

DELEGATED REPORT

Application No: P/19/0319

Site Address: Land Within The Rear Garden Of
11 Worcester Close
Heolgerrig
Merthyr Tydfil
CF48 1SP

Development: Erection of 3 bedroom dwelling

Case Officer: Rebecca Owens

Site Visit: 17th December 2019

Application Expiry Date: 5th February 2021

Consultation reply date expired: 16th November 2020

APPLICATION SITE

The application relates to a parcel of land within the curtilage of an existing detached dwelling. The site is located within the settlement boundaries and is located in a mainly residential area. The site is bound by the dwelling to which the land currently belongs, other dwellings and a highway. The profile of the site is relatively flat.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a dwelling. The ground floor of the property would provide a kitchen, living/dining room, shower room and bedroom with a further two bedrooms and a bathroom within the roof space. The main dwelling would have a rectangular footprint 8.8m in width by 5.5m in depth and would have an A-symmetrical pitched roof with a maximum ridge height of 5.7m. A small single storey annex is proposed to the rear which would have a mono-pitched roof with a maximum height of 3.1m and which would be 1.5m in depth by 3.4m in width. The front elevation of the dwelling would feature two ground floor windows (serving the kitchen and living/dining room) and the main front door. The front roof plane would also feature two flat roofed dormer windows (serving bedrooms) which would be 2m in width, 1.4m in height and set below the ridge by 0.55m and off the eaves by 0.35m. The main rear elevation would feature French doors to the living/dining room and a back door, while the rear elevation of the annexe would feature a further window serving the ground floor bedroom. The rear roof plane would also feature a single roof light serving the landing and stairs.

A new vehicular access is proposed off the adjacent highway onto a hardstanding which would provide off street parking for two vehicles. A vision splay of 2.4m by 25m would also be provided.

In addition, the southern boundary of the site (adjacent to the highway), which will become the front boundary would feature a dwarf wall with railings above with a maximum overall height of 1.2m

PLANNING HISTORY

The relevant planning history is detailed below:

- P/14/0334 Retention of change of use from a dwelling to a dwelling plus dog grooming and boarding business
Granted planning permission subject to condition on 29th January 2015
- P/06/0327 Conservatory (amended application)
Granted planning permission 22 August 2006
- P/06/0031 Erection of conservatory to rear
Granted planning permission 13 March 2006

CONSULTATION

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

- | | |
|-------------------------------|------------------------------------|
| Head of Engineering | No objection subject to conditions |
| Planning Division's Ecologist | No objection |
| Environmental Health Manager | No objection subject to conditions |
| Coal Authority | No objection |
| Dwr Cymru Welsh Water | No objection subject to condition |

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining 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

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4: Settlement Boundaries
- SW9: Planning Obligations
- SW11: Sustainable Design and Placemaking
- SW12: Improving the Transport Network
- CW1: The Historic Environment

- EnW1: Nature Conservation and Ecosystem Resilience
- EnW4: Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The application site is located in a residential area within the settlement boundaries and as such the principle of development is acceptable subject to the consideration of other relevant policies and material planning considerations.

Design and visual amenity

Whilst the application site forms part of the garden area of a dwelling within Worcester Close, the proposed dwelling would front towards the highway of Winchfawr Road and thus would form part of its streetscene. This comprises of dwellings of distinctive appearance and with a variety of different designs, scales and materials. Given the lack of any uniformity between the dwellings, there is more flexibility available in terms of the design and scale of any new dwelling. However, it is noted that due to the modest size of the site, the proportions of any dwelling would be restricted. The design of the dwelling proposed is considered to be acceptable in the context of the site, where there are other dwellings of similar proportions, featuring dormer windows and with A-typical roof designs. As such, the dwelling would not represent an incongruous feature or harm the character or visual amenities of the area. However, it is noted that the material finishes of the dwelling have not been specified and as such it is recommended that a condition relating to these is included in any permission issued to ensure that they are appropriate and sympathetic to the area. With the inclusion of this condition, the proposal is found to accord with Policy SW11.

Residential amenity

Regard has also been had for the impact of the proposed dwelling on the residential amenities of the neighbouring occupants. In this respect it is noted that the proposal would introduce a large structure within close proximity to three dwellings namely, 11 Worcester Close to the west, 7 Exeter Close to the north and Ty Sian to the east. With regard to 11 Worcester Close, the proposed dwelling would be sited over 4.5m from what would be the shared boundary with its remaining rear garden. In addition, the proposed dwelling's narrower flank elevation would face towards this property. Given this arrangement and the modest height of the proposed dwelling, it is not considered that it would have an overbearing impact or result in any unacceptable overshadowing or loss of light. Furthermore, as this flank elevation would not feature any windows there would not be any objectionable overlooking or loss of privacy.

The proposed dwelling would be sited closer to the shared boundary with the dwelling to the other side known as Ty Sian, with its corner erected almost hard on the boundary line. However, due to the angle of this adjacent plot the dwelling would be sited alongside a corner of the front garden area and next to the property's garage and hardstanding. As such, it would not have any overbearing impact and any overshadowing would be to the garage and hardstanding area. Furthermore, given the arrangement between the two properties, there would be no first floor windows directly overlooking this neighbouring dwelling's windows or private garden areas.

Finally, it is acknowledged that part of the proposed dwelling would also be located in very close proximity to the adjoining property to the north known as 7 Exeter Close. Due to the angle of the proposed dwelling in relation to the boundary line, it would be sited just 0.8m from the boundary at the closest point, increasing to a distance of 5.3mm. However, as this neighbouring dwelling has a substantial side and rear garden, and the proposed dwelling is just 5.7m in height, it is not considered that it would have an unacceptable overbearing impact or result in any significant overshadowing. Furthermore, whilst the rear elevation of the proposed dwelling would face towards this boundary, the dwelling only features a first floor roof light and ground floor windows and doors. The roof light would serve the landing and stairs area and thus a non habitable space and any views from the rear ground floor windows and doors would be obscured by a standard boundary treatment. As such there would not be any unacceptable overlooking or loss of privacy. With regard to the above, it is also noted that no representations were received following the publicity exercise. Therefore, the scheme is found to be in accord with Policy SW11 with respect to its impact on residential amenity.

Parking and highway safety

The application would create a new access off the adjacent highway known as Winchfawr Road leading to a driveway with off street parking for two vehicles. This is considered to be adequate provision for a dwelling of this size. Furthermore, it is noted that whilst the proposal makes provision for off-street car parking, the application site is located in an area served by public transport. The application site is also located adjacent to an active travel route identified by Policy SW12 of the LDP which are routes where walking and cycling will be promoted through phased improvement works. As such, there is an opportunity to utilise more sustainable modes of transport and rely less on cars.

It is recognised that the access to and from the parking area would require reversing movements onto or from the adjacent highway. However, a suitable 2.4m by 25m visibility splay would be provided.

Ecology

There are no trees within the application site and the only outbuilding is a relatively new metal shed with negotiable suitability for roosting bats. Thus, there is only very limited on-site habitat. As such, the Ecologist has not raised any objections to the proposal in terms of loss of habitat or harm to protected species.

Coal mining

The application site is within the defined Development High Risk Area identifying that the site may be at risk from past coal mining activities. The Coal Authority records indicate

that the application site lies in an area where underground coal mining has taken place at shallow depth and indicates a coal seam outcrops in the vicinity of the site, dipping beneath the site which may have been worked in the past. However, a Coal Mining Risk Assessment has been submitted with the application. The report acknowledges that the Red Vein coal seam is likely to underlie the site at shallow depth and whilst the report is unable to discount the presence of unrecorded mine workings in the seam, the author is satisfied that the risk posed to the development by any such unrecorded workings can be reduced to 'Low' through the adoption of a mitigatory foundation solution. They indicate that the use of a suitably designed raft foundation for the dwelling would be the best option in terms of catering for ground movement derived from shallow workings. Based on the information within this report, the Coal Authority has not raised any objections to the proposal subject to the recommendations within the report being implemented on site.

Conclusion

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:**

CONDITIONS/REASONS:

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: Proposed Site Layout, Drawing Number: A1.2, Rev. H, Amended Plan Received on 26 October 2020.

Drawing Title: Proposed Ground Floor Plan, Drawing Number: A1.3, Rev. H, Amended Plan Received on 26 October 2020.

Drawing Title: Proposed First Floor Plan, Drawing Number: A1.4, Rev. H, Amended Plan Received on 26 October 2020.

Drawing Title: Proposed Elevations. Drawing Number: A1.5, Rev. H, Amended Plan Received on 26 October 2020.

Land at Winchfawr Road Coal Mining Risk Assessment, Revision V1, Dated December 2020 (Reference: B005817) and produced by WYG. Received on 11 December 2020

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

3. Prior to the construction of the dwelling hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The 2.4m by 25m visibility splays shown on plan no. A1.2, Rev. H, shall be provided before the dwelling, hereby permitted, is occupied and maintained free of any obstruction exceeding 0.9m in height thereafter.

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

5. Prior to the occupation of the dwelling hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the dwelling is occupied.

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

6. No surface Water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detrimental to the environment.

7. Notwithstanding the provisions of schedule 2, part 1, classes B and C 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 roof extensions or alterations 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.

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 alterations to the dwelling 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.

9. The parking spaces to be provided on the driveway hereby approved shall be kept available for the parking of motor vehicles at all times.

Reason - To ensure that cars are parked off the highway in the interests of highway safety and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 9:00 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.

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.

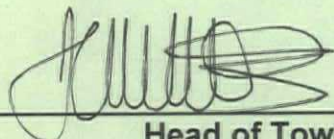
as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

3. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

4. 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.
5. 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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

21/12/20