

DELEGATED REPORT

Application No:	P/22/0220
Site Address:	35 St Tydfils Avenue Twynnyroddyn Merthyr Tydfil CF47 0NP
Development:	Two storey rear extension with living accommodation in the roof
Case Officer:	Rebecca Owens
Site Visit:	1st September 2022
Application Expiry Date:	14th October 2022
Consultation reply date expired:	20th September 2022

APPLICATION SITE

The application relates to an end of terraced dwelling located in a mainly residential area within the settlement boundary. The site is bound by highways to the front and northern side, a dwelling to the southern side and a lane to the rear. The profile of the site is relatively flat.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a two storey rear extension with living accommodation in the roof. The proposed extension would be 5m in depth by 5.15m in width and would have a pitched roof with a ridge height of 7.65m. The extension would feature two first windows serving bedrooms and a large, glazed door at ground floor serving the kitchen. The proposal also includes an attic bedroom and as such two roof lights are proposed in each of the roof planes.

PLANNING HISTORY

There is no relevant planning history which needs to be taken into consideration when determining this application.

CONSULTATION

No consultation exercise was considered necessary in this instance.

PUBLICITY

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

One letter of objection was received following this publicity exercise. The main issue raised within this relates to overlooking and loss of privacy with the objector raising concerns that high level windows in the extension facing towards their property would overlook their garden and give direct views into their house.

Local ward councillors have been consulted and they wish the application to be determined under delegated power by the Director of Neighbourhood Services.

POLICY CONTEXT

National Development Framework

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

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

Policies SW11: Sustainable design and place making and CW1: The history environment of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 is relevant to the determination of this planning application. Furthermore, the application will be determined having regard to the advice contained within Supplementary Planning Guidance Note 6, A Design Guide for Householder Development.

PLANNING CONSIDERATIONS

There are a number of additions visible within the rear street scene including other two storey extensions. The proposed extension is considered to be of an acceptable design and scale which would be sympathetic to the dwelling and within this setting would not represent an incongruous feature. However, as no details have been provided of the material finishes it is recommended that a condition is placed on any planning permission issued to ensure that these are acceptable. With the inclusion of this condition, it is not considered that the proposed development would harm the character or visual amenity of the dwelling or the wider area and would not impinge upon Urban Character Area 2 (Thomastown and Penyard). As such it would accord with Policies and SW11 and CW1.

Regard has also been had for the impact of the proposal on the residential amenities of the neighbouring properties. In this respect it is noted that the site is bound by another dwelling on the southern side known as 36 St Tydfils Avenue. The proposed extension would be erected almost hard on the boundary with this property but given that it would be alongside this neighbouring property's single storey annexe, it would not have an overbearing impact. While it is acknowledged that it may result in some loss of light to the rear windows, it is not considered that this would be to a level which would warrant the refusal of the application. Furthermore, as the extension is located to the north of this property, there would not be any significant overshadowing. It is noted that the extension includes first floor windows in its rear elevation which would allow for views across the

neighbouring garden. However, this level of overlooking is typical between terraced dwellings thus it is deemed to be acceptable.

It is acknowledged that there is a property to the rear of the site (Known as Ronamar) which is located on the other side of the lane. An objection has been received from the occupants of this dwelling raising concerns that upper windows in the proposed extension would result in overlooking to their garden and give views into their property. Whilst the comments have been taken into consideration, it is not considered that the proposal would give rise to a level of overlooking or loss of privacy to Ronamar that would warrant the refusal of the application on such grounds. Whilst the proposal does include first floor rear windows, these would be approximately 12m from the boundary of Ronamar. Given this distance, the angle of sight and the fact that the windows/patio doors in the rear of Ronmar are at ground floor, it is not considered that there would be a significant loss of privacy to the internal rooms of the dwelling. Whilst it is acknowledged that there may be views to the rear garden, the extension windows would mainly look over the roof of the application site's garage, given this arrangement and the distance of the extension from this neighbouring garden it is not considered that there would be overlooking to a level that would warrant the refusal of the application. In addition, whilst there would be roof lights in each of the side facing roof planes of the two storey extension (which would face towards the neighbouring properties), given the height and position of these, views to the rear gardens and windows (including glazed roof of 36 St Tydfils Avenue) would be angled and as such it is not considered that they would give rise to any harmful overlooking or loss of privacy. Thus, having regard to the above it is not considered that the proposal would give rise to a harmful impact that would justify the refusal of the application on residential amenity grounds. As such the extension is deemed to be acceptable in this respect and would not contravene 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:**

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:

Proposed drawings on Drawing Number: ST TYDFILS 35 01B, Amended Plan
Received on 6 September 2022.

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

3. The materials to be used in the construction of the external surfaces of the extension shall match those used in the existing building.

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. 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 improvements or alterations involving the creation of new window openings shall be undertaken other than those expressly authorised by this permission and shown on plan number Rhodfa 28 01F.

Reason - In the interest of residential 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 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. 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.

5. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

4/10/22