

DELEGATED REPORT

Application No:	P/24/0234
Site Address:	30 Garden City Penydarren Merthyr Tydfil CF47 9YT
Development:	Construct driveway to the front of the property
Case Officer:	Marlene Ferreira
Site Visit:	12th November 2024
Application Expiry Date:	5th December 2024
Consultation reply date expired:	5th November 2024

APPLICATION SITE

The application site relates to a terraced dwelling, 30 Garden City, located in the area of Penydarren. The dwelling sits in a row with 3 other properties all of which are located below the level of the front highway. Their front gardens, which are long and relatively open, including that of the application dwelling, slope down steeply until it reaches the dwelling's frontage, which lies approximately 15 metres away, and is located at a significantly lower level. These properties, including the application dwelling, is also served by a small rear garden area, which can be accessed off an adopted lane that runs along the rear of these properties.

There is no on-site parking facilities to serve these dwellings and instead, the front highway provides unrestricted on-street provision to fulfil the parking requirements of the application dwelling and others along this street.

PROPOSED DEVELOPMENT

This application seeks planning permission to construct a front driveway area. The driveway would be 5m deep with a 7.7m width at the rear and an 8.7m width at the front (adjacent to the highway). It would be laid in tarmac and would be enclosed with a 1.1m high fence. The driveway area would be raised by a total of 1.7m above the level of the garden area, so that it provides a level hardstanding area with the adjoining front highway/pavement.

PLANNING HISTORY

The Council's records do not show any other planning history for this site.

CONSULTATION

The following consultations were undertaken:

Head Engineering and Highways

Objection raised: *'...Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner as a 5m driveway has been provided. All driveways should be a minimum of 6m in length...A highway objection is therefore raised...'*

The Coal Authority

No response.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining neighbouring properties. No letters of representation were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

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

National Planning Policies

- Planning Policy Wales (Edition 12, February 2024)

Local Planning Policies

- Merthyr Tydfil Replacement local Development Plan 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development, in terms of its siting, scale and design, would comprise an acceptable form of development with regards to its impact upon the character and appearance of the property and the street scene. The impact of the proposal upon residential amenity, ecology and highway safety are also important considerations.

Character and Appearance

The proposed development, given its location immediately off the front highway and its elevated design, would result in a visible alteration to the front of the property. Whilst the driveway with enclosure would appear prominent when viewed within the street scene, a proposal of this nature is undoubtedly prevalent and frequently found to the front of residential dwellings. Indeed, there are other nearby properties which are also served by front driveway areas, some of which are also raised above the front garden level.

The proposal would therefore amount to an acceptable form of development in this instance, which would not be deemed to cause any significant harm to the character or appearance of the existing dwelling or that of the surrounding residential area. As such, it would accord with LDP Policy SW11.

Residential Amenity

The proposed driveway area would sit alongside the boundary with 32 Garden City to the east and 28 Garden City to the west, and these are the neighbouring properties most likely to be affected by this proposal.

It is recognised that this form of development is commonly found to the front of residential properties, however, it is important to note that the driveway, would not follow the gradient of the existing garden, nor would it be slightly raised. Instead, it would be built up significantly so that it is level with the front highway. As such, given its elevated position, it would comprise a 1.7m high retaining wall. Although the wall would be fronting the front elevation of the application dwelling, it would also run alongside the boundary with these neighbouring properties either side (which are currently separated from the application dwelling by a low slatted timber boundary fence), since the driveway would measure almost the full width of the existing garden. The proposed elevated driveway would therefore appear as an overbearing and incongruous form of development when viewed from the front gardens of these neighbouring dwellings. In addition, it should also be noted that the driveway area would comprise a 1.1m high enclosure. Whilst this would act as a safety measure to safeguard the users of the driveway, it would further exacerbate this overbearing impact.

It is recognised that a 2m high fence could be erected along the boundary with the neighbouring properties either side (without planning permission). The erection of a higher dividing boundary could potentially serve to screen the retaining wall. However, the enclosure to the driveway, would continue to be significantly elevated above the front garden areas of these neighbouring dwellings and as such, would continue to have an overbearing impact upon these neighbouring occupiers.

Whilst it is also recognised that the enclosure to the parking area (which has not been specified on the plans in terms of its appearance and materials) could comprise railings as opposed to a completely enclosed timber fence, the use of railings would not serve to significantly reduce the overbearing impact of the development, particularly since any vehicles parked on the driveway would continue to be significantly raised above the garden areas of these neighbouring occupiers. There are also concerns that the use of a railing enclosure could potentially result in additional light spillage into the front windows of these neighbouring properties, resulting from the headlights of any vehicles using the driveway during the late evening/night.

It is also noted that the proposed driveway, due to its siting and elevated position, would also cause some loss of light to the garden areas of these adjoining properties, however, this impact would not be deemed significantly detrimental, and as such, would not warrant the refusal of the application.

The proposed parking area would be considered to have a detrimental relationship upon the amenities of the adjoining occupiers and would therefore result in an unacceptable form of development which fails to accord with LDP Policy SW11.

Ecology

The proposal has been considered by the Council's Ecologist, and given the nature of development proposed, no survey work has been requested. However, enhancement works in line with the Environment (Wales Act 2016) and Welsh Government Circular 'Securing Biodiversity Enhancements' have been requested. As such, a suitably worded condition to request such enhancements could be added in the event that planning permission was granted.

It is also noted, under chapter 6 of Planning Policy Wales (edition 12) that applications should be supported by Green Infrastructure Statements (GIS). However, due to the scale and nature of the development, the submission of a GIS would be deemed disproportionate and unreasonable. Notwithstanding this, ecological enhancements could be provided (which could be requested by condition) which would contribute to the wider green infrastructure objectives. Thus, the proposed development would therefore be acceptable and accord with LDP Policy EnW1.

Parking Provision and Highway Safety

The proposed development, as explained above, relates to the provision of a raised parking area to the front of the property, adjoining the front highway.

The Head Engineering and Highways has considered the proposal in detail, which would involve reversing movements to ingress and/or egress the proposed driveway, which would lie opposite an existing junction, and no concerns have been raised in this respect. However, concerns have been raised with the length of the driveway, which is proposed to measure 5m. As such, it was requested that the driveway be amended to measure at least 6m in length. The applicant confirmed however that a 5m long driveway would be a sufficient length to accommodate their vehicles. Thus, amended plans in this respect were not forthcoming. The Head Engineering and Highways has therefore raised an objection to the proposed development.

Specifically their comments state that '*...the driveway only measures 5m from the back edge of the footway... and is not deemed acceptable. As a highway authority, we consider that all driveways should be 6m long whether they are associated with a garage or not. In this scheme, as there is a proposed wall to the front of the driveway, the driver will in all probability park some distance back from the wall avoiding damage to either wall or vehicle. In doing so this will erode the 5m depth, the consequence of which will mean that there will be vehicular overhang onto the adopted highway footway...*' Given the potential overhang of vehicles onto the pavement, this proposal would give rise to highway and pedestrian safety concerns since the reduction to the footway width would result in pedestrians, particularly those with buggies and/or small children, having to step out into the highway, as they would be required to go around the parked vehicle.

Indeed, given the siting of the proposed parking area opposite a junction where there is already a higher degree of vehicular movements/conflict, it is even more imperative that vehicles can access the driveway space with ease and park well away from the edge of the pavement, in order to prevent any potential vehicle overhang onto the pavement and therefore minimise any potential risk to pedestrians and motorists. In this instance however, as discussed above, amended plans have not been submitted and the proposed 5m long driveway, at this location, would therefore be considered to have a significant and adverse impact upon highway and pedestrian safety and as such would not accord with LDP Policy SW11.

CONCLUSION

The proposal would represent a form of development which is commonly found to the front of residential properties and which would therefore not have any significant impact upon the character and appearance of the area. However, as discussed above, it would have an unacceptable impact upon the amenities of nearby occupiers and adversely impact upon highway and pedestrian safety. As such, the proposal would not accord 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 REFUSED subject to the following **REASON(S)**:

1. The proposed driveway/parking area, by virtue of its elevated position, associated retaining works, and siting alongside the boundary with the adjoining gardens of neighbouring properties, would have an overbearing impact upon these occupiers, to the detriment of their residential amenity. The development is therefore contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

2. The proposed driveway/parking area, due to its limited 5m length, would result in vehicles overhanging the pavement, to the detriment of highway and pedestrian safety. The proposed development is therefore contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016 -2031.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 14.02.2025