with the approved drawing number 03 and shall be permanently retained thereafter.

Reason - In the interest of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

INFORMATIVES

1. The Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

2. 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.

3. 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.

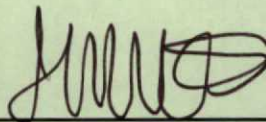
Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

4. 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:

20/7/21