

DELEGATED REPORT

Application No:	P/25/0172
Site Address:	Brackendale Heolgerrig CF48 1RG
Development:	Replacement of retaining boundary to the east, replace fence with new wall and gate to the south and widen gate to the west
Case Officer:	Marlene Ferreira
Site Visit:	26th June 2025
Application Expiry Date:	12th August 2025
Consultation reply date expired:	10th July 2025

APPLICATION SITE

The application site relates to Brackendale, a detached dwelling located in the area of Heolgerrig. The two-storey property is served by a large residential garden to the north, with additional land beyond, which also appears to be under the applicant's ownership. The property is bound by an unadopted highway to the south and west. Vehicular access to the site is gained through a gated entrance along the western boundary and on-site parking is available by means of a detached garage and driveway area, which is situated to the northwest of the existing dwelling.

PROPOSED DEVELOPMENT

This application seeks planning permission to alter the existing boundary treatments enclosing the property and to erect two pergolas.

- Western Boundary

The existing vehicular metal gate, measuring 4m wide, would be removed, the existing entrance would be widened and replaced with a new 5m wide solid metal gate. This seeks to improve the access arrangements into the property and enhance on-site privacy.

- Southern Boundary

The existing vegetation and 1.6m high timber fence, which is in a poor state of repair, would be removed and replaced with a new brickwork wall (with brickwork pillars) with fencing above. The wall with fence would have a total height of 2.67m and seeks to enhance on-site privacy.

- Eastern Boundary

The existing 2m high retaining gabion basket wall along the eastern boundary would be rebuilt with a new 2m high retaining gabion basket wall, to include fencing above. The wall with fence would have a total height of 3.5m and seeks to provide a secure dividing boundary which would also enhance privacy at the property.

- Pergolas

A painted metal pergola, measuring 3m wide by 3m deep with a total height of 2.6m, would be located approximately 1m from the western side elevation of the property.

A painted metal pergola measuring 4m wide by 3m deep with a total height of 2.6m, would be located approximately 1m from the northern rear elevation of the property.

PLANNING HISTORY

The following planning history is relevant to this site:

P/19/0151 – Extension of garden curtilage with associated engineering works. Erection of new garage and siting of new railway units for domestic use – Approved: 12th November 2020.

P/16/0004 – Retention of rear single storey extension – Approved: 16th February 2016.

P/01/0186 – Erection of new dwelling – Approved: 31st July 2001.

CONSULTATION

Head of Engineering and Highways

No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, neighbouring properties were consulted and two site notices were displayed within the vicinity of the site. No letters of representation have been received as a result of this publicity exercise.

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 EnW1 – Nature Conservation and Ecosystem Resilience

Supplementary Planning Guidance (SPG)

SPG Note No. 6 – A Design Guide for Householder Development (September 2015)

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed works, would be acceptable with regards to their impact upon the character and appearance of the property and the wider area. The impact upon residential amenity and ecology are also important considerations.

Character and Appearance

The proposed development, as described earlier, includes an array of works. The most prominent alterations to the property include the modifications to the boundary treatments. Along the western boundary, the proposed alterations would not be significant since this would involve widening the existing gated entrance by a mere 1 metre and installing a 5m wide solid metal gate of a similar design and appearance to the existing. This alteration would therefore amount to a minor form of development which would not detract from the character or appearance of the property or that of the wider area.

Along the southern boundary, the existing fence is dilapidated and would be removed (alongside the existing vegetation), to make way from a new brickwork wall with fencing above. The wall and fence would match the materials and boundary arrangement, in terms of its design and height, along the western boundary. Thus, it would provide a durable boundary treatment which is in-keeping with the existing boundary treatments of the property. Thus, this part of the proposal would also result in an acceptable alteration within this context.

Along the eastern boundary, the gabion basket retaining wall would be rebuilt to provide a secure boundary treatment which is fit for purpose. This would be identical, with regards to its appearance and height, to the gabion basket retaining wall which formerly existed along this boundary and would therefore be acceptable. In addition, a new timber fence, measuring 1.5m would be erected above the wall. Whilst the wall combined with the fence would result in a high dividing boundary between the application dwelling and the

neighbouring property, it would be set back from the highway, and given its perpendicular position to the road, it would not be considered to have a significant adverse impact upon the character of the dwelling or the wider area. Indeed, there are other nearby properties which are also enclosed by high boundary walls. Thus, this part of the proposal would also be considered acceptable.

The proposed pergolas, located to the west and north of the dwelling, seek to provide covered areas within the side and rear garden areas. They would each be located approximately within 1 metre of the dwelling. Such structures are commonly found within the garden areas of residential properties. Their siting, scale and overall appearance would therefore be acceptable and would not be deemed to cause any adverse harm to the character and appearance of the dwelling or the wider area.

The proposed works would therefore amount to a sympathetic form of development which would not be deemed to have any significant or adverse impact upon the character and appearance of the dwelling or its surrounding setting. As such, it would accord with LDP Policy SW11.

Residential Amenity

Having taken into account the nature of the works and their siting, it is considered that the neighbouring property to the east, Ty Bryncheiniog, is the property most likely to be impacted by the proposed development.

Whilst the proposed changes to the western and southern boundaries and the proposed smaller pergola structure to the west of the property, would not have any adverse impact upon the nearest residential occupiers, the proposed retaining wall with fencing above and the proposed pergola area to the north of the dwelling would be located immediately adjacent to Ty Bryncheiniog and this relationship therefore requires careful consideration.

The gabion basket retaining wall would be located along the same boundary line as the former and would be constructed to the same 2 metre height. However, a 1.5 metre fence, as previously explained, is now proposed to be erected above the new retaining wall. Whilst this would enhance privacy to the application property, concerns were raised with the agent about its height and its potential overbearing impact upon the neighbouring dwelling. It was therefore requested that this be reduced in height so as not to appear overbearing on the occupiers of Ty Bryncheiniog. However, the agent has confirmed that the applicant seeks a high dividing boundary to provide more privacy between the two properties. The agent has also submitted an email from the neighbour which confirms that they are also in favour of the high boundary treatment since this would too give them additional privacy. Indeed, there does not appear to be any existing windows on the neighbouring property's side facing gable which could suffer significant loss of light as a result of the proposed high boundary treatment. Thus, whilst a 3.5m boundary between neighbouring properties would normally be considered excessive in height and unneighbourly, it should be noted that both the applicant and neighbouring occupiers have requested that it be constructed to this height. Thus, in this instance, the proposed dividing boundary arrangement would be considered acceptable.

The proposed larger pergola structure would be located to the rear of the property, near the dividing boundary, however, given its design, as an open structure with roof above, this part of the proposal would also be considered acceptable in respect of its impact upon

the neighbouring dwelling. Indeed, no concerns were submitted from any nearby residents, including TY Bryncheiniog, with regards to any part of this proposal.

The proposed works are therefore considered acceptable and would not be deemed to have any overbearing, loss of light or loss of privacy impact upon other residential occupants. As such it would accord with LDP Policy SW11.

Ecology

The proposed development was considered by the Council's Ecologist and survey work has not been requested in support of this proposal. However, enhancement works in line with the Environment (Wales Act 2016) and Welsh Government Circular 'Securing Biodiversity Enhancements' would be required. Thus, a suitably worded condition, would 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.

CONCLUSION

The proposal, 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 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 block plan, location plan and elevations, drawing number 07-18-01, received: 17th July 2025

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

3. **Within 1 month of the planning permission hereby approved**, a scheme for biodiversity enhancement, including 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.

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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 26.09.2025