

DELEGATED REPORT

Application No:	P/25/0121
Site Address:	4 Harris Court Quakers Yard Treharris CF46 5LX
Development:	Construction of raised patio area
Case Officer:	Kate Glover
Site Visit:	21st May 2025
Application Expiry Date:	27th June 2025
Consultation reply date expired:	27th May 2025

APPLICATION SITE

The application site relates to a detached property which is located within a residential estate. The direct neighbours to the application property are No.s 5 and 3 Harris Court and at the rear of the site are the rear garden areas of No.s 66 and 67 The Oaks which are part of a separate residential estate.

In relation to the topography of the area, the ground level slopes gently downwards (north to south) which results in No. 5 being slightly higher than the application site, and No.3 being at a slightly lower level. The ground level of the gardens associated with No.s 66 and 67 are at a higher level than that of the application site and to accommodate this difference in ground levels, a bank of earth slopes downward from the application site's boundary towards the rear elevation of the application property.

On the boundaries shared with No. 5 and 3, wooden fences have been erected and along the rear of the site and the boundaries with No.s 66 and 67 are stone walls and wooden fencing.

PROPOSED DEVELOPMENT

The application seeks full planning permission to construct a raised patio area along the rear of the garden which measures approximately 11.37m wide.

Works to the earth bank would result in the creation of 2 flat areas which would step downwards towards the rear elevation of the application property. A smaller flat area measuring approximately 0.82m deep and at a level which is no greater than the top of the existing bank would be created on the boundary with No.s 66 and 67 The Oaks. There would then be a step/retaining feature which would be approximately 0.6m high and at the foot of the step is the proposed patio area. The patio area would measure approximately 1.8m deep and be raised above the ground level of the application site's garden also by 0.6m.

PLANNING HISTORY

The relevant planning history is summarised below:

P/09/0043 Construction of 25 dwellings and associated works
Approved: 31 Jul 2009

CONSULTATION

Head of Engineering and Highways - No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining properties. One letter of objection was received following this publicity exercise. The main material points of the letters received have been summarised below:

- Increased overlooking in relation to the highest surface which could be used as a walk way or seating area.

Other matters raised by the objector that are not material planning considerations:

- In relation to the fence and wall at the rear of the proposal - the owner of the wall and responsibility for any impact on the wall as a result of the proposal and matters in relation to the maintenance of the wall and fence.

Due to the objections received this application has been referred to the local Ward Councillors to inform them of the responses received in relation to this application. It has not been requested that the application be presented to the planning committee. As such, it will be determined under the delegated powers by the Director of Neighbourhood Services.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) (Future Wales) 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 12, February 2024) (PPW).

Local Planning Policies

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

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking

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

- Note 6, A Design Guide for Householder Development

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to the principle of development, impact upon the character and appearance of the property and the street scene, impact upon the residential amenity of neighbours, and ecology.

The proposal would be located in the rear garden of No. 4 Harris Court and within the settlement boundary. The principle of development is acceptable and meets with the requirements of policy SW4.

The scale and design of the proposed development is residential in nature and would be located within the rear garden of No. 4 and there are no views of this area from public vantage points. As such the proposal would not be detrimental in terms of its visual impact.

Turning to matters of overlooking in relation to No.s 66 and 67, it is noted that the smaller raised area would not be any higher than the height of the existing ground level and as occupants of the application dwelling could walk or stand on this area there would be no change from current levels of overlooking. It is noted that the wall and the fence, which sits above the wall would also prevent any overlooking between the properties. In respect of the patio area, this would be located some 1.6m below the height of the boundary wall and the fence above. Further to this the first-floor windows of the application property overlook these neighbour's garden areas and, as such, there is a degree of overlooking between properties which is typical of residential estates.

In respect of matters of overlooking in relation to No.s 3 and 5 Harris Court, it is noted that fencing measuring approximately 2m high is erected along the boundaries shared with these properties. Given the current relationship between the application property and the neighbours either side the proposal would not result in any significant increase in the current levels of overlooking.

The Head of Engineering and Highways has reviewed the plans and has concluded that structural calculations are not required in support of the planning application. It is also noted that the wall is not included in the red line of development. As such, no further information is required in support of the application and the Council has considered and discharged its responsibilities in relation to duty of care. Any matters regarding ownership of the wall, impact of the proposal on the wall and future maintenance of the wall and fence are the responsibility of the parties involved.

In relation to ecology, local planning authorities seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated. The proposal raises no significant concerns in this regard given that the bank that is the subject of this application is devoid of any green infrastructure and nature/extent of development proposed. The

development would have minimal impact upon green infrastructure or biodiversity interests and would not have any significant impact upon climate change. Given the nature of the proposal, which seeks to provide a raised patio and the limited impact on the environment, ecological enhancements have not been sought in this instance.

The majority of the points raised as a result of the publicity exercise have been covered in the earlier sections of this report. To ensure that the applicant is aware of any responsibilities they may have in relation to the development, a note can be incorporated into the decision notice.

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.

Having regard to the policy context above, the proposal is considered to be acceptable and 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:

Existing and proposed cross / long Sections, Received on 02 May 2025

Existing and proposed Site Layout, Received on 02 May 2025.

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

INFORMATIVES

1. Any works carried out by the applicant/developer are subject to a duty of care and must ensure that they act with reasonable care and diligence to avoid causing harm or loss to others or their property.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 26.06.2025