

DELEGATED REPORT

Application No:	P/22/0152
Site Address:	1 Ash Villas Cardiff Road Troedyrhiw Merthyr Tydfil CF48 4LE
Development:	Erection of detached garage
Case Officer:	David James
Site Visit:	30th June 2022
Application Expiry Date:	19th October 2022
Consultation reply date expired:	29th September 2022

APPLICATION SITE

The application site relates to a semi-detached dwelling situated within the residential area of Troedyrhiw. The property faces southwest onto the street. It is bound by a lane to the rear, and other dwellings to either side.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of a detached garage, in the rear garden area of the dwelling. The application also includes the installation of a patio (at the same level as the lower garden area) in the rear garden.

Following discussions with the agent for the application, the original proposal was amended to remove a raised hardstanding, which would have been sited to the north of the proposed garage. The size of the garage has increased from that of the original proposal.

The proposed garage would measure 6m wide, 6m deep and a maximum of 3.1m high, incorporating a mono-pitched roof. It would have an aluminium roller-shutter in the elevation facing the rear lane, and a door in its southeast side elevation. The garage would be constructed of blockwork, with a rendered finish, the roof would be covered in box-profile metal sheets, and the door would be upvc.

The rear garden would be re-graded, and a retaining wall erected (measuring a maximum of 1.1m high), so that the garage would be level with the rear lane.

PLANNING HISTORY

P/01/0437	Single storey extension Full Approval 21/01/02
P/01/0231	Double storey extension to rear Full Approval 01/08/01

CONSULTATION

No consultation was undertaken in relation to the application.

PUBLICITY

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

One letter of representation has been received as a result of this publicity exercise, however the address of the objector was not provided.

Summary of objections

- The view from the objector's property is poor. The proposed development will make this situation worse and will also block low sunlight into the objector's property.
- There has been constant construction at the application site for many months resulting in noise, dust, vibration and machinery, which is not only terrible to live with but also draining on the objector's family. They cannot wash clothes etc.
- The objector has concerns with the vehicles which are intended to use this development coming out onto the public highway at a blind spot with children in the area. When the owners come out of the garage there will be no mirrors etc to see oncoming traffic and people walking.
- The area is congested enough and the objector feels that the garage and hardstanding, that will eventually be used for cars, will attract more vehicles to the property causing more traffic flow.

Ward members were advised of the objections but have not requested that the application be considered at Planning Committee. As such, the application will progress to be determined under delegated powers by the Director of Neighbourhood Services.

No objections were received following the re-consultation undertaken after the amended plans were submitted.

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 SW12 - Improving the Transport Network

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 garage would be located to the rear of the dwelling. However, it would be readily visible from the rear lane, and the wider area. Notwithstanding this, the garage would be of a typical scale and design for such a

domestic building. It is also noted that there are various examples of garages in the rear street scene, including the adjoining properties. As such, it would not have an adverse impact on the appearance of the dwelling, or the wider area. The proposal is therefore found to be in accord with Policy SW11 of the LDP in this respect.

Regard has also been had for the impact of the proposal on the residential amenities of the surrounding occupants. In this respect, it is noted that the garage would result in a development, measuring a maximum of 3.1m in height and with a depth of 6m, in close proximity to the shared boundary with the adjoining dwelling of 2, Ash Villas. However, it would be erected adjacent to an existing garage, of similar size, in the rear garden of number 2. This would somewhat mitigate the impact of the proposal on the adjoining dwelling, in terms of overbearing, overshadowing and loss of light impacts.

The garage would be sited at least 2m from the rear boundaries of the dwellings of 3 & 4 Zion Close. As such, it is not considered that it would have a harmful impact on these adjoining dwellings, in terms of overbearing, overshadowing or loss of light.

The garage would not have any windows, and its door would face the existing garage of 2, Ash Villas. Therefore, it would not result in any harmful degree of loss of privacy or overlooking, to the adjoining dwellings.

A condition could be added, to any permission granted, requiring details of any retaining walls to be submitted.

The objection was received in relation to the original proposal. No objection to the amended proposal was received, following re-consultation. No address was provided with the objection. However, given the siting of the garage, it is not considered that it would result in a harmful degree of loss of light to the surrounding properties. The Engineering and Highways Manager was also consulted and did not raise an objection in terms of highway safety.

Additional points were raised in the objection regarding views, and noise and dust etc from works to the rear garden. However, the right to a view is not material planning consideration and as with any development there will be an element of noise and disturbance, however this is temporary and would not necessitate the refusal of the application.

Overall, while there is some concern that the development may lead to some limited impacts, between the application property and the adjoining dwellings, having considered the above the development is deemed to be acceptable with respect to residential amenity and thus in compliance 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:

ASH01/002B (Block Plan) received on 14th September 2022

ASH01/003 (Elevations) received on 14th September 2022

ASH01/004 (Section) received on 14th September 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 .

INFORMATIVES

1. 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.
2. The developer is advised to ensure that the foundations of the development hereby approved are adequately designed to take account of any differential settlement resulting from underground mine workings.
3. 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.

4. 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



Director of Neighbourhood Services

DATE:

12/10/22