



Cyngor Bwrdeistref Sirol  
MERTHYR TUDFUL  
MERTHYR TYDFIL  
County Borough Council

# **PLANNING AND REGULATORY** **FACT FINDING VISITS**

**2.30 PM MONDAY, 15TH JULY, 2019**

**1 WERN STREET, DOWLAIS, MERTHYR TYDFIL  
CF48 3NG**

This Agenda has been prepared by the Democratic Services Department. Any member of the public requiring information should contact the department on (01685 725284) or email [democratic@merthyr.gov.uk](mailto:democratic@merthyr.gov.uk).

Any reference documents referred to but not published as part of this agenda can be found on the Council's website or intranet under Background Papers.

## **AGENDA**

1. Apologies for absence
2. Declarations of Interest

Members are reminded of their personal responsibility to declare any personal and prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government and Finance Act 1992 relating to Council Tax, the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct

### **Note:**

- (a) Members are reminded that they must identify the item number and subject matter that their interest relates to and signify the nature of the personal interest and

(b) Where Members withdraw from a Meeting as a consequence of the disclosure of a prejudicial interest they must notify the Chair when they leave

3. P/18/0343 - 1 Wern Street, Dowlais, Merthyr Tydfil CF48 3NG

To consider report of the Deputy Chief Executive **3 - 10**

4. Any other business deemed urgent by the Chair

**COMPOSITION:**

Councillors: C Tovey (Chair)  
M Colbran (Vice-Chair)

Councillors: H Barrett, J Amos, D Chaplin,  
E Galsworthy, K Gibbs, C T Jones, G Lewis, J Thomas  
and S Thomas

together with appropriate officers

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# Agenda Item 3

<b>DATE WRITTEN</b>	21st June 2019
<b>REPORT AUTHOR</b>	Judith Jones
<b>CASE OFFICER</b>	Caroline Pulley
<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	3rd July 2019

**Application No.**  
P/18/0343

**Date**  
2nd May 2019

**Determining Authority**  
MTCBC

**Proposed Development**

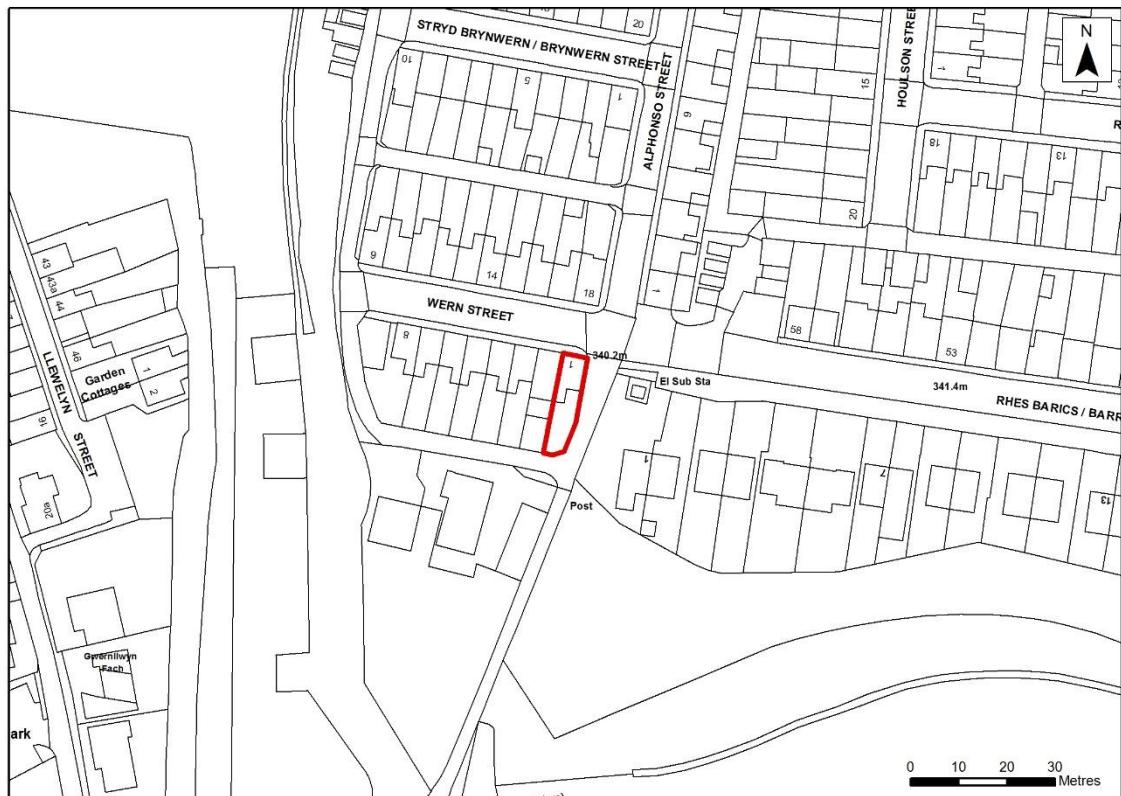
**Location**

**Name & Address of Applicant/Agent**

Erection of garage

1 Wern Street  
Dowlais  
Merthyr Tydfil  
CF48 3NG

Mr Martin Burvill  
1 Wern Street  
Dowlais  
Merthyr Tydfil  
CF48 3NG



P/18/0343

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Councillor Amos has requested that this application be presented to Committee so that Members can consider the highway objections raised to the scheme, as well as any estate issues.

## APPLICATION SITE

The application site relates to a two-storey property located within a residential area of Dowlais. The end of terrace property is orientated to face north directly onto Wern Street. Its rear garden is irregular in shape and is bound by a narrow access lane to the side (east) and rear (south). Its main back wall has been extended by a single storey lean-to extension and part of its rear garden has recently been cut away to allow the slab of the proposed garage to be laid. This has left an exposed and open boundary with the adjoining lane, which now has an uneven surface. The garage slab has been laid approximately half a metre back from the front elevation of the garage located to the rear of 2 Wern Street. It has an irregular footprint that is representative of the floor area of the garage which is being applied for as part of this application. The access lane serving the terrace is adopted and is only wide enough to cater for a single vehicle. It currently provides rear access to the terrace as well as providing vehicular access to a detached dwelling (Ty Bryn Wern) which is located to the rear of the application property.

## PROPOSED DEVELOPMENT

This application seeks planning permission for a detached garage to the rear of 1 Wern Street (the base for which has already been erected). The application has been submitted following a complaint made to the planning department that works were being undertaken at the property without the benefit of planning permission. Following an investigation by the enforcement officer, it was concluded that the new garage for which work had already commenced, would require planning permission as the total area of ground which would be covered by buildings would exceed 50 percent of the total area of the curtilage.

The garage is proposed to be located within the rear garden area of the property. It would be orientated to face south onto the rear access lane, with the rear elevation looking towards the back wall of the applicant's dwelling. The main front elevation containing the garage door would measure 3m in width, whereas the rear elevation would be 4.5m wide. The eastern side elevation would generally follow the angle of the boundary and would measure a total of 6.7m in length. A gap of 3.9m would be maintained between the rear northern elevation of the garage and the back wall of the dwelling. Its monopitch roof would slope gently from front to back from a maximum height of 2.5m. It is proposed the garage be constructed of block and render and the roof be covered with a fibre glass or rubber finish. Vehicular access to the garage would be gained via a 2.4m wide garage door, positioned within the front (southern) elevation of the structure.

## PLANNING HISTORY

There is no recent planning history relating to the application property.

## CONSULTATION

Engineering and Traffic Group Leader:

Raises a **highway objection**. In summary, the proposal by encroaching on the adopted highway narrows the carriageway to the detriment of vehicular movement and highway safety.

Welsh Water:

No objection but highlights that the proposed development is crossed by a public sewer.

## PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties on the 8<sup>th</sup> November 2018.

As a result of this publicity exercise, an objection was received from the resident of Ty Bryn Wern raising the following concerns:

- The development does not follow the boundary line of the property and there will be an encroachment onto the access lane. Concern is raised that the development would restrict vehicular access to the objector's property. Also, there is concern that specific emergency vehicles would be restricted and the objector would no longer be able to have oil delivered to her property which is needed for the central heating system.
- The submitted plans show the garage being squared off which does not relate to the curved boundary of the property.
- Questions are raised as to how surface water run-off from the proposed garage would be managed to prevent run-off onto the highway.
- Concern that there would be insufficient space to allow vehicles to turn into the garage and this would result in the vehicles trespassing over the objector's property.

Following additional information being received (i.e. revised boundary details and a plan to show turning movements along the lane), a further publicity exercise was carried out in the form of letters sent to neighbouring properties on the 17<sup>th</sup> January 2019. No further representations were received from residents as a result of this exercise. Nonetheless, a number of inaccuracies were identified in the plans submitted and as a result, revised drawings were requested.

Following amendments to the proposed development (i.e. the submission of accurate plans and details showing the front of the garage being set back 0.5m) a

third publicity exercise was undertaken on the 3<sup>rd</sup> May 2019 and as a result of this, a further letter of objection was received from the occupier of Ty Bryn Wern. This letter reiterates the objector's original concerns in respect of the encroachment of works onto the highway. The resident of Ty Bryn Wern also raised concern that the applicant has deceitfully encroached on the highway when he removed his boundary walls. A photograph is provided to substantiate the objector's claim. Reference is made back to previous Google Earth imagery provided in the objector's original letter. Further concerns are raised in relation to the impact that the development would have upon vehicular access arrangements (including emergency vehicles) to Ty Bryn Wern.

## POLICY CONTEXT

### National Policy

Planning Policy Wales (PPW) Edition 10 (December 2018) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

TAN 18 – Transport describes how to integrate land use and transport planning. It explains how transport impacts should be assessed and mitigated.

Paragraph 9.16 states that *'the type of access provided should reflect the type of road and the volume and character of traffic likely to use the access and the road'*.

### Local Policy

Merthyr Tydfil Local Development Plan (LDP) 2006-2021:

Policy BW4 – Settlement boundaries/location constraints

Policy BW7 – Sustainable design and placemaking

Policy BW12 – Development proposals and transport

Policy TB11 – Access, parking and accessibility of local facilities

### Other Guidance

Supplementary Planning Guidance (SPG) Note No. 6 – A Design Guide for Householder Development.

This guidance states that ‘...garages and outbuildings should be located either to the side or to the rear of a dwelling...’ and ‘...garages and outbuildings should be set back from the front elevation to ensure they do not form a dominant feature within the streetscene...’

In relation to access, it states ‘Where garages may be accessed via a narrow rear lane, it may be appropriate to set the garage back with splayed boundaries to improve driver visibility, improve vehicle turning manoeuvres and avoid the opening of garage doors from projecting into the highway’.

## PLANNING CONSIDERATIONS

The key issues to consider under the assessment of this application are whether the garage, in terms of its siting, scale and design, would be an acceptable form of development with regard to its impact upon the character and appearance of the dwelling and the wider area, residential amenity and highway and pedestrian safety. These matters are discussed below.

### Character and Appearance

The proposed garage would be constructed to the rear of the application property and as such is unlikely to have a significant impact on the main streetscene due to the fact that it would be screened by the existing property. While it is acknowledged that the garage would be situated with its side elevation facing directly onto the access lane, the garage would be of a modest scale and it would be viewed against the backdrop of the rear elevations of properties in Wern Street. It would also be situated alongside the side wall of the neighbour’s garage. Therefore, whilst the design of the garage could be improved by squaring off the footprint and by providing a sympathetic pitched roof, the garage would not significantly harm the character or visual amenities of the area. As such, in this respect, the proposal is found to be in accordance with Policy BW7 of the LDP.

### Residential Amenity

The siting of the proposed garage in relation to neighbouring residential properties, those on Wern Street, Barrack Row and the detached dwelling accessed off the rear lane to the south (Ty Bryn Wern), is such that no unacceptable overshadowing or overbearing impact is likely to result. In this respect, it is reiterated that the garage would be erected alongside the side wall of an existing garage that is located to the rear of 2 Wern Street. This would minimise any potential impact that the proposal may have on this dwelling and its occupants. Also, the height of the garage would be just 2.5m. As such, it would be very modest in terms of its height. It should also be noted that the garage would not contain any windows. Therefore, there would be no adverse overlooking arising from this scheme. Whilst acknowledging that the front of the garage would be positioned directly opposite the objector’s property (Ty Bryn Wern), its positioning on the opposite side of the lane would ensure that there would be no significant impact on the occupants of this dwelling. Moreover, the principal front and rear elevations of Ty Bryn Wern are orientated away from the lane and as such, the scheme is unlikely to have a significant impact on the outlook from

this property. The scheme is therefore acceptable in respect of its impact on the surrounding residential amenity and would comply with Policy BW7 of the LDP.

### Highway Safety

While acknowledging that the proposed garage would provide an off road parking space to serve the dwelling, a highway objection has been raised to this application by the Engineering and Traffic Group Leader. The concern primarily relates to the encroachment of the development onto the adopted highway which runs alongside the side of the property and the consequent narrowing of this vehicular access.

Ultimately, the scheme raises two main issues these being the highway safety implications arising from the construction of the proposed garage and secondly, whether or not the works encroach upon the line of the adopted highway. The latter is not a material planning consideration but is a legal land dispute between the respective parties (i.e. the Council and the applicant). As part of this application, only the highway safety implications can be considered.

From a highway safety perspective, it is noted that the walls which formed the outside boundary between the rear of this property and the highway have recently been demolished. Ground works have also been undertaken to the rear garden and these works have involved the laying of the concrete garage slab. This has left an exposed and open boundary with the adjoining lane, which now has an uneven surface.

Unlike other properties along the terrace, the eastern boundary line of 1 Wern Street is angled and consequently its rear garden is not rectangular in shape. Its eastern boundary generally follows the curve of the side access lane and most notably, as one moves closer to the rear boundary, the width of the garden becomes narrower. This is demonstrated by the red line boundary shown on the Ordnance Survey plan provided with this application.

The submitted drawings show that the garage would be constructed on the concrete slab that has recently been laid at the property. The rear elevation of the garage (facing the back of the house) would measure 4.5m in width whereas the front of the garage would measure 3m wide. The western side elevation of the garage would lie parallel to the side wall of the neighbour's garage. However, due to the irregular boundary of the garden, the eastern elevation of the garage would be angled with the elevation following a straight line for some 5m before returning back to the front of the garage at a 40 degree angle. The Council's records indicate that the side lane previously had a minimum carriageway width of 4m and this coincides with the applicant's Ordnance Survey Plan. The layout plan submitted with the application differs from this and indicates a minimum carriageway width of 3.620m. It is considered that the width of the carriageway is incorrectly shown on the submitted drawings.

As a result of this development, the width of a section of this lane would be reduced by approximately 400mm. This would give the lane in this area a minimum carriageway width of 3.6m. While this figure may not appear substantial itself, the highway leading to the rear of Wern Street is restricted, firstly by its width, and



secondly by the geometry/curve of the lane. Any narrowing of the lane would restrict the free movement of traffic and the ability of drivers to safely negotiate the lane. This is the concern that has been raised by the objector and the Council's Engineering and Traffic Group Leader. For this reason, the Engineering and Traffic Group Leader has objected to the application on highway safety grounds. Members should be aware that Officers have attempted to negotiate an amended scheme with the applicant, one that would involve re-siting the proposed garage, so that its impact would be acceptable to all parties involved. However, the applicant has requested that the Council determine the application based on the drawings submitted on the 2<sup>nd</sup> May 2019. On this basis, the development of the proposed garage would lead to the unacceptable narrowing of the adopted carriageway, to the detriment of highway and pedestrian safety. As such, the proposal fails to accord with Policy BW12 of the LDP.

#### Other matters

The concern raised in relation to the management of surface water run-off onto the highway has been acknowledged. However, this matter alone would not warrant the refusal of planning permission and details of surface water drainage could be requested by a suitably worded condition.

#### Conclusion

While the development would have an acceptable impact on the character and appearance of the area and residential amenity, there is significant concern that the proposal would encroach on the adopted highway and this would result in the narrowing of the access lane, to the detriment of the free flow of traffic.

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 REFUSED for the following REASON**

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1. The proposal, by virtue of its siting and encroachment on the access lane to the east of 1 Wern Street, would reduce the width of the carriageway to the detriment of the flow of traffic and highway and pedestrian safety. As such, the proposal is not in accordance with Policy BW12 of the Merthyr Tydfil Local Development Plan.

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