

DELEGATED REPORT

Application No: P/21/0009

Site Address: 7 Model Cottages
Baden Terrace
Penyard
Merthyr Tydfil
CF47 0HS

Development: Erection of garage

Case Officer: Rebecca Owens

Site Visit: 18th January 2021

Application Expiry Date: 2nd March 2021

Consultation reply date expired: 28th May 2021

APPLICATION SITE

The application relates to a mid-terraced dwelling located within a mainly residential area within the settlement boundary. The site is bound by a highway to the front, lane to the rear and other dwellings on either side. The profile of the rear garden is sloping so the rear lane occupies a higher level than the dwelling itself.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a detached garage within the rear garden which would be accessed off the rear lane. The garage would be sited hard on the rear and side boundary lines. It would be 6.25m in depth by 4m in width and would have a mono-pitched roof which slopes from 3.35m at the front to 3.2m at the rear. The garage would feature a roller shutter door in its front elevation (facing the lane) and a standard door in the rear elevation (facing into the garden). There would also be a landing area leading down two steps to the garden level. The walls of the garage would have a rendered finish.

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
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PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

Policies CW1: The historic environment and SW11: Sustainable design and place making of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are 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 garage would be sited to the rear of a terraced dwelling and accessed off an adjacent lane. There are already a number of examples of garages within the rear street scene which differ in terms of their scale and appearance and thus within this context it is not considered that the proposed garage would appear incongruous. The scale and design of the garage is also deemed to be acceptable. As such, the proposal would not be detrimental to the character of the property itself or indeed the character and visual amenities of the immediate area which also forms part of Urban Character Area 2: Thomastown and Penyard.

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 application site is bound by dwellings on either side and the proposed garage would be erected hard against the shared boundaries with these properties. The dwelling to the South is known as 8 Model Cottages and the proposed garage would be erected alongside an existing hard standing area belonging to this property. As such the proposed garage would not have an overbearing impact on this dwelling's main rear amenity area and no concerns are raised with respect to overshadowing or loss of light. The dwelling to the north known as 6 Model Cottages does not have a hard standing or garage and as such the proposed garage would be erected alongside the bottom section of this property's garden. It is also noted that the property to the other side known as 5 Model Cottages also has a garage which abuts the other side boundary of number 6. As such, the proposal would result in a section of this neighbouring garden being flanked on both sides by garages which would give this area a more hemmed in feeling. However, this is not an uncommon arrangement. In addition, given that the area of the garden which would be affected would only be a section at the very rear, and on the basis that no representations have been received following the publicity exercise, it is not considered that the proposal would result in an unacceptable overbearing impact or lead to any significant loss of light or overshadowing.

Given that no objection has been submitted from the Head of Engineering, the proposed garage is also deemed to be acceptable in terms of access and no concerns are raised with respect to highway or pedestrian safety.

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:

Block Plan, Amended Drawing Received on 29 April 2021.

Proposed Plan & Proposed Section A_A, Amended Drawing Received on 29 April 2021.

Proposed Elevations, Amended Drawing Received on 29 April 2021.

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

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. 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.

4. 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.

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:

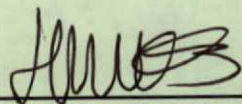
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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:

31/5/21