

DELEGATED REPORT

Application No: P/21/0285

Site Address: 5 Beacon Heights
Swansea Road
Merthyr Tydfil
CF48 1NL

Development: Extend rear garden area into the grassed verge at the rear of the property

Case Officer: Nia Chard

Application Expiry Date: 22nd March 2022

Consultation reply date expired: 24th August 2021

APPLICATION SITE

The application site relates to a semi-detached dwelling, located within settlement limits, in the modern residential development of Beacon Heights. The site is bound by the highway of Beacon Heights to the front, a grassed embankment to the rear and other residential dwellings on either side.

PROPOSED DEVELOPMENT

This application seeks retrospective planning permission to incorporate the parcel of land beyond the rear garden into additional garden space. The parcel of land measures 3.3m by 6m. Planning permission is also sought to erect a fence along the back edge of the highway to enclose the extended garden area and the re-profiling of the parcel of land to bring it level with the dwelling's existing rear garden. A new 2.4m high timber boundary fence is proposed to enclose the enlarged garden area.

PLANNING HISTORY

There is no recent planning history relating to the property.

CONSULTATION

Planning Division Policy Manager – No Objection

PUBLICITY

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

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 EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and within a predominately residential area. As such the principle of the change of use of the additional strip of land to residential curtilage (garden) is considered to be acceptable subject to compliance with other relevant planning policies and material planning considerations.

The extension to the garden of 5 Beacon Heights 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. It is noted that the proposal would result in the loss of a small grass verge. However, it is not considered that the enclosure of this strip of land would significantly harm the character or visual amenities of the area.

With regard to the boundary treatment proposed, it is noted that the applicant proposes a 2.4m high timber fence to enclose the land. The fence is located in a prominent location as you enter into Beacon Heights and as such it does have the potential to detract from the character and appearance of the area. To improve its design, the case officer wrote to the agent to establish whether a brickwork wall finished with matching brick or even a brickwork wall with fencing above and brickwork pillars (similar to what's been carried out on the neighbouring property) could be constructed. However, the agent has declined to change the proposal, and has requested that the application to be determined on the basis of the plans submitted with the application. Whilst this is regrettable is also noted that a number of other properties within close proximity to the application site have similar timber boundary treatments on to the public highway. As such, the proposed timber fence would not have an overly harmful impact on the character and appearance of the area. It is also acknowledged that no representations were received following the publicity exercise. The proposal therefore complies with Policy SW11 of the LDP.

Finally, 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 number 794.001 Received 25.1.2022

Drawing number 794.002 Received 25.1.2022

Drawing number 794.003 Received 25.1.2022

Drawing number 794.004 Received 25.1.2022

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

2. Notwithstanding the provisions of schedule 2, part 1, class E 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 outbuildings or structures shall be erected within the extended garden area hereby approved.

Reason - In the interest of visual amenity 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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

26/01/22

