

DELEGATED REPORT

Application No:	P/22/0005
Site Address:	23 Chapel Banks Merthyr Tydfil CF48 1BP
Development:	Single storey side extension and two storey side and rear extension
Case Officer:	Rebecca Owens
Site Visit:	31st January 2022
Application Expiry Date:	7th March 2022
Consultation reply date expired:	21st April 2022

APPLICATION SITE

The application relates to a detached dwelling located in a mainly residential area within the settlement boundary. The site is bound by a highway to the front, other dwellings on either side and undeveloped grassed land to the rear. The profile of the site is relatively flat.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a two storey extension and single storey.

The proposed two storey extension would be erected off the rear elevation of the property and would wrap around the western corner of the property having an 'L' shaped footprint. It would project off the rear elevation by 3m and off the south western flank elevation by 1.6m, with a maximum width of 6.97m and a maximum depth of 5.6m. The extension would have a pitched roof with a ridge height of 7.2m. Its rear elevation would feature large bi-folding doors at ground level serving a kitchen-diner and three first floor windows serving a bedroom/office, master bedroom and walk-in wardrobe. There would also be a first floor window in the front elevation serving an en-suite.

The single storey side extension is proposed off the south western elevation of the dwelling providing a dog dry area/utility/storage space. It would be set back off the main front elevation by 1.25m and would be 4.9 in depth. It would have an irregular footprint with part of the side elevation splayed to follow the angle of the boundary line. The front elevation of the extension would therefore be 1m in width while the rear would be 1.6m in width. The extension would have a flat roof with a height of 2.75m and would feature a door in its front elevation.

The roof of the two storey extension would be finished to match the existing roof of the dwelling and the external walls of the extensions would also be finished to match the dwelling.

PLANNING HISTORY

The relevant planning history is summarised below:

P/12/0175 Erection of two storey side extension and single storey rear extension
Refused planning permission on 31 August 2012 for the following reasons:

1. The proposed side extension, by virtue of its forward projection of the main front wall of the dwelling and its inappropriate mass and scale, constitutes an incongruous feature that fails to respect the scale, general appearance and design of the host dwelling, and erodes the space between the application dwelling and the neighbouring dwelling known as 24, Chapel Banks, to the detriment of the character of the host dwelling and the visual amenities of the surrounding area, contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan. Approval of this development would set an unacceptable precedent for other similar unsympathetic extensions.
2. The proposed rear extension, by virtue of its poor and inappropriate roof design, constitutes an incongruous feature that fails to respect the general appearance and design of the host dwelling, to the detriment of the character of the host dwelling and the visual amenities of the surrounding area, contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan. Approval of this development would set an unacceptable precedent for other similar unsympathetic extensions.
3. The proposed rear extension, by virtue of its height and siting along the common boundary with 24 Chapel Banks, in conjunction with the existing detached garage, would have an overbearing impact on the occupiers of this adjoining dwelling and would represent an un-neighbourly and oppressive form of development, to the detriment of the living conditions that these neighbouring occupiers could reasonably expect to enjoy, contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan. Approval of this development would set an unacceptable precedent for other similar unsympathetic extensions.

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.

Two representations were received following this publicity exercise. One which expressed no objections to the application and the other which although not objecting to the proposal, wished to stress that they as the neighbouring occupants would not give right of access to

their property for any building works and also raised a number of concerns with respect to the development. These are summarised below:

1. Loss of light to their property and overshadowing to the property and garden;
2. The foundations/guttering encroaching to their land;
3. The overbearing impact to their house and garden;
4. Loss of privacy;

Local ward councillors have been consulted and they wish the application to be determined under delegated powers 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

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

The proposed extensions are generally considered to be of an acceptable design and scale which would not appear incongruous or adversely impact on the character of the dwelling. Whilst it is acknowledged that the two storey extension is wider than the dwelling, being located to the rear of the property its full width would not be readily visible. The element which does wrap around to the side elevation would be just 1.6m in width and set back considerably from the main front elevation, thus lessening its visual impact from the front streetscene. It is also noted that the single storey extension would introduce a flat roof to the side of property, which is not in keeping with the roofs of the existing dwelling and that would be visible within the front street scene. However, this extension would be of a modest width (only 1m to the front) and would set back over 1m from the main front elevation. As such it is not considered that it would have a significant visual impact. It is also noted that it could be erected under the householders permitted development rights and as such, it would be unjustified to raise an issue with this. Accordingly, the proposal is found to be acceptable in terms of its impact on the character and visual amenities of the dwelling itself and the wider area which also falls within Urban Character Area 8 (Georgetown and Ynysfach). The proposal is therefore in accord with Policies SW11 and CW1 of the LDP.

Regard has also been had for the impact of the proposal on the residential amenity of the neighbouring occupants. In this respect, it is noted that the site is bound on both sides by other dwellings, namely 22 Chapel Banks to the south west and 24 Chapel Banks to the north east. The extensions would have the greatest impact on 22 Chapel Banks with the extensions erected in close proximity to the shared boundary with this dwelling.

It is noted that the two storey extension would wrap around the western corner of the dwelling, with its side elevation spanning a length of 5.6m along the boundary with 22 Chapel Banks at a distance of between 0.2m (at its closest point) and 1m from the boundary line. However, the closest point of the extension to the boundary is alongside the flank elevation of this property, with the proposed extension then splaying away from the boundary line. Thus whilst it would result in two storey development which is closer to the shared boundary line, given this arrangement, it is not considered the extension would have such an overbearing impact as to warrant the refusal of the application. It is noted that 22 Chapel Banks is located to the south west of the application site and as such, the extension may give rise to some overshadowing to the garden. However, this would only be for part of the day and would only affect a relatively small area of the garden. As such it is not considered that this would be unacceptable. It is also recognised that there are ground and first floor windows in the flank elevation of 22 Chapel Banks, but again, it is not considered that the loss of light to these windows would be significant.

Similarly, whilst the single storey extension would be erected almost hard on the boundary line with 22 Chapel Banks, given its flat roof design and modest height of just 2.75m, it is not considered that it would have an overbearing impact or give rise to any significant overshadowing or loss of light. In respect to the single storey extension, it is also reiterated that this element of the scheme would fall within permitted development rights and thus could be erected without the benefit of planning permission.

No windows are proposed within the south western elevations of the extensions so there would be no direct overlooking to 22 Chapel Banks. Whilst it is recognised that there would be first floor windows in the rear elevation of the two storey extension, the window nearest to the boundary line would serve a walk-in wardrobe and thus a non-habitable room. Notwithstanding this, it is not considered that these windows would give rise to a level of overlooking into the garden area that is significantly more harmful than typically found between neighbouring dwellings.

It is noted that the occupants of this neighbouring property raised concerns with respect to the proposal. Those that form material planning considerations (overbearing impact, loss of light/overshadowing and loss of privacy) have been considered above. The other point raised related to encroachment of foundations and rainwater goods. The agent has confirmed that there would be no encroachment as part of the development but notwithstanding this, it would be a private matter between the parties concerned. It is also acknowledged that the neighbouring occupants have stated that they would not allow access to their land for any building work but again this would be a private matter.

The existing dwelling and the two storey extension proposed would be sited at least 2.5m from the shared boundary with 24 Chapel Banks. In addition, no additional windows are proposed within the north eastern elevation of the existing dwelling or indeed the extension. As such, it is not considered that the proposed development would have any significant impact on 24 Chapel Banks and would not lead to any harmful overshadowing or loss of privacy.

The application site is located within a C2 Flood Zone but as the proposal relates to an existing dwelling there is no requirements for a Flood Consequence Assessment.

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 Site Layout, Drawing Number: PL-104 Rev. B, Amended Plan Received on 16 March 2022

Drawing Title: Proposed Plans, Drawing Number: PL-105 Rev. B, Amended Plan Received on 16 March 2022

Drawing Title: Proposed Elevations, Drawing Number: PL-106 Rev. B, Amended Plan Received on 16 March 2022

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. 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:

30/5/22