

DELEGATED REPORT

Application No:	P/23/0192
Site Address:	Ty Emmia Penheolferthyr Twynyrodyn Merthyr Tydfil CF47 0LH
Development:	Retention of existing boundary walls and ground profile
Case Officer:	Rebecca Owens
Site Visit:	5th September 2023
Application Expiry Date:	4th October 2023
Consultation reply date expired:	8th November 2023

APPLICATION SITE

The application relates to a detached dwelling recently constructed under planning permission P/18/0101, which forms part of a small group of dwellings to the south of the site. The site is bound to the north by the main highway (Penheolferthyr) and to the west by a private shared drive, with a turning area at the southern end. Also to the east of the site is a private shared driveway serving neighbouring properties.

PROPOSED DEVELOPMENT

Full planning permission is sought for the retention of existing boundary walls and ground profile.

The approved boundary along the front of the site and returning along the northern and southern sides of the site comprised of a face brickwork wall which was 0.6m high. The approved profile of the site also sloped down from the dwelling to the south of the site to the same level as the adjacent land.

The profile of the site as constructed has been raised in the western section of the site necessitating a retaining boundary wall. However, it is proposed to reduced the existing level of this land along the western and north western corner of the site so it is 0.9m below the top of the wall for a width of 0.9m.

Along the western side of the site this wall is 1.2m in height. It is proposed to reduce the existing land level of the front garden that lies directly adjacent to this wall so it is 0.3m below the top of the wall for a width of 0.9m. A metal fence is also proposed along the top of this section of the wall which is 0.75m in height. This metal fencing would also be

erected to the top of the wall adjacent to the steps and car parking area where it would increase to 0.95m in height.

Along the front boundary the wall varies from between 0.75m in height in the north eastern corner to 1.2m in height in the north western corner. Due to the sloping profile of the adjacent highway this wall steps down at regular intervals along its length.

In the north eastern section of the site, the land level slopes down from the front boundary into the site with the land level having been lowered along the eastern boundary. As such a new retaining wall has been erected along the eastern boundary. This is 1.05m in height. Above this wall on the higher ground level a timber fence has been erected. This is 1.8m in height adjacent to the garden and side elevation of the dwelling reducing to 0.8m in height adjacent to the front garden. It also returns along the northern western corner with a small section making up the front boundary where it then meets the main front wall.

PLANNING HISTORY

The relevant planning history is detailed below:

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| P/21/0141 | Removal of condition 5 of planning permission P/18/0101 relating to surface water drainage for a detached dwelling
Granted permission subject to conditions on 10 June 2021 |
| P/18/0186 | Discharge of Condition 3 (facing brickwork details) of planning permission P/18/0101 relating to a dwelling
Condition discharged 11 July 2018 |
| P/18/0101 | Erection of detached dwelling and outbuilding
Granted planning permission subject to conditions on 16 May 2018. |

Condition 7 states:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwelling house forward of the principal elevation.

Reason - *To preserve the open character along Penheolferthyr in the interests of visual amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan”.*

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| P/17/0211 | Erection of dwelling and outbuilding
Refused planning permission on 15 September 2017 for the following reason: |
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“The proposal, by virtue of its siting, scale, design and boundary treatments, would present an incongruous form of development that fails to integrate with its local context to the detriment of the character and visual amenity of the area. As such, the proposal is contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan”.

- P/04/0385 Erection of 3 No. detached dwellings and garages.
Granted planning permission subject to conditions on 29 November 2004
- P/03/0226 Residential development 5 houses (Outline)
Granted outline planning permission subject to conditions on 11 September 2003
- P/99/0368 Redevelopment of site for housing comprising of 5 No. dwellings.
Granted outline planning permission subject to conditions on 21 December 1999

CONSULTATION

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

Welsh Government Transport	No objection
Engineering & Traffic Group Leader	No objection

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 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 levels of the site as constructed are generally considered to be acceptable and when viewed within the streetscene the dwelling and its curtilage do not appear out of place or incongruous in this respect. Whilst it is acknowledged that the humped profile in the

western section of the front garden would look better if were lowered to create a more natural slope, it is not considered that it is sufficiently harmful to justify the refusal of the application, particularly as it is not overtly visible behind the boundary treatments. Similarly, it is noted that the boundary treatments within the immediate vicinity of the site vary in terms of their scale and appearance. Generally front boundaries comprise of stepped walls which differ in their material finish and heights, with railings also featuring. There are also a number of timber fences in the area, which are generally confined to the sides and rears of properties, but which are still evident within the streetscene. Having regard to this context, it is not considered that the proposal appears discordant or is harmful to the character and visual amenities of the area. It is recognised that due to the raised land levels in the western section of the site a railing is required along the western side boundary which would not return along the front boundary wall. Whilst this is not ideal, it is accepted that this is required to meet building regulations and planting has been proposed in the north western corner of the site to soften the termination of the railing. Having regard to the above the proposal is found to be acceptable in terms of design and visual amenity and would not impinge upon Urban Character 3. As such, the development is in accord with Policies SW11 and CW1 of the LDP.

It is acknowledged that the proposal has created higher boundary treatments on the north western and north eastern corners of the site, both of which are adjacent to the junctions of the private driveways on either side of the site and the main highway. However, the impact of these changes on visibility when entering the main road has been assessed by the Head of Engineering and Highways. Whilst it is recognised that visibility would be reduced, it is not considered that this would be to the extent that would warrant the refusal of the application, particularly as the speed limit on this section of road has now been reduced to 20mph.

Regard has also been had for the impact of the proposal on the residential amenities of the local residents. However, given the scale and nature of the works and their location in relation to neighbouring properties, it is not considered that the development as constructed or indeed as completed, would have any unacceptable harmful impact. In this respect it is also noted that no representations were received following the publicity exercise.

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 be carried out in accordance with the following approved plans and documents:

Drawing Title: Retaining Wall Elevations, Drawing Number: RW.01 Rev. C,
Amended plan received 9 February 2024

Drawing Title: Site Layout, Drawing Number: SL.01 Rev. B, Amended plan received 29 January 2024

Drawing Title: Site Sections, Drawing Number: 04 Rev B, Amended plan received 29 January 2024

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

2. The planting area identified on the approved site layout (Drawing No. SL.01 Rev. B) shall be provided in the first planting and seeding seasons following the date of this permission; and any plants which within a period of 5 years from their planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 22.02.2024