

DELEGATED REPORT

Application No: P/21/0418

Site Address: 4 Greenfield Court
Pentrebach
Merthyr Tydfil
CF48 4BH

Development: Construction of a detached granny annexe within rear garden

Case Officer: Caroline Pulley

Site Visit: 6th January 2022

Application Expiry Date: 11th February 2022

Consultation reply date expired: 27th January 2022

APPLICATION SITE

The application site comprises the curtilage of a large detached dwelling situated within the residential area of Pentrebach. The application property and three other dwellings are all served off a private driveway, which is accessed from the adopted highway of Greenfield Gardens to the north. Being located at the southern end of this private driveway, the property is located in a private and secluded location and its rear garden area is screened from the surrounding area on all sides. The nearest residential property (3 Greenfield Court) lies to the north of the property.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a granny annexe within the rear/side garden area of the existing property. The granny annex would be constructed along the southern rear boundary with its front elevation facing north towards the rear and side elevation of the applicant's existing property. It would have a flat roof with rendered elevations with uPVC vertical cladding along the eaves. The annexe would have a rectangular footprint measuring 10m wide by 4.5m deep. Its flat roof, which would include a 1.5m overhang to the front, would measure 3.6m high. It is proposed that the applicant's son would reside within the annexe. The building would be laid out inside to provide an open plan lounge and bedroom, a small kitchenette and a bathroom.

No additional off-road parking provision is proposed as part of the application.

PLANNING HISTORY

P/02/0071 Erection of a detached house and garage
Approved – 07.05.2002

P/01/0526	Erection of 3 No. two storey (with loft rooms) dwellinghouses and associated infrastructure Approved – 18.02.2002
P/99/0148	4 detached houses (outline application) Approved – 24.09.1999

CONSULTATION

Head of Engineering:	No objection.
Planning Division's Policy Officer:	No objection.
Planning Division's Ecologist:	No objection and advises no ecological survey work is required.
Natural Resources Wales:	No objection. Advises that the site lies partially within Flood Risk Zone C2.
Welsh Water:	No objection but highlights that the site is crossed by a public sewer.
Public Rights of Way Officer:	No objection. Advises that there is a claimed right of way and other rights of way in the area. The development would not affect the rights of way but advises that the applicant should be informed of their presence.

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 within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

National Policy

The Future Wales – the National Plan 2040
Planning Policy Wales (PPW) – Edition 11, February 2021
Technical Advice Note (TAN) 12 – Design
Technical Advice Note (TAN) 15 – Development and flood risk

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries
Policy SW9 – Planning Obligations
Policy SW11 – Sustainable design and Placemaking
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW2 – Internationally and Nationally Protected Sites and Species
Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
Policy EnW4 – Environmental Protection

Other Material Considerations – Supplementary Planning Guidance (SPG):

SPG2 – Planning Obligations, March 2012
SPG4 - Sustainable Design, July 2013.
SPG5 - Nature and Development, May 2015

PLANNING CONSIDERATIONS

The issues to be considered in the assessment of this application relate to whether the proposed development would be acceptable in this location and whether it would be acceptable in respect of its impact on the character and appearance of the area, on the amenities of the nearby occupiers and upon parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary where new development is supported provided it complies with the relevant policies and any other planning considerations. It is also located within a predominately residential area. As such, the principle of the development is acceptable and is in line with Policy SW4 of the LDP.

Character and Appearance

The proposed building would be inconspicuous in terms of its siting within the applicant's garden and its low height would ensure that it would not have a harmful visual impact on the surrounding area. The proposed materials, which include a render finish for the walls are also acceptable. Whilst acknowledging that the building would cover a large part of the applicant's side/rear garden area, a sufficient level of amenity space would be retained, and the potential visual impact arising from the building would be limited due to its low height. As such, in this regard, the development is in accordance with Policy SW11 of the LDP.

Residential Amenity

Given the low height of the proposed building and its location away from the boundary with the neighbouring property to the north, the granny annexe would not adversely impact on the amenities of those living nearby. It is acknowledged that the development of a self-contained unit within the garden of the existing property could lead to additional movements along the private driveway, which is shared by three other properties. However, the additional comings and goings arising from the proposed granny annexe, given its ancillary nature and connection with the existing house, would not be so significant as to cause a harmful level of noise and disturbance to the existing occupiers. As such, the proposal accords with Policy SW11 of the LDP.

Highway Safety

The existing off-road parking is located to the front of the property and provides space for approximately four cars. This is considered acceptable to serve the needs of the occupiers of the existing property and the proposed granny annexe. Furthermore, the Head of Engineering has not raised any objections to this scheme. Notwithstanding this, it is pertinent to impose a condition to ensure that the granny annexe remains ancillary to the existing house in the future due to the access arrangements being shared between the two properties.

Flood Risk

Although acknowledging that this development would introduce an additional unit of accommodation in a C2 flood risk zone, the proposed building is essentially akin to an outbuilding used in association with an existing property. It is fully acknowledged that national planning policy advises that highly vulnerable development in a C2 flood risk zone should not be allowed, but in this case, the proposed residential use, whilst it would have some level of independence, would operate in conjunction with the existing dwelling and a condition would ensure that this remains the case in the future. It is also noted that a larger outbuilding could be erected within the curtilage of the property without the need for planning permission. Most importantly, taken into account the very nature of the proposed use, a granny annexe within the curtilage of an existing property, NRW have not raised any objection to the application. As such, the proposal is acceptable in this regard.

Ecology

In respect of ecology, the Council's Ecologist has concluded that survey work would not be required in respect of this proposal. However, in accordance with the Environment (Wales) Act (2016), the installation of a bat box and the provision of a wildflower area has been requested. In this instance, given that the small scale nature of the development, it would not be reasonable to impose a condition to require a wildflower area to be provided. A condition can however be attached requesting a bat box to be installed on the gable of the existing property.

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

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:

Block plan received on 17.12.2021

Proposed Plans and elevations received on 17.12.2021

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 proposed building shall match those used in the existing dwelling known as 4 Greenfield Court.

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. Prior to works commencing on site, details for the provision of a bat box together with details of its location within the site, shall be submitted to and approved in writing by the local planning authority. The bat box shall be installed in accordance with the approved details prior to the beneficial use of the building.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

5. The Granny Annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4 Greenfield Court, Pentrebach.

Reason - To avoid the creation of a separate unit of accommodation in the interests of flood risk, highway safety and residential amenity in accordance with Policies SW11 and EnW4 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 detriment to the environment.

INFORMATIVES

1. 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.

2. 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.

3. The applicant should be aware that a claimed right of way borders the southern boundary of the property and there are also other rights of way in the area. The routes must be protected at all times.
4. The proposed development site is crossed by a public sewer. No operational development shall be carried out within 3m of the centreline of the public sewer. For more information, please contact Welsh Water on 0800 917 2652.

The applicant/developer may need to apply to Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. For more information, please refer to Welsh Water's comments to this application on the Council's website www.merthyr.gov.uk. Alternatively, please contact Welsh Water on the contact number provided above.

5. The applicant/developer should be aware that the application site falls within an area which is at risk of flooding. For further information and guidance on measures

to protect your property from flooding, please visit
<https://naturalresourceswales.gov.uk/?lang=en>

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

28/1/22