

DELEGATED REPORT

Application No:	P/22/0291
Site Address:	6 Harris Court Quakers Yard Treharris CF46 5LX
Development:	Erection of conservatory
Case Officer:	Rebecca Owens
Site Visit:	1st December 2022
Application Expiry Date:	3rd January 2023
Consultation reply date expired:	5th December 2022

APPLICATION SITE

The application relates to a detached dwelling located in a mainly residential area within the settlement boundary. The site is bound by a highway to the west and other dwellings to the remaining sides.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a conservatory on the eastern elevation of the dwelling. The conservatory would be 3.2m in width by 5m in depth and would have a hipped roof with a ridge height of 3.27m. The conservatory would have two windows in its northern elevation and windows and French doors in its eastern elevation, with the southern elevation remaining blank. The external elevations would be finished with brickwork to match the dwelling.

PLANNING HISTORY

The relevant planning history is summarised below:

P/09/0043 Construction of 25 dwellings and associated works
 Granted planning permission subject to conditions on 31 July 2009

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 neighbouring properties.

Following this publicity exercise one representation was received from the occupants of the dwelling adjoining the rear boundary of the site (65 The Oaks). In this letter they note that they have no objection to the conservatory but are concerned that its construction would impact on the structural integrity of the drystone wall which forms the boundary between the two properties. Given the distance of this wall from the proposed conservatory (which is no closer than the existing garage), there should be no impact from the proposal on the drystone wall. However, the neighbour has been advised that should any damage or impact occur, this would be a civil matter between themselves and the applicant/owner and would not be a material planning consideration.

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

Policy SW11: Sustainable design and place making 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 conservatory is considered to be of an acceptable design and scale. Whilst it would be sited off the side elevation of the dwelling, it would be located within the main private amenity area and would be largely obscured from public view by the existing dwelling and its garage. Accordingly, it would harm the character or visual amenities of the dwelling itself or indeed the area in general and as such would be compatible with Policy SW11 of the LDP.

Regard has also been had for the impact of the proposal on the residential amenities of the neighbouring occupants. In this respect it is noted that the application site is bound on three sides by other dwellings. The conservatory would be erected in close proximity to the southern boundary of the site which is shared with 5 Harris Court. Despite the minimal set back, given that the development would be just 3.2m in width and would be erected alongside the flank elevation of this neighbouring dwelling's rear annexe, no concerns are raised with respect to overbearing impact, loss of light or overshadowing. Similarly, it would not have such impacts on the dwellings to the north (7 Harris Court) or the east (65 The Oaks) given their siting and distance from the conservatory. Whilst it is recognised that the conservatory is largely glazed, the elevation adjacent to the boundary with 5 Harris Court would not contain any windows and the windows within the northern elevation would

face towards the property's own garage, obscuring views to 7 Harris Court. It is the eastern elevation which would contain the most windows but given that these are at ground floor level and set back from the rear boundary line it is not considered that they would give rise to any unacceptable overlooking to 65 The Oaks. Having regard to the above and noting that no objections to the conservatory itself were received following the publicity exercise, the proposed is deemed to be acceptable in terms of residential amenity and as such is in accord with Policy SW11 of the LDP.

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: Erect a conservatory to the side elevation, Drawing Number: 132959, Received on 8 November 2022

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

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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

9/12/22