

**FOR INFORMATION – APPEAL DECISION**

<b>DATE WRITTEN</b>	15 <sup>th</sup> November 2018
<b>REPORT AUTHOR</b>	Judith Jones
<b>CASE OFFICER</b>	Rebecca Owens
<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	28 <sup>th</sup> November 2018

**Application No.**  
P/17/0358

**Date**  
08.12.2017

**Determining Authority**  
MTCBC

**Proposed Development**

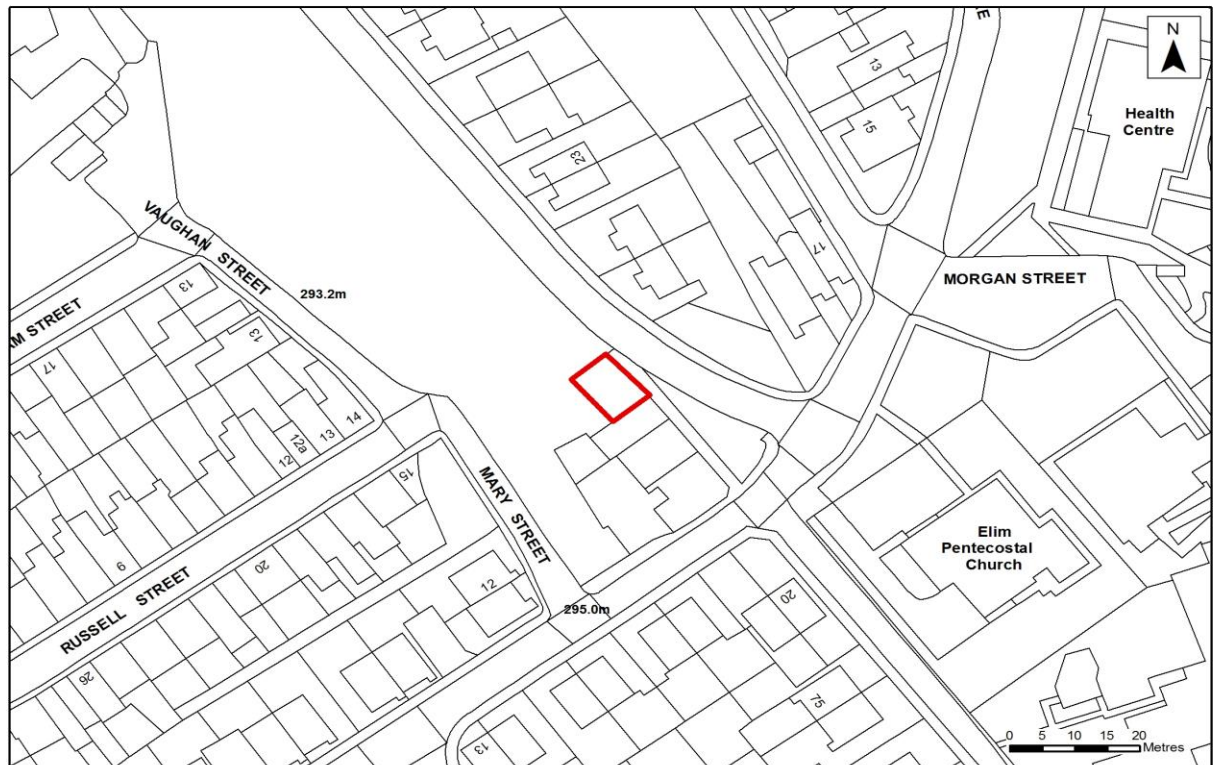
**Location**

**Name & Address of Applicant/Agent**

Erection of a block of 3 No. garages

Parcel Of Land Adjacent To The Former Carmarthen Arms Walter Street Dowlais Merthyr Tydfil

Rental Mental Ltd  
C/o Drawing And Surveying Services  
3 Thornbury Close  
Clwydyfagwr  
Merthyr Tydfil  
CF48 1HP



**TYPE OF APPEAL:**  
**APPEAL REFERENCE NO.:**  
**DATE DECISION RECEIVED:**  
**DECISION:**

AGAINST REFUSAL  
APP/U6925/A/18/3207494  
13<sup>th</sup> November 2018  
ALLOWED



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## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 29/10/18

**gan Paul Selby BEng (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.11.2018

## **Appeal Decision**

Site visit made on 29/10/18

**by Paul Selby BEng (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 13.11.2018

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**Appeal Ref: APP/U6925/A/18/3207494**

**Site address: Parcel of land adjacent to the former Carmarthen Arms, Walters Street, Dowlais, Merthyr Tydfil**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Craig Evans against the decision of Merthyr Tydfil County Borough Council.
  - The application Ref P/17/0358, dated 7 December 2017, was refused by notice dated 5 February 2018.
  - The development proposed is Erection of a block of 3 No. garages.
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### **Decision**

1. The appeal is allowed and planning permission is granted for Erection of a block of 3 No. garages at Parcel of land adjacent to the former Carmarthen Arms, Walters Street, Dowlais, Merthyr Tydfil, in accordance with the terms of the application, Ref P/17/0358, dated 7 December 2017, subject to the conditions set out in the schedule to this decision letter.

### **Procedural Matter**

2. Notwithstanding the description of development given on the application form, I have used that included on the Council's Decision Notice, which is more accurate.

### **Main Issue**

3. This is the effect of the proposal on the character and appearance of the area.

### **Reasons**

4. The appeal site is located within a predominantly residential area of mixed character. The area's pockets of older built form are typified by terraced dwellings, many of which have been modified or feature ancillary structures. These are interspersed with modern infill development, typically in the form of modest semi-detached or terraced dwellings. Amenity space and open plots are also features of the prevailing townscape.
  5. Walters Street is no exception to this varied character. A modest terrace, now in primarily residential use, lies immediately south of the appeal site. To the north is an
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area of amenity grassland which affords open views to the west. Opposite the site are modern dwellings of suburban form and appearance. As a consequence of these varied elements there is little discernible rhythm or pattern of built form on Walters Street.

6. The appeal site is of unkempt appearance, with evidence of some fly tipping. A moderate amount of foliage obscures views across the site. Despite an absence of built form, it appears materially different to the tended grassland adjacent. The proposed garages would alter the site's character, but they would be well set back from the adjacent terrace and would not harmfully enclose the street. Although their mono-pitched form and galvanised steel doors would lend the garages a utilitarian appearance, their position relative to the adjacent terrace's front elevation would reduce their prominence in nearby views. Their width and height would not harmfully encroach onto the adjacent grassland or markedly reduce westerly views currently available from the street.
7. Whilst there are currently no garages on Walters Street, in the immediate vicinity I saw other examples of garages of functional appearance associated with older properties, including on nearby Vaughan Street. As the appeal scheme would be situated adjacent to a pocket of older built form, it would not harmfully conflict with the area's innate character or be perceived as harmfully incongruous when viewed from nearby vantage points. Whilst the garages' blank rear wall would be visible from Mary Street, it would not appear prominent as it would be located some distance from the street, and would form part of a mixed streetscape of blank flank walls, retaining walls and rear extensions of functional appearance.
8. For the above reasons I conclude that the proposal would not harm the character and appearance of the area. It would thus accord with the design objectives of policy BW7 of the Merthyr Tydfil Local Development Plan.

### **Other Matters**

9. Although nearby residents have raised concerns about the effect of the proposal on highway and pedestrian safety, no specific objections have been raised by the Council in relation to this. Given the likely limited number of vehicle movements generated by the garages and the absence of any notable, permanent visual obstructions in the vicinity of the appeal site, I am satisfied that the proposal is acceptable in this regard, subject to a condition to implement the vehicular access as per the approved drawing.
10. Subject to a condition limiting the use of the garages to purposes ancillary and incidental to domestic residential use, the proposal would not result in a harmful level of noise and disturbance. Irrespective of any conditions attached to a previous planning permission, the position of the garages abutting the neighbouring terrace would not harmfully overbear on neighbouring occupants or be otherwise unacceptable in planning terms. Other matters raised relating to views from private homes and the effect of the proposal on private utilities are not relevant planning considerations and I am unable to afford them any weight.
11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision accords with the Act's sustainable development principle through its contribution towards supporting safe, cohesive and resilient communities.

### **Conditions**

12. The Council has suggested a number of conditions. Those that I consider necessary are set out in the schedule to this decision letter, adjusted where appropriate to

accord with the advice of Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'.

### **Conclusion**

13. For the reasons given above I conclude that the appeal should be allowed.

*Paul Selby*

INSPECTOR

### **SCHEDULE OF 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 approved document entitled 'Proposed Plans, Section & Elevations' (December 2017).  
Reason: In the interests of proper planning.
- 3) No development shall take place, or any groundworks or site clearance, until details of a scheme for the eradication of Japanese Knotweed (*Fallonica japonica*, *Rouse decraene*, *Polygonum cuspidatum*) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme.  
Reason: To ensure compliance with the Wildlife and Countryside Act 1981 given the presence of Japanese Knotweed on the site.
- 4) The garages hereby approved shall not be brought into beneficial use until the bollard indicated on the approved drawing 'Proposed Plans, Section & Elevations' is installed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. This shall be retained in perpetuity.  
Reason: In the interests of highway and pedestrian safety.
- 5) The garages hereby approved shall not be brought into beneficial use until the hardstanding/turning area, indicated on the approved drawing 'Proposed Plans, Section & Elevations', has been provided.  
Reason: In the interests of highway and pedestrian safety.
- 6) The garages hereby approved shall be used as garages for purposes ancillary and incidental to domestic residential use and at no time shall they be used for any commercial or business use.  
Reason: To clearly define the scope of this planning permission in the interests of highway safety and residential amenity.







