

DELEGATED REPORT

Application No: P/21/0140

Site Address: 24 Church Street
Penydarren
Merthyr Tydfil
CF47 9HS

Development: Two storey rear extension with external alterations, creation of rear vehicular access and raised hard standing with associated reprofiling and retaining works

Case Officer: Rebecca Owens

Site Visit: 20th May 2021

Application Expiry Date: 2nd September 2021

Consultation reply date expired: 31st August 2021

APPLICATION SITE

The application relates to a mid-terraced dwelling located in a mainly residential area within the settlement boundary. The site is bound by highways to the front and rear and other dwellings on either side. The profile of the site is such that the rear garden largely occupies a higher level than the dwelling itself with steps up from the raised garden to the highway to the rear.

PROPOSED DEVELOPMENT

Full planning permission is sought for a two storey rear extension with external alterations to the dwelling and for the creation a rear vehicular access and raised hard standing with associated re-profiling and retaining works.

The proposed two storey extension would be erected off the main rear elevation of the dwelling and as such would necessitate the demolition of an existing two storey and single storey rear annexe. The two storey extension proposed would be 3.83m in width (almost the full width of the rear elevation), 5m in depth and would have a pitched roof with a ridge height of 6m. The rear elevation of the extension would feature a door and windows at ground and first floor levels. The south western facing roof plane would also include a velux roof light. The roof of the extension would be covered with concrete tiles to match the existing roof and the walls of the extension would have a dash finish. The submitted drawings also indicate that two velux roof lights would be inserted into the rear roof plane of the main roof to serve the first floor bathroom and landing.

It is proposed to create a vehicular access into the rear of the property off District Street which would lead onto a raised hardstanding area. As the garden is currently sloping and

at a lower level than this highway, the land would need to be built up and retaining works would be required to support this. This retaining works would have a maximum height of 1.4m. The hard standing area would be 3.8m in width by 5.35m in depth and it would be surfaced in a permeable material. The rear boundary would be enclosed with bi-folding timber gates (max height 1.5m) supported between two pillars 1.8m in height.

There would also be a 1.6m high retaining wall, 3.25m off the rear elevation of the proposed extension which would support the higher garden area. Along the top of this, it is proposed to install a 1.2m high safety rail. New steps, positioned centrally within the garden, are also proposed to provide access from the garden to the hardstanding.

PLANNING HISTORY

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

CONSULTATION

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

Head of Engineering No objection subject to conditions

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

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

Within the rear streetscene of the application site, there are a number of examples of rear additions which vary in their scale and design, these include other two storey extensions and hardstanding/garages served off the rear highway. The proposed extension is considered to be of an acceptable design and scale which would not appear out of place on the dwelling or indeed within the wider area. Similarly, no concerns are raised with respect to the appearance of the hardstanding and other works. The proposal would therefore not impinge on the character or visual amenities of the dwelling itself or the area in general, which it is noted forms part of Urban Character Area 7: Penydarren, and 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 neighbouring occupants. In this respect it is noted that the side boundaries of the site are directly adjoined by other dwellings, namely 23 Church Street to the south east and 25 Church Street to the north west.

With respect to the hardstanding, it is noted that this would be bound to the sides by the an existing raised hardstanding and high boundary fencing belonging to 23 Church Street and a garage belonging to 25 Church Street. As such, it is not considered that this aspect of the proposal would have an overbearing impact or lead to any significant loss of light or overshadowing. It is acknowledged that it would raise the garden level and create an elevated platform which would allow for views across part of the rear gardens and towards the rear elevations and thus first floor windows of the neighbouring dwellings. However, raised hard standings appear to be a feature which is common within this rear street scene and as such the arrangement would be similar to that found between other dwellings in the area. Indeed, as outline above, 23 Church Street already has a raised hardstanding and thus views from the proposal would be no more intrusive than those from this existing structure. Moreover, it is recognised that elevated gardens of terraced properties will often result in this type of overlooking. Thus on balance and given that no objections have been received from the neighbouring occupants the level of overlooking and loss of privacy is not considered to be harmful enough to warrant the refusal of the application on such grounds.

The proposed extension would be erected in close proximity to both side boundaries. When considering the impact on 23 Church Street, it is noted that this property already benefits from a two storey extension which is erected long the shared boundary line. Whilst the proposed extension would project past this, it is not considered that this would have an overbearing impact or generate any significant overshadowing or loss of light. With regard to 25 Church Street, it is noted that the proposed two storey extension would replace an existing two storey annexe (which appears to have been erected over the boundary line). Whilst the two storey extension proposed would be slightly taller (by 0.2m) and longer (by 0.75m) than the existing annexe, it is not considered that it would result in a substantially bigger impact and it would also be erected within the boundary line. In addition, the proposal would be erected alongside the single storey rear annexes of 25 Church Street which project beyond the rear elevation of the extension proposed. The proposal would include first floor windows which would overlook the neighbouring gardens but a degree of overlooking between terraced properties is to be expected, and this is an arrangement which is common along the terrace row thus is not considered that the impact would justify a refusal of the application.

It is also noted that the proposal would require the demolition of existing two storey and single storey rear annexes. These appear to have been erected over the boundary line with 25 Church Street and are attached to this neighbouring dwelling's single storey annexes. The two storey extension also ties into the main roof of 25 Church Street. As such, the demolition of the existing annexes would impact on this neighbouring property. The occupant has not submitted any formal representation following the publicity exercise but has verbally raised concerns with respect to damage to their property and what remediation works are proposed. However, this is not a material planning consideration and would be a matter for the two parties concerned to resolve.

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: CHURCH ST 24 01A, Amended Plan Received on 29 July 2021

Drawing Title: Existing & Proposed Plans, Elevations & Sections, Drawing Number: CHURCH ST 24 02A, Amended Plan Received on 3 August 2021

Drawing Title: Existing & Proposed Plans, Drawing Number: CHURCH ST 24 03A, Amended Plan Received on 3 August 2021

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

3. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan .

INFORMATIVES

1. 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.

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. 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.

4. 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.

5. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

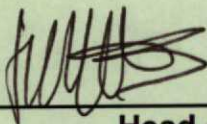
Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

6/9/21