

# DELEGATED REPORT

**Application No:** P/21/0206

**Site Address:** Land To The North Of Plot 1 Plymouth House  
Milbourne Terrace  
Merthyr Tydfil  
CF47 0UL

**Development:** Change of use of highway verge to garden and erection of garage and boundary wall

**Case Officer:** Caroline Pulley

**Site Visit:** 15<sup>th</sup> July 2021

**Application Expiry Date:** 9th August 2021

**Consultation reply date expired:** 7th July 2021

## APPLICATION SITE

The application site relates to an irregular shaped parcel land situated to the north of a small housing development site off Milbourne Terrace. The parcel of land previously formed part of a grass verge. It is located directly to the north of Plot 1 and is bound by the highway to the north, a small embankment with landscaping to the east, beyond which and at a higher level, is the highway serving Milbourne Terrace.

## PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of a grass verge to garden and for the erection of a detached garage. The submitted plans illustrate the garden of Plot 1 being extended to the north to provide an enlarged side/front/rear garden area with a garage being erected to the front of this property. The northern roadside boundary of the garden would be enclosed by a new 2.1m high stone wall, which in the north-western corner, would attach to a small remaining section of stone wall which previously enclosed the garden area of 2 Plymouth House. To the south, the front section of the newly extended garden (which projects forward of the front elevation of Plot 1) would be enclosed by a 1.8m high timber fence and gate.

The proposed garage would be positioned to the front of Plot 1 (approximately 4.5m to the east of its front elevation). It would measure 4.5m wide, 6.5m deep and 4m in height. Its roof would be hipped and would be covered in tiles. The submitted plans illustrate that the garage would be accessed from the private driveway serving Plot 1 and the other

dwelling on the site. A side entrance door positioned within its western side elevation would provide direct access into the side garden area of Plot 1.

It is important to highlight that the landscaping scheme approved as part of the overall development of the site has recently been revised under a Section 73 application (Ref: P/21/0409). As part of this revised scheme, two *Fagus sylvatica* trees (one to the rear of the proposed garage and another, within the far north-western corner) and some shrubs are to be planted to the north of the stone boundary wall. A native Horbean tree is also proposed to be planted on the inside boundary of the stone wall.

## PLANNING HISTORY

The planning history relating to the site is as follows:

|           |                                                                                                                                                                                                                  |                                        |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| P/21/0409 | Variation of conditions 2, 6 and 7 of planning permission P/19/0069 to allow amendments to be made for the approved landscaping scheme and re-siting of replacement trees (subject to a tree preservation order) | Approved with conditions<br>17.01.2022 |
| P/19/0069 | Construction of 4 detached houses                                                                                                                                                                                | Approved with conditions<br>23.12.2019 |
| P/03/0441 | Residential development (outline)                                                                                                                                                                                | Approved with conditions<br>14.05.2004 |

## CONSULTATION

Head of Engineering: No objection.

Planning Division's Ecologist: No objection. Advises that survey work is not required, however, in line with the Environment (Wales) Act 2016, advises that on site biodiversity enhancements are required.

## PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and site notices were displayed within the vicinity of the site.

One letter of representation was received from a local resident respectfully asking if works ~~are to take place adjacent to the boundary of 1 Brodawel~~, can workmen ensure that they are careful as a fence was damaged when construction works on the site started, although the writer notes that the damaged fence was made good by the workmen.

## POLICY CONTEXT

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National Policy

### 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 EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW4 - Environmental Protection
- Policy EnW5 - Landscape Protection

### PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed garden extension, garage and associated boundary enclosures would be acceptable, in principle in this location, and in respect of their impact upon the character and appearance of the area. Their impact upon residential amenity, ecology, parking provision and highway safety are also important considerations.

#### Principle of Development

The proposed development includes a reasonable size extension to the garden area serving the property currently known as Plot 1, which would also incorporate a detached garage, a new 2.1m high stone boundary wall and a 1.8m high garden fence and gate. These works however, all lie within the settlement boundary and as such, Policy SW4 is a relevant policy consideration. This policy is supportive of new development provided it accords with other relevant policies and material planning considerations. As such, the proposal would comply with LDP Policy SW4.

#### Character and Appearance

The proposed extension to the garden of Plot 1 and the use of the land for residential purposes is considered to be in keeping with the residential character of the area and would not appear out of place.

The proposed garage would be prominently located in close proximity to the highway, which bounds the northern edge of the site. While there were initially some concerns over the prominent siting of the garage, it is important to note that through the course of this application, a further application (P/21/0409) was submitted to the authority to allow the landscaping scheme approved for the overall site (originally approved under application P/19/0060) to be amended. The amended landscaping scheme which has now been approved, illustrates a common beech tree (to be protected under a Tree Preservation Order) would now be planted directly adjacent to the rear wall of the garage. Visually, this would help soften the impact of the garage on the surrounding area and provide a visual break between the built development and the highway. It is also noted that the finished floor level garage (47.950) would be set nearly 2m below level of the highway of Milbourne Terrace and the existing laurel bushes along the eastern boundary would be retained. Taking these factors into account, the garage would not be harmful to the character and

appearance of the area. It is fully acknowledged that the proposed garden extension would result in a 2.1m stone boundary wall being erected tight to the edge of the adjoining highway. While the loss of the grass verge is somewhat regrettable, the inclusion of this land into the boundary of Plot 1 would be overly harmful to the character and appearance of this area. Also, it is noted that the new stone wall which would form the roadside boundary of the garden would be of a similar height to the existing wall which previously formed the northern boundary of 2 Plymouth House. The proposed works are therefore considered acceptable and would comply with Policy SW11 of the LDP.

### Residential Amenity

The proposed garden extension, garage and proposed boundary wall and fence are all proposed to the side, front and rear of Plot 1. Whilst these works would involve the construction of a detached garage near the eastern boundary and to the front of Milbourne Terrace, this would amount to a single storey structure which would be 4m in height and set down below level of Milbourne Terrace. As such, the location of the proposed garage and its low height would ensure that this aspect of the development would not result in an overbearing or overshadowing form of development, nor would it give rise to any loss of light or privacy. Thus, the garage would not have any significant impact upon the amenities of the occupiers of existing properties in the area.

Regard has also been given to the potential impact of the use of the land as garden on the amenities of neighbouring properties. In this respect, it is noted that the land lies adjacent to the highway to the north and stands at a higher level to the existing houses to the west (Brodawel). While it is noted that the garden area to the rear of Plot 1 would be enlarged slightly, the additional garden area proposed by this application would be offset from the rear garden of 1 Brodawel (the closest property to the west). Taking into account that the garden primarily lies adjacent to the highway and is below the level of Milbourne Terrace, it is not considered that the use of this land as garden would adversely impact the privacy of existing properties in the area. Moreover, the use of the land for domestic purposes in association with the dwelling known as Plot 1 would not give rise to any significant levels of noise and disturbance over and above what would be expected in a residential area. The proposed change of use and associated development would therefore be considered acceptable and comply with Policy SW11 in this respect.

### Parking Provision and Highway Safety

The proposal does not seek to extend the number of bedrooms at Plot 1. Furthermore, Plot 1 is accessed off a private driveway from within the site itself and is served by two off-road parking spaces, within the front driveway. The Head of Engineering has considered the proposed arrangement/layout and has not raised any objections. The proposal would therefore accord with Policy SW11 of the LDP. There is potential for the access arrangements to the garage to be altered in the future. This could allow a second access to be provided into the site from the highway to the north. While acknowledging that one of the replacement protected trees proposed under the revised landscaping scheme would ~~partially obstruct vehicular access to the rear of the garage, there would be~~ sufficient space to the side of the tree for a vehicle to pass. Taking this into account, it is considered necessary to impose a condition to ensure that a second access into the site is not introduced without full consideration of the visual and highway safety implications being first considered by the local planning authority.

## Ecology

As noted previously, the variation to the landscaping proposals for the site and the siting of two replacement protected trees have recently been considered under a separate application (Ref P/21/0409). In respect of this application, the Council's Ecologist has not asked for any survey work to be carried out, but requested initially that, in accordance with the Environment (Wales) Act 2016, a treeline to be established adjacent to the stone wall. Although these comments are noted, an acceptable landscaping scheme for the site, which includes the planting of Two *Fagus sylvatica* trees along the northern boundary has been deemed acceptable under application P/21/0408. While the recommendations of the Council's Ecologist have been acknowledged and duly noted, it is considered that the approved landscaping scheme for the site as a whole provides an appropriate level of biodiversity enhancements in accordance with Policy EnW1 of the LDP.

## Other matters

While a letter has been received in connection to this application as a result of the publicity exercise undertaken with neighbouring residents, the issue raised is a private matter between developer and the resident. The Local Planning Authority cannot control the workmanship of a development or private legal matters, which fall outside the remit of the planning system.

## Conclusion

The siting of the garage originally raised some concern. However, it has been concluded that the visual impact of this particular aspect of the scheme would not be so harmful to justify the refusal of planning permission. Also, the use of the land for residential purposes does not have a harmful impact on the character and appearance of the locality nor does it have a significant impact upon residential amenity. Lastly, it is noted that no highway objections have been raised to the proposed scheme. As such, the application is considered to comply with local development plan policy, namely policies SW4 and SW11.

Accordingly the following recommendation is made:

**RECOMMENDATION: BE APPROVED subject to the following CONDITIONS**

### **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:

Drawing number 593-20 received on 31.08.2021

Drawing number 593-20 received on 31.08.2021

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

3. The materials to be used in the construction of the external surfaces of the garage shall match those used on Plot 1 of the site.

**Reason** - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The garage hereby approved shall be used as a garage for purposes ancillary and incidental to domestic residential use and at no time shall it be used for any commercial or business use.

**Reason** - To clearly define the scope of this permission and the use of the structure in the interest of highway safety and residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. The means of vehicular access to the garage hereby approved shall be from the private driveway to the south only.

**Reason** - To limit the number of accesses onto the highway in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

## 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.

3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**RECOMMENDATION ENDORSED**



**Head of Town Planning**

**DATE:**

18/1/22