

DELEGATED REPORT

Application No:	P/22/0045
Site Address:	Ty Newydd Brondeg Heolgerrig Merthyr Tydfil CF48 1TW
Development:	Demolition of existing garage and erection of larger detached garage and access with first floor workshop and retaining works
Case Officer:	Rebecca Owens
Site Visit:	7th March 2022
Application Expiry Date:	18th April 2022
Consultation reply date expired:	31st March 2022

APPLICATION SITE

The application relates to a detached dwelling located in a mainly residential area within the settlement boundary. It is bound by another dwelling to the north, a highway to the west, undeveloped land to the south and south-east and a residential building plot to the east which is in the process of being developed (Planning Reference P/20/0074).

PROPOSED DEVELOPMENT

Full planning permission is sought for the demolition of an existing garage and the erection of larger detached garage and access, with first floor workshop and associated retaining works.

The proposed garage would be 8.5m in width by 10.1m in depth and would have a pitched roof with a ridge height of 6.5m. It would provide parking at ground floor level with a workshop above. The front elevation of the garage would feature two roller shutter doors providing vehicular access and a round window positioned below the ridge serving the first floor workshop. The southern facing side elevation would also feature a pitched roof, dormer style roof projection, which would incorporate doors to provide access onto the higher garden level. This would be erected directly above the side elevation (and thus would not be set off the eaves,) it would be a maximum depth of 3.6m off the roof slope, be 2.2m in width and have a ridge height 6m above the lower ground level and 3.6m above the higher garden level with the ridge set 0.4 m below the ridge of the main roof. The roofs would be covered with concrete tiles to match the dwelling, the main walls of the garage would be finished with render to match the dwelling and the elevations of the roof dormer would be finished with white upvc cladding.

The driveway and existing garden would be excavated so the proposed garage sits approximately 1m lower than the existing garage. Due to the higher level of the surrounding garden, new retaining walls are required along the rear of the garage and along the south facing side elevation and extended driveway. These would be mostly 2.25m in height (raising to 2.55m at the lowest point of the driveway) and a safety fence 0.9m in height would be erected on top of the wall adjacent to the driveway. New steps are also proposed from the driveway to the higher garden level. Along the northern boundary the re-profiled ground level would sit 0.4m below the ground level of the neighbouring property. A 0.85m high wall (partially retaining) would be erected adjacent to the flank elevation of the garage and adjacent to the driveway there would be a 0.9m high wall (partially retaining) with a 0.9m high timber fence (which would be 1.4m above the level of the neighbouring garden).

It is also proposed to re-profile the existing driveway to a shallower gradient and to increase the width of the driveway and existing vehicular access to 9m. This would be covered with permeable tarmac.

PLANNING HISTORY

The relevant planning history is summarised below:

P/15/0362 New dwelling with associated parking in the garden of Ty Newydd Brondeg Heolgerrig
Refused planning permission on 16 December 2015 for the following reason:

"The proposed development, by virtue of its layout, scale and design would result in an incongruous and cramped form of development which would be detrimental to the character and appearance of the area. As such the proposal would be contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan".

P/15/0261 New dwelling with associated parking in the garden of Ty Newydd Brondeg Heolgerrig
Refused planning permission on 2 October 2015 for the following reasons:

"The proposed development, by virtue of its layout, scale and design would result in an incongruous and cramped form of development which would be detrimental to the character and appearance of the area. As such the proposal would be contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan".

"The proposal, by virtue of its siting and size, would have an overbearing impact on the neighbouring dwelling (known as Mandian House, Brondeg). As such, it would result in an unacceptable loss of residential amenity contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan".

P/13/0371 Single storey extension with alterations
Granted planning permission subject to condition on 7 January 2014

P/09/0062 Raising of dwelling's roof and erection of two dormer windows and creation of first floor windows and balconies
Granted planning permission subject to condition on 3 July 2009

P/99/0244 Rear single storey kitchen extension
Granted planning permission on 27 August 1999

CONSULTATION

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

Head of Engineering No objection

PUBLICITY

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

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: 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 application site is located in an area in which there are a variety of properties of varying designs and scales and new build housing developments currently in the process of being erected to the rear and front of the site. As such there is no consistent streetscene. Thus whilst it is acknowledged that the proposed garage is large, it would not appear out of place within this context or adversely impact on the character of the dwelling or indeed the wider area. As such, the general design of the garage is found to be acceptable and in accord with Policy SW11 of the LDP. In addition, it would not harm Urban Character Area 9 (West Merthyr, including Heolgerrig and Gellideg) and thus would not contravene Policy 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 application site is bound by another dwelling to the north known as Mandian House. The proposed garage would be

erected in close proximity to the shared boundary with this property and would be much larger than the existing garage at a depth of 10.1m and ridge height of 6.5m. However, the proposed garage would be set in from the shared boundary by 0.9m and would have an eaves height which would be lower than that of the existing garage, with the roof sloping upwards away from Mandian House. Having regard to this arrangement and the height of the existing boundary wall, which retains the higher garden level of the application site, it is not considered that the proposed garage would have a significantly greater impact on the residential amenity of the occupants of Mandian House in terms of overbearing impact, loss of light or overshadowing. In addition, it is noted that no representations were received from the occupants of this neighbouring property following the publicity exercise.

To the east of the application site there is a building plot on which works are undergoing on the erection of a detached dwelling and garage (planning reference P/20/0074). This plot occupies a much lower level than the application site. The proposed garage would be erected in close proximity to the shared boundary with this property (set off the boundary by between 0.9m and 1.85m). In addition, it is noted that the proposed garage would be 4.15m above the garden level adjacent to the eastern boundary. However, it is the garage serving the new dwelling on the neighbouring plot which would be erected along the section of the boundary adjacent to the proposed garage and as such the proposal would not have an overbearing impact or give rise to any unacceptable overshadowing or loss of light.

It is noted that the proposal involves a first floor workshop. However, as this would be used by the applicant for his own use ancillary to the dwelling, and not for any business or commercial purpose, it should not give rise to any unacceptable noise and disturbance. As such, having regard to the above considerations and with the lack of any representations following the publicity exercise, the proposal is found to be acceptable in terms of its impact on residential amenity and in compliance with Policy SW11 of the LDP.

Finally, it is noted that the Head of Engineering has been consulted on the application and has not raised any objections on highway safety grounds.

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:

Drawing Title: Existing & Proposed Plans, & Sections, Drawing Number: TY NEWYDD GAR 01C, Amended Plan Received on 28 June 2022

Drawing Title: Existing & Proposed Plans, & Sections, Drawing Number: TY NEWYDD GAR 02CC, Amended Plan Received on 13 June 2022

Drawing Title: Existing & Proposed Elevations & Sections, Drawing Number: TY NEWYDD GAR 03B, Amended Plan Received on 28 June 2022

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

3. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan .

4. The garage and workshop hereby approved, shall not be used at any time for any commercial or business use.

Reason - To clearly define the scope of this permission and the use of the garage 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.

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:

28/6/22