

DELEGATED REPORT

Application No: P/22/0046

Site Address: 54 Garden City
Penydarren
Merthyr Tydfil
CF47 9YT

Development: Installation of parking area, with associated paths and fencing

Case Officer: David James

Site Visit:

Application Expiry Date: 19th April 2022

Consultation reply date expired: 17th March 2022

APPLICATION SITE

The application site relates to a mid-terraced dwelling situated within a residential area. The property faces in a north-westerly direction onto the front highway, and is bound by other dwellings to either side and to the rear. The dwelling is sited at a significantly lower level than the front highway, with a long, sloping front garden area separating the dwelling from the highway.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a hard-surfaced parking area, the erection of timber fencing, and the installation of a concrete ramp/path, in the existing front garden of the property. The front garden currently contains a concrete access ramp and associated railing, which extends from the front of the dwelling up to the highway, in a zig zag pattern.

The proposed parking area would be constructed at the top of the sloping front garden, adjoining the highway. It would be a maximum of 7.3m long and 5.1m wide. Installation of the parking area would involve the levelling of part of the front garden, and the construction of low retaining walls along its sides and rear, measuring a maximum of 0.95m in height. The parking area would be surfaced with permeable concrete pavers.

A 1.2m high timber fence would be erected as part of the proposal. The agent for the application has clarified that the fence would surround the parking area to the sides and rear.

A new concrete path would be installed on the southwest side of the front garden. It would extend from the front of the dwelling to the highway, alongside the proposed parking area.

The existing concrete path and railings would be removed, and would be replaced by topsoil and turf or seed to create a lawn.

The kerb to the front of the dwelling would be dropped to facilitate access to and from the parking area.

PLANNING HISTORY

There is no planning history relevant to the determination of the application.

CONSULTATION

Engineering and Highways 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.

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 CW1 – Historic Environment
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW4 – Environmental Protection

Other Material Considerations – Supplementary Planning Guidance (SPG):

SPG 4 - Sustainable Design
SPG 5 - Nature and Development
SPG 6 – Householder Design

PLANNING CONSIDERATIONS

The main issues to consider when assessing this application relate to whether the proposal would have an acceptable impact on the character and appearance of the existing property and wider street scene. The impact on the amenity of neighbouring residents is also an important consideration.

In terms of visual amenity, the proposed parking area would be of a typical design and scale, being hard-surfaced with low retaining walls. It is noted that there are other examples of hard-surfaced front gardens and parking areas in the street scene and surrounding area. The timber fencing would be erected in a relatively prominent position, being at the top of the front garden, adjacent to the highway. However, given its limited height (1.2m), and typical domestic appearance, it would not result in a harmful visual impact. Again, there are existing examples of timber fencing in the front gardens of dwellings in the surrounding area. The proposed concrete ramp/path, being at ground level, would not result in a harmful visual impact. As such, the proposal is considered to be of an acceptable design and scale, and therefore would not appear out of character with the dwelling or the surrounding area. Taking this in account, the proposal accords with Policy SW11 of the LDP.

Regard has also been had for the impact of the proposal on the residential amenities of the surrounding occupants. In this respect, given their scale and siting, it is not considered that the parking area or ramp/path would result in any harmful impact, in terms of loss of light, loss of privacy and overbearing impact. The addition of a parking area may increase parking movements and noise at the application site, which would have an impact on surrounding occupants. However, given the scale and nature of the development, it is not considered that this impact would be at a harmful level. The proposed timber fencing would be erected alongside the proposed parking area, and on, or close to, the shared boundaries with the adjoining dwellings, as well as along the rear of the parking area. As it would be erected on top of the proposed retaining walls, it would be a maximum of 2.2m in height, resulting in a degree of overbearing and loss of light. However, this maximum height would be for a limited length on the shared boundaries, or would be perpendicular to the neighbouring dwellings. Additionally, it would be sited at the upper end of the front garden, away from the dwelling, and would be only 0.2m higher than a fence that could be erected without the need for a planning application. As such, it is not considered that the development would result in a harmful impact in this respect. Therefore, the development is deemed to be acceptable with respect to residential amenity and thus in compliance with Policy SW11 of the LDP.

The parking area would be surfaced with permeable block pavers. As such, no surface water would discharge onto the public highway, and the development would therefore comply with policies SW11 and EnW4 in this respect.

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:

TAL21/49/01 Rev A received 18th March 2022

Reason -To ensure compliance with the approved plans and clearly define the scope of the 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. No obstruction, or planting when mature, exceeding 0.9m in height shall be placed on the rear boundary of the highway.

Reason - In the interests of highway and pedestrian safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

2. The applicant/developer is advised to liaise with the County Borough Council's Head of Engineering regarding any consents which are required in association with the provision of any vehicle cross over.
3. The developer is advised to contact the County Borough Council's Head of Engineering regarding any retaining works or other works affecting the highway **BEFORE** construction works commence.
4. 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.

5. 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

R.P.

DATE: 22.03.2022