

DELEGATED REPORT

Application No:	P/23/0153
Site Address:	Land Adjacent To 48 High Street Trelewis Treharris
Development:	Detached dwelling with garage to the rear
Case Officer:	Marlene Ferreira
Site Visit:	21st June 2023
Application Expiry Date:	2nd August 2023
Consultation reply date expired:	27th September 2023

APPLICATION SITE

The application site relates to a vacant parcel of land, measuring approximately 0.05 hectares, located off High Street in Trelewis. The majority of the square plot is relatively flat, however the western part of the site slopes downwards towards the rear adopted lane, which runs along the back of the site. It is bound by the High Street to the east, the side elevation of 48 High Street to the south, and a car park serving Parc Taf Bargoed to the north. To the west, beyond the rear lane, is Parc Taf Bargoed.

The area surrounding the site is predominately residential in nature and characterised by traditional terraced housing. The adjacent dwelling is sited on a slightly higher level and has been extended to the rear by means of a single storey monopitch addition.

PROPOSED DEVELOPMENT

This application seeks planning permission for the construction of a detached dwelling with a detached garage.

The dwelling would be sited back from the edge of the pavement by approximately 1.5 metres. It would measure 13.7 metres wide, 9.7 metres deep (maximum), with a 7.9 metre ridge height. The property would have a modest and traditional front façade with a simple fenestration arrangement. The rear elevation would have a more modern appearance, comprising patio doors and a central gable projection incorporating a first floor balcony area. The dwelling would be finished with natural stone to its front elevation and render to its sides and rear, artificial roof slates and UPVC windows. A small front courtyard/garden area would be provided to the front of the property, behind the existing natural stone wall, which would be retained as part of this proposal. However, a small opening would be created to provide a pedestrian gate, enabling access into the property off the High Street.

The front garden area, which would slope downwards from the High Street to the dwelling, would wrap around either side of the property and into the rear, where a flat private garden area would be provided.

The detached garage would be located at the rear of the site and measure approximately 6.6 metre wide, 6.5 metres deep with a 2.8 metre flat roof height. It would be sited on the lower part of the site, immediately adjacent to the rear lane and its roof area would be incorporated into the rear garden of the property, which would sit at a higher ground level. A hardstanding area would also be provided adjacent to the proposed garage, which would provide additional on-site parking facilities to serve the dwelling.

PLANNING HISTORY

The following planning history is relevant to this site:

P/20/0153 – Erection of three dwellings – Approved: 21st October 2020

P/18/0245 - Construction of two dwellings – Refused: 2nd November 2018

CONSULTATION

Head of Engineering and Highways	No objection.
Policy Officer	No objection.
Ecology Officer	No objection.
The Coal Authority	No objection.
Welsh Water	No objection, but advises that the site is crossed by a public sewer.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and two site notices were displayed within the vicinity of the site. Two letters of objection were received raising the following concerns:

- The proposed dwelling, due to its size and height, would result in a loss of views and cause loss of light into our property and front terrace, affecting the value of our dwelling;
- The proposed dwelling would cause loss of privacy to our property due to the number of windows proposed on the front elevation.

Local Ward Members were advised of the objections received in respect of this proposal but have not requested that the application be reported to the Planning Committee. As such, the application will progress to be determined, via delegated powers, by the Director of Neighbourhood Services.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 11 (February 2021)

Paragraph 3.3 refers to good design and states that *‘...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...’*

Paragraph 3.9 refers to character and states that *‘...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...’*

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

Paragraph 6.4.3 discusses biodiversity and states that *‘...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...’*

- TAN (Technical Advice Note)

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that *‘...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is*

carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...'

TAN 12 – Design (2016)

This TAN advises that the Welsh 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. Section 2.6 of TAN12 states that '*...Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...*' Section 4.3 of TAN12 points out '*...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...*'

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW4 – Settlement boundaries

Policy SW10 – Protecting and Improving Open Spaces

Policy SW11 – Sustainable design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

- Supplementary Planning Guidance (SPG):

Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)

Supplementary Planning Guidance Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The issues to consider in the assessment of this application relate to whether the proposed dwelling is acceptable in principle in this location, and whether, its siting, scale and design, would be acceptable with regards to its impact upon the character and appearance of the area. The impact upon residential amenity, ecology, parking provision and highway safety are also important considerations.

Principle of Development

The application site lies within the settlement boundary. Thus, the principle of residential development is considered acceptable and is generally supported by LDP Policy SW4, provided that the proposal is compatible with other relevant policies and material planning considerations. Indeed, the site lies within an established residential area and planning permission, P/20/0153, was recently approved for the erection of three dwellings on this site.

The site also forms part of the Parc Taf Bargoed Open Space site. As such, LDP Policy SW10 is also relevant to the consideration of this application. This policy states that the loss of open space will only be permitted if *'...It would not cause or exacerbate a deficiency of open space in accordance with the Council's open space standards or; The majority of the open space can best be retained and enhanced through the redevelopment of a small part of the site or; Satisfactory equivalent community benefit or enhanced compensatory provision can be provided in accordance with the Council's open space standards and In all cases, the open space no significant nature or historic conservation importance...'*

While it is acknowledged that the development of this site to include a residential property would result in the loss of open space, this would only amount to a small portion of land and therefore a small portion of open space. Furthermore, the area concerning the application site does not benefit from public access and is divorced from the outdoor/playing areas forming part of Parc Taf Bargoed Open Space, since it appears to be separated by the rear lane which runs along the back of the site. Accordingly, the development of this particular site would not be considered to cause or exacerbate a deficiency of open space and would therefore be considered to accord with LDP SW10 in this instance.

Character and Appearance

The area surrounding the application site, as previously described, is characterised by terraced dwellings. These properties are uniform in their scale and appearance and form a consistent pattern of development when viewed from the High Street. The proposal relates to a large two storey dwelling, however, its linear layout, design, fenestration arrangement and finishes, when viewed from the main road, reflects that of the surrounding properties. As such, it would appear in context with the surrounding built environment and would not be deemed detrimental to the character and appearance of the streetscene. Whilst the rear elevation of the property would have a more modern appearance, given its window design, central gable feature and rendered elevations, this would also be considered acceptable. Indeed, when viewed from Parc Taf Bargoed, it would be viewed in association with the row of residential dwellings to the south and as such, would appear compatible within this setting. Thus, the redevelopment of this vacant site, which is currently overgrown and unmaintained, would be considered an improvement to the appearance of the area which would be more in keeping with its surrounding residential context. The proposal would therefore accord with LDP Policy SW11.

Residential amenity

The proposed dwelling would be sited adjacent to 48 High Street, located to the south, and this is the property most likely to be impacted by the proposal.

This neighbouring property is located immediately next to the development site, however, the proposed dwelling itself, would be located over 2.5 metres, at its closest point, from the dividing boundary with this neighbour. The height of the proposed dwelling would not exceed that of this neighbouring property. In addition, its proposed depth would not be dissimilar to that of the existing neighbouring property and would run parallel with the gable end elevation of this neighbouring dwelling. As such, the proposed dwelling would not be considered to have a significant overbearing impact upon this neighbouring property. In respect of the loss of light, it should be noted that the application site lies to the north of this property. Whilst there would be some loss of light in the rear garden, this

would be a negligible impact. With regards to loss of privacy, it should be noted that no first floor side facing windows are proposed, and as such, this would prevent any direct overlooking into the neighbouring rear garden. Whilst a rear balcony is proposed, which would provide elevated views of the surrounding area, it would include 1.8 metre high obscurely glazed privacy screens to its side elevations, which would prevent any direct overlooking into the rear garden of this neighbouring dwelling. Similarly, the Juliet balconies either side, which would only allow for the same extent of overlooking as a rear window, would also be considered acceptable. Although the proposed rear facing windows would allow for some overlooking of the neighbouring adjacent garden, this would not be significant, and is a typical and common arrangement amongst properties, particularly within terraced streets. It is also noted that the garage roof would provide additional garden space. However it would be located over 12 metres away from the southern neighbouring boundary and would be located at a slightly lower level since the ground levels of this neighbouring dwelling are slightly higher than the application site. Thus, the use of the garage roof for additional amenity space would not result in any significant loss of privacy to these nearby occupiers.

With regards to the properties located on the opposite side of the road, to the east of the site, it is noted that the proposed dwelling would be located approximately 13 metres away from these neighbouring properties, which are elevated above the High Street. While it is appreciated that the proposed dwelling would be visible from these properties, given its distance, it would not have an overbearing/overshadowing impact or cause any significant loss of privacy to these properties. Furthermore, the relationship between the proposed dwelling and the existing properties on the opposite side of the road would be comparable to the existing built form further along the High Street.

The relationship between the existing dwellings and the proposed dwelling is therefore considered acceptable and would accord with LDP Policy SW11.

Ecology

The application site is a vacant parcel of land which is to be developed into a residential property and the Council's Ecology Officer has not requested any survey work. However, enhancement works in line with the Environment (Wales) Act 2016 and Welsh Government Circular 'Securing Biodiversity Enhancements' have been requested which includes the installation of a single integrated bat box on each of the gable ends of the dwelling. These works would therefore be requested by condition as part of any planning permission granted. The proposal would therefore accord with LDP Policy EnW1.

Parking and Highway Safety

The proposed dwelling, as previously noted, would be served by a garage and a hardstanding area, both of which would be accessed off the rear adopted lane that runs along the back of the property. The Head of Engineering and Highways has considered the proposed access and layout in association with the proposed parking provision and has not raised any concerns or objections. As such, the proposal would not be considered to give rise to any highway or pedestrian safety issues and would therefore accord with Policy SW11 of the LDP.

Responses to representations

The planning objections raised have been considered above. In respect of other concerns raised, these are addressed below:

- Loss of views and the impact on property value are not material planning considerations and therefore do not form part of the assessment of this application.

CONCLUSION

For the reasons set out above, the proposed development is considered to be acceptable and complies with the relevant LDP policies.

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 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:

- Title: Proposed floor plans and elevations and proposed garage plan and elevations, Drawing no: hdw/ph/sr.01D, received: 15th September 2023;
- Title: Proposed section B/B, drawing no: hdw/ph/sr.06, received: 6th September 2023;
- Title: Existing and Proposed Street View, drawing no: hdw/ph/sr.04C, received: 6th September 2023;
- Title: Proposed Site Plan and Typical Section, drawing no: hdw/ph/sr.02, received: 7th June 2023.

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

3. **Prior to the commencement of development**, a plan indicating the positions, height, design, materials and type of all boundary treatments to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed as approved, before the occupation of the dwelling.

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

4. **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 .

5. Prior to the occupation of the dwelling, the side elevations of the first floor balcony area at the rear of the property, shall be fitted with obscurely glazed privacy screens, details of which shall first be submitted to and agreed in writing by the local planning authority. The privacy screens shall be permanently retained in that condition thereafter.

Reason - In the interest of residential amenity to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Prior to the occupation of the dwellings hereby approved, details of a bat box and its siting near the apex of each of the gable ends of the proposed dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The bat box shall be erected in accordance with the approved details prior to the occupation of the dwelling.

Reason - To protect the natural environment and important habitat in accordance with Policies EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. Notwithstanding the provisions of schedule 2, Part 1, Class B 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 additions or alterations shall be carried out to the roof of the dwelling other than those expressly authorised by this permission.

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

8. Notwithstanding the provisions of schedule 2, Part 1, Class A 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 enlargements, improvements or other any other alterations, shall be carried out to the dwelling other than those expressly authorised by this permission.

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

9. 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 shall be erected other than those expressly authorised by this permission.

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

10. No surface water and/or land drainage shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

11. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14.00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

12. The car parking area, including the garage, at the rear of the property, as indicated on Drwg no: hdw/ph/sr.02, shall be completed in accordance with the approved details prior to the occupation of the dwelling and shall remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policies SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The applicant/developer's attention is drawn to the comments received from Welsh Water during the course of this application. Their records indicate that the site is crossed by a public sewer. Under the Water Industry Act 1991, Dwr Cymru has rights of access to its apparatus at all times.

Some public sewers and lateral drains may not be recorded on Welsh Waters maps because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal.

The applicant is advised to contact Welsh Water on 0800 917 2652 and request a sewer trace to establish the location and status of the sewer. The applicant is advised that diversion works/other works may be required to accommodate the proposed development.

RECOMMENDATION ENDORSED

DATE: 28.09.2023


Director of Neighbourhood Services

RP