

DELEGATED REPORT

Application No:	P/25/0099
Site Address:	25 Bargoed Terrace Treharris CF46 5RB
Development:	Raised balcony/platform to the rear elevation
Case Officer:	Marlene Ferreira
Site Visit:	2nd May 2025
Application Expiry Date:	2nd June 2025
Consultation reply date expired:	2nd May 2025

APPLICATION SITE

The application site relates to a mid-terrace dwelling located off Bargoed Terrace, in the area of Treharris. The dwelling is two storey at the front and three storey at the rear, since the ground levels at the site slope down significantly from the north to the south. A secondary access to the dwelling is provided off the rear lane, which runs east to west, along the back of the property.

The dwelling, like many other properties along this street, benefits from an external staircase and small landing area to enable access from the ground floor to the lower ground floor and rear garden area.

PROPOSED DEVELOPMENT

This application seeks retrospective planning permission for the construction of a balcony to the rear of the property. The balcony extension has been constructed at ground floor level, approximately 2.1m above the lower ground floor level. It projects 3 metres from the rear of the property and has a width of 5.25 metres. Its construction comprises of galvanised steel structure, enclosed with a 1.1m glass balustrade to its side and front elevations.

PLANNING HISTORY

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

CONSULTATION

Consultations were not carried out under this application.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and a site notice was displayed on-site. One letter of representation was received following this publicity exercise. The concerns raised in the letter have been summarised below:

- The floor level of the platform (2.1m) is higher than the 1.8m garden boundary fence;
- The maximum height of a screen between gardens should not exceed 2m but this balcony with side is 3.2m as existing;
- Even with the frosted glass, my garden would still be overlooked and visible from the platform through the clear glass;
- I am concerned as to how the platform is fixed to the side of my property;
- Any future valuation of my property would be compromised due to this balcony structure and its overlooking nature.

Local ward members were consulted following the receipt of the objection, however, they 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.

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 CW1 – Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed balcony area, in terms of its siting, scale and design, would be an acceptable form of development with regards to its impact upon the character and appearance of the

property and the wider street scene. Its impact upon residential amenity and ecology are also important considerations.

Character and Appearance

The balcony area has been located to the rear of the property, as such, it would not have an adverse impact on the character and appearance of the front street scene or the Treharris Conservation Area. Whilst it is noted that the balcony area amounts to a prominent projection, particularly with the addition of obscurely glazed privacy screens either side, it would sit amongst other existing outbuildings/extensions which have also been constructed on nearby neighbouring dwellings. Indeed, the balcony area would have a total height of 3.9m (including privacy screens) and its height and overall scale would therefore be akin to a single storey development which would not normally require planning permission. Thus, the balcony area, as proposed, would be considered an acceptable form of development in this instance, which would be in context with the character and appearance of the rear street scene. It would therefore accord with LDP Policy SW11.

Residential Amenity

The rear balcony area, is located between 24 and 26 Bargoed Terrace. These are the properties most likely to be affected by this development.

The balcony area, as proposed, sits immediately adjacent to the neighbouring dwelling 24 Bargoed Terrace, located to the east. The balcony runs alongside the boundary with this neighbouring dwelling. Although it is recognised that the existing patio door, at ground floor, to the rear of the application property, due to its elevated position, already allows for some overlooking into the rear garden area, located at lower ground level, of this neighbouring dwelling, the elevated balcony area, as existing, (and which sits 2.1m above the lower ground level), would appear somewhat overbearing when viewed from this neighbouring property (no. 24) and would allow for direct overlooking opportunities in their rear garden area. However, the proposed plans, show that in order to safeguard the amenities of these adjoining occupiers, an obscurely glazed screen measuring 0.7m in height would be placed above the existing glass balustrade on its east and west facing side elevations. The existing glass balustrade would also be altered from clear glazing to obscure glass on the eastern and western side elevations. This would amount to an obscure screen with a total height of 1.8m on the side elevation facing this neighbouring property, which would limit the overlooking opportunities into this neighbouring property's rear garden area. Indeed, it would also prevent users of the balcony looking back into the rear facing windows of this neighbouring property.

In respect of the overbearing impact, it is recognised that the balcony area with screens either side, would amount to a structure with a total height of 3.9m above lower ground level. However, the balcony only projects 3 metres and as such, does not extend to the full depth of the garden area, which measures approximately 5.4m in depth. In addition, this neighbouring property benefits from a rear ground floor extension which projects further to the rear than the rear gable at the application site. The depth of the balcony area, combined with the projection of the neighbour's extension, aids to reduce the overbearing impact, since the balcony only projects a further 1.5m from this neighbouring rear extension. Thus, whilst it is recognised that there would be some overbearing impact upon the rear garden, at lower ground level, of this neighbouring dwelling, this would not be deemed significantly harmful to warrant the refusal of the application in this instance.

Indeed, as mentioned earlier in the report, a single storey extension with a height of 4m could be constructed to the rear of the application property without planning permission. The relationship between the application dwelling and 24 Bargoed Terrace, is therefore considered acceptable.

Similarly, the proposed balcony area sits immediately adjacent to, and runs alongside, the boundary with the neighbouring dwelling, 26 Bargoed Terrace, located to the west. As explained above, the proposed side elevations of the balcony would comprise an additional obscurely glazed screen measuring 0.7m in height, which would sit above the 1.1m glass balustrade. This would amount to screens with a total height of 1.8metres on the side elevations of the balcony and as such, would prevent any direct overlooking into the rear garden area, which lies at lower ground level, of this neighbouring dwelling. This privacy screen would also prevent users of the balcony area looking back into the rear windows of this neighbouring property. With regards to the potential overbearing impact of the balcony area, it is recognised as noted above, that the balcony area and siting adjacent to the boundary, would amount to a prominent structure at the rear of the property with a total height of 3.9m. However, as previously discussed, a single storey rear extension with a total roof height of 4m and a total depth of 4m, could be constructed alongside the boundary with these neighbouring properties without the need for planning permission. Thus, the overbearing impact resulting from the balcony area upon this neighbouring property would not be deemed significantly harmful to the amenities of these neighbouring occupiers, particularly since this neighbouring property already benefits from an outbuilding extension within its rear garden. Whilst it is recognised that this proposal is an extension which would allow its residents to use an external elevated platform, the erection of privacy screening either side, as discussed previously, would minimise overlooking impacts upon these neighbouring occupiers. The relationship between the application dwelling and 26 Bargoed Terrace, is therefore considered acceptable.

The comments and concerns raised in the letter of objection received have been carefully considered, however, in this instance, the balcony area, as proposed, would not be deemed to result in an unneighbourly form of development, which would significantly detract from the privacy and/or amenities of neighbouring occupiers or cause any significant overbearing or loss of light impact upon these adjacent dwellings. The development, as amended, appears to have been designed to provide a useable external area to benefit the applicants, whilst also minimising any potential adverse impacts upon these neighbouring occupiers. As such, it is therefore considered acceptable and would accord with LDP policy SW11.

Ecology

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 will be added to any planning permission 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 would be provided (to be requested by condition) which would contribute to the wider green infrastructure objectives. Thus, the proposed development would therefore be considered acceptable and accord with LDP Policy EnW1.

Response to Representations

The planning concerns raised in the letter of objection have been addressed in the relevant sections above. It is noted that one of the objections referred to concerns regarding a reduction in property values, however this is not a material planning consideration and therefore has not been considered in the assessment of the application. It is also noted that there are concerns that the structure may be fixed to the neighbouring properties. Confirmation has been received from the applicant to state that the balcony is fixed to the application property only, and remains freestanding elsewhere.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and would comply with the relevant policies and guidance.

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 be carried out in accordance with the following approved plans and documents:

- Proposed Balustrade Extension, received: 7th April 2025

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

2. **Within 1 month from the date of this permission** a scheme for biodiversity enhancement, to include a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

3. **Within 1 month from the date of this permission** the obscurely glazed/opaque privacy screens/panels/balustrade proposed to the side elevations of the balcony, as shown on the 'Proposed Balustrade Extension' plan, shall be erected and retained in perpetuity thereafter.

Reason - To safeguard the privacy and amenities of adjoining occupiers in accordance with LDP Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'M. J. Jones', written over a horizontal line.

Director of Neighbourhood Services

DATE: 30.05.2025