

Councillor A. Barry has requested that this application be reported to Committee in order to consider the concerns of local residents, in particular parking, anti-social behaviour and whether such a use would be acceptable in this area.

APPLICATION SITE

The application site relates to an end of terrace property, 26 Courtland Terrace, located near the town centre. The dwelling, which is two-storey at the front and three storey at the rear (given that the site slopes down significantly from the east to the west), appears to have been extended by means of a three storey rear addition. A side gate provides access to the rear of the property. This gate is attached to a double garage (the garage does not form part of the application site) located to the north of the site. The property is subdivided into a two bedroom flat at lower ground floor level and a four bedroom property at ground and first floor levels (which includes a bedroom in the attic). The two bedroom flat is accessed via the side access and down steps to a door located at the rear of the property. The four bedroom property is accessed via a courtyard/garden to the main front entrance.

The property lies in a predominantly residential area with some commercial uses. The property itself adjoins a terraced property to the south, 25 Courtland Terrace, and a plot of land to the north. This plot primarily comprises a double garage and grassed area. Union Street is to the east and a narrow pedestrian lane to the west.

The application site lies within the settlement boundary – Primary Growth Area and Thomastown Conservation Area, as designated by the Merthyr Tydfil Replacement Local Development (LDP) 2016-2031.

PROPOSED DEVELOPMENT

This application seeks planning permission to convert the existing four bedroom dwelling into two self-contained flats. It also proposes external alterations to the front and rear of the property which include new windows, roof lights and balcony areas. A parking area is also proposed to replace the courtyard/garden to the front of the property. A bin storage area would be provided to the northern boundary of the parking area.

The proposed ground floor flat (one bedroom) would be accessed via a communal hallway from the main front entrance. It would be served by a bedroom, kitchen, living/dining area and a bathroom. The proposed first floor flat (two bedroom) would also be accessed from the front entrance via the communal hallway. It would be served by a bedroom, kitchen, living/dining area, WC and a bathroom at first floor and a second bedroom within the attic space.

The external alterations would include the erection of two rear balcony areas. One of the balconies would serve the ground floor flat and the other the first floor flat. The rear ground and first floor central windows would be removed and replaced with patio doors (UPVc) which would provide access to each balcony. Each of the balcony areas, measuring 5 metres wide and 1.5 metres deep, would be constructed with a galvanised steel frame, timber floors and would be enclosed to the front by a 1.1 metre high glass balustrade. A glazed privacy screen, measuring 1.7 metres in height, would be provided to the north western side of the balconies. The first floor large window opening, on the northern side of the rear elevation, would be replaced with a new window (UPVc). The first floor large window, on the southern side of the

rear elevation, would be replaced with a smaller window (UVPc). Three new roof lights would be inserted in the roof. One roof light would be centrally located on the front roof profile and two roof lights would be located on the rear roof profile. At the front of the property the parking area would be covered in grey pavements. The existing wall and central pier, as well as the metal gates, would be removed to provide a wider access for two car parking spaces.

In respect of the existing two bedroom flat at lower ground level, this would be reconfigured internally, but would remain as a two bedroom flat. Thus, these works would not require planning permission. However, the window and door of the flat would be altered. The window would be replaced with a smaller window (UPVc) and the rear door relocated.

PLANNING HISTORY

The following planning history is relevant to this application site:

P/10/0345 – Erect new retaining wall along rear boundaries of 25 and 26 Courtland Terrace
– Approved: 12th January 2011

CONSULTATION

Engineering and Traffic Group Leader	No objection.
Planning Division Policy Group Leader	No objection.
Environmental Health Manager	No objection.
Welsh Water	No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) Order (Wales) 2012, letters were sent to neighbouring properties. As a result of this publicity exercise, four letters of objection have been received. The concerns raised in the letters have been summarised below:

- A conservation area is an area of special architectural character and interest which the Council has identified worthy of protection and there are too many properties in the area that have already been turned into flats, along Church Street and Courtland Terrace.
- Flats have contributed to anti-social behaviour in the area with frequent Police presence. They are a continuous source of aggravation to neighbours, with noisy and disruptive residents.
- We have lived in the area for over 20 years and have sympathetically improved our properties. Allowing more flats in the street will devalue our property and undermine the conservation area.
- Littering/fly tipping from the current flats onto the street, or not correctly putting out waste, has led to the Council not collecting rubbish and has caused a lot of infestation in the area.
- Parking in the area has always been an issue and the proposed flats would add to this problem. The street has double yellow lines and only a small section for residential

parking. However this is not policed and there are cars parked illegally on a daily basis, not leaving enough space for residents, or the staff and patients of the dental surgery. Even with the use of the garage and driveway for two vehicles, this would not be sufficient to cater for a further two properties. It is only a matter of time until there is an accident or incident and the emergency services unable to attend due to the heavily congested street. Having flats or a HMO in the area would only make this situation worse.

- It mentioned in the notice that the proposal was for a 1 bedroom flat and a 2 bedroom flat, however, having inspected the plans online, it would have a total of 5 bedrooms with amenities on all floors, which indicates that this is planning to be a HMO.
- The proposed balconies would overlook my family whilst we are in our gardens which would constitute a great loss of privacy for us.
- Many families live in this residential area and it is rumoured that the flats will house ex-offenders and be used as a half-way house. This would cause my son, who is vulnerable, great distress and anxiety.
- We welcome the restoration of the Synagogue and believe that this area should be improved as far as possible. There are many empty buildings across Merthyr Borough adequate for conversion to provide social housing.
- There is grave concerns regarding the lack of communication from the planning department about the application.
- The street cannot accommodate any further houses of multiple occupancy. It already has four large properties that have been converted into flats and HMO properties to house ex-offenders, homeless and substance abusers. It also has a bed and breakfast facility and an extremely busy dentist, all within a small section of the street. Allowing more flats would not be acceptable and add to the existing problems we suffer with parking, rubbish/fly tipping and public disorder.

POLICY CONTEXT

National Planning Policies

Planning Policy Wales (edition 10, December 2018)

Paragraph 2.2 refers to place making and states that *'...the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all...'*

Paragraph 3.12 discusses movement and states that *'...Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate...'*

Paragraphs 6.1.5, 6.1.7 and 6.1.8 refers to the historic environment and states that *'...the planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-*

being of present and future generations. The historic environment can only be maintained as a resource for future generations if the individual historic assets are protected and conserved...It is important that the planning system looks to protect, conserve and enhance the significance of historic assets.

Local Planning Policies

The following policies within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016 – 2031 are relevant to the determination of this application:

- Policy SW1: Provision of New Homes.
- Policy SW4: Settlement Boundaries.
- Policy SW9: Planning Obligations.
- Policy SW11: Sustainable Design and Placemaking.
- Policy CW1: Historic Environment.
- Policy EnW1: Nature Conservation and Ecosystem Resilience
- Policy EnW4: Environmental Protection.

Other Guidance:

Thomastown Town Conservation Area Appraisal (July 2014)

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposal would be acceptable in principle in this location, as well as in respect of its impact on the character and appearance of the existing property and conservation area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The existing property lies within the settlement boundary and the proposed conversion of a dwelling into two flats would therefore be in accordance with LDP Policy SW4, since new development in this location is acceptable in principle, provided it complies with other relevant policies.

Character and Appearance

The external alterations to the dwelling are mainly proposed to the rear. The balconies would be finished with a galvanised steel frame and glass balustrade enclosures. The use of glazing and minimal steel frames significantly reduces the visual impact of these additions and thus they would not dominate the rear of the property. They would therefore result in modern but acceptable additions. The replacement windows and doors would match those already present on the property. Likewise, the addition of three roof lights, one to the front and two to the rear would be acceptable. Indeed, the use of roof lights in the front and rear roof profiles is evident in the street and as such would not be inappropriate in the conservation area.

The existing front wall and central pier are to be removed, to allow for the provision of on-site parking. Along this side of Courtland Terrace there are a variety of front boundary enclosures/treatments which also include garages (some of which form part of the front

elevation of modern properties). Indeed, the double garage adjacent to the application site is particularly prominent and is visually detrimental to the appearance of the street scene. Therefore the character and appearance of the street is varied. As such, the removal of a small section of wall and a stone pier would not harm the character or appearance of the conservation area. In addition, the natural stone piers either side of the wall and gates would remain in place and would continue to frame the entrance into the property.

The use of the property as flats would also preserve the character and appearance of conservation area. The external appearance of the property would still be viewed as a dwelling and its residential use would continue to complement the character of the area.

The use of the property and proposed alterations are therefore considered acceptable and would not detract from the character or appearance of the property or the conservation area. As such the proposal accords with LDP Policies CW1 and SW11.

Residential Amenity

The proposal would not have any significantly greater impact on neighbouring residents, in terms of an overbearing form of development or overlooking, than that which currently exists. Whilst new windows and patio doors, are proposed to serve the flat, these would be installed in existing openings and would therefore be replacing existing windows. Indeed, some of the large windows would be replaced with smaller windows and as such, would provide less opportunity for overlooking. It is appreciated that new balcony areas would be provided and objection letters have raised concerns in this respect. These would only measure 5 metres wide and 1.5 metres deep and as such, would not project out significantly from the rear wall of the property. They would also be largely screened from neighbouring properties to the south, since the existing rear projection extends 4.3 metres from the rear elevation of the property. Whilst the balcony areas would also be sited adjacent to the adjoining plot to the north, it should be noted that this plot only comprises a double garage. However, given the relationship with this neighbouring site, a 1.7 metre high obscure glazed screen, is proposed to the north-western corner of the ground and first floor balcony areas to prevent any overlooking to this neighbouring site (in the event that it is subject to any development in the future). With regards to the neighbouring properties located to the rear, the site slopes significantly downwards and at an angle that would make any overlooking into these properties very difficult, particularly since there are very high retaining walls which have been constructed to the rear of this property and others along this lane. Indeed, any overlooking would not be significantly greater than that which exists at present.

The proposed flats should not result in a development which would cause significant noise or disturbance to neighbouring residents above that which could occur from the existing use of the property. It should be noted that only one additional residential unit is proposed and, in total, the number of bedrooms serving the proposed flats would be three i.e. one bedroom less than the four bedroom property they would replace. As such, the potential for noise and disturbance would be very similar to the existing four bedroom property. Whilst the objections refer to a House of Multiple Occupation (HMO), this proposal would not result in a HMO (Use Class C4). If permitted, the proposal would result in 2 flats falling within Use Class C3 (this has been confirmed by the applicant). The objections raised in respect of noise and disturbance and anti-social behaviour are noted, however, the Police and/or Environmental Health have the responsibility for dealing with such matters. It should also be noted that the Environmental Health Manager has not raised any objection to the proposal. Thus, it is

considered that the proposal would not have a significant adverse impact on the amenities of nearby occupiers and would therefore comply with LDP Policy SW11.

Ecology

Given evidence of protected species within the vicinity of the site, the Council's Ecologist requested that a Preliminary Ecological Assessment (PEA) be submitted in support of the application. A PEA and plans indicating the provision of bat and bird boxes were submitted and considered by the Council's Ecologist. He raised no objections to the proposal providing the development was carried out in accordance with the report and plans. This requirement could be secured by recommended condition 2 if permission is granted. As such, the proposed development complies with LDP Policy EnW1.

Parking and Highway Safety

The proposed two flats would be served by two on-site parking spaces within the front courtyard. There would therefore appear to be a benefit in providing off-street parking for the property which currently does not exist. In addition, the site lies in a highly sustainable location, being located within walking distance of shops and services. It is also located in close proximity to the bus station and railway station. As such, the provision of two on-site car parking spaces to serve the proposed flats would be considered an improvement to the current parking situation on-site and has not raised any significant concerns. The Engineering and Traffic Group Leader has therefore not objected to the application and the proposal would be in accordance with LDP Policy SW11.

Responses to Representations

Some of the concerns raised by local residents have been considered above. Other objections raised are addressed below:

- Litter, fly-tipping and infestation are not planning matters, however, it should be noted that a bin storage area is proposed to the front of the property.
- The illegal parking of cars in the street (i.e. on double yellow lines or within resident only spaces) is not a planning matter;
- The occupiers of the flats would not be a planning consideration;
- The loss of value of neighbouring properties is not a material planning consideration;
- In terms of the publicity exercise undertaken, two site notices were erected near the site and adjoining occupiers were consulted by letter. Thus, the local planning authority has complied with the relevant legislation.

Conclusion

This application has been carefully assessed and whilst the concerns of residents are fully appreciated, for the reasons stated above, it is considered that the proposal complies with the relevant LDP policies and as such is acceptable.

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 this respect, it is noted that the Council's Local Development Plan puts sustainability at its core. Delivering a mix of quality housing through

the re-use of vacant buildings or brownfield land, within existing settlements, is key. The ways of working set out at section 5 of the WCFG 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 WCFG 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:

- Drawing no: LT2004.04.02, Rev: E, received: 30th October 2020;
- Ecological Services Ltd, Bat Survey: 26 Courtland Terrace, Merthyr Tydfil, received: 29th October 2020;

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

3. **No development shall take place** until details of the construction of the front car park and bin storage area, shown on Drawing no: LT2004.04.02, Rev: E, received: 30th October 2020, to include details of the disposal of surface water, have been submitted to and approved in writing by the local planning authority. The car parking area and bin storage area shall be completed in accordance with the approved details prior to the occupation of the flats and shall remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety, to prevent the discharge of surface water onto the public highway and in the interest of visual amenity, in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **Before the rear balcony areas hereby permitted are brought into use** a 1.7 metre high frosted glass privacy screen shall be fitted to the north western corner of the balcony area at ground floor and at first floor (as shown on Drawing no: LT2004.04.02, Rev: E, received: 30th October 2020), details of which shall first be submitted to and agreed in writing by the local planning authority. Each of the glazed privacy screens shall be permanently retained in that condition thereafter.

Reason - In the interest of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The developer is advised to contact the County Borough Council's Head of Engineering regarding any retaining works or other works affecting the highway **BEFORE** construction works commence.