

DELEGATED REPORT

Application No:	P/22/0017
Site Address:	22 Heol Corn Du Swansea Road Merthyr Tydfil CF48 1BW
Development:	Conversion of garage to therapy room, with associated alterations, and laying of decking to rear patio
Case Officer:	David James
Site Visit:	24th February 2022
Application Expiry Date:	29th March 2022
Consultation reply date expired:	24th February 2022

APPLICATION SITE

The application relates to a detached dwelling located within a relatively new residential development, and within the settlement boundary. The site is bound by a highway to the front and other dwellings to the side and rear. The application dwelling occupies a higher level than the properties to the rear.

PROPOSED DEVELOPMENT

Full planning permission is sought to convert an existing attached garage into a therapy room. This would involve the removal of the existing garage door within the front elevation and the insertion of bi-folding doors with additional glazed side panels in its place, and insertion of a window in the rear elevation of the garage, in place of an existing door. Part of the existing front driveway would be re-laid to provide level access to the front entrance of the dwelling and the proposed therapy room. This change in levels would be minimal.

The proposal also includes the installation of a decked area on part of the existing grassed and hard-surfaced rear patio area. The decked area would measure a maximum of 13.8m wide and 7.5m deep. It would be 0.2m high, with a ramp to access the remainder of the patio area. The remaining part of the patio would be hard-surfaced with flagstones at its current level. A 1m high glass balustrade would be erected along the rear boundary of the decked area, replacing an existing metal fence.

PLANNING HISTORY

The relevant planning history is summarised below:

- P/07/0364 Erection of 3 No. detached houses
 Granted planning permission subject to conditions on 27 September 2007
 (Permitted Development Rights removed)
- P/06/0642 Erection of 3 No. detached houses
 Granted planning permission subject to conditions on 16 March 2007

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 adjoining dwellings.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries
Policy SW11 – Sustainable design and Placemaking
Policy SW12 – Improving the Transport Network
Policy CW1 – Historic Environment
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW4 – Environmental Protection

Other Material Considerations – Supplementary Planning Guidance (SPG):

SPG 4 - Sustainable Design
SPG 5 - Nature and Development
SPG 6 – Householder Design

PLANNING CONSIDERATIONS

It is noted that a garage conversion, and decking to the rear, as proposed, would normally constitute permitted development. However, the original planning permissions (outlined above) relating to this development included a condition which removed these rights and thus necessitates an application for such developments to be fully considered.

The proposed garage conversion would result in the existing garage door being replaced with a set of bi-folding doors and glazed side panels, and a rear door being replaced by a window. It is not considered that this addition would harm the character of the dwelling or visual amenities of the area. This element of the proposal is therefore found to be of an acceptable design and in accord with Policy SW11.

Regard has also been had for the impact of this element of the proposal on the residential amenities of the surrounding residents. However, in this respect it is not considered that the garage conversion would have any unacceptable impact. The proposed use of the garage following conversion would remain residential and the new doors would overlook the front driveway of the application site and adjoining dwelling. The proposal is therefore again in accord with Policy SW11 of the LDP.

It is acknowledged that the garage conversion would result in the loss of off street parking provision. However, the dwelling is served by a substantial front driveway, which provides adequate parking for a dwelling of this size and, as such, no objection is raised in terms of parking or highway safety.

The proposed decking to the rear patio area would be 0.2m in height and would cover the majority of the upper rear patio area. It is acknowledged that a significant degree of overlooking already exists between the application site and the properties to the rear (Clos Cribyn). However, it is not considered that the raising of the ground level of the upper patio by 0.2m would increase the degree of overlooking and loss of privacy to a harmful degree. Nor would any harmful degree of overbearing impact result from the decking area or associated balustrade. It is also noted that no objections were received as a result of the publicity exercise.

Taking the above into consideration, it is not considered that the proposal would have an unacceptable impact on residential amenity in terms of loss of light, loss of privacy or overbearing impact, and would therefore comply with Policy SW11 in this regard.

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:**

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:

(PL)-P-002 Proposed Information, Plans & Elevations

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

INFORMATIVES

1. 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.

2. 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:

28/3/22