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COMMITTEE	Planning and Regulatory
COMMITTEE DATE	7th July 2021

Application No.
P/21/0130

Date
2nd June 2021

Determining Authority
MTCBC

Proposed Development

Location

Name & Address of Applicant/Agent

First floor rear extension

6 Bishops Grove
Penydarren
Merthyr Tydfil
CF47 9LJ

Mr & Mrs Rob & Beth Jones
c/o Mr Paul Thomas
5 Amberton Place
Penydarren
Merthyr Tydfil
CF47 9HX



This application is being reported to Committee because one of the applicant's is an officer of the Council who provides consultee responses to planning applications.

APPLICATION SITE

The application site relates to a two-storey, semi-detached dwelling located within the residential area of Penydarren. The property forms part of a street scene with other similar semi-detached properties, some of which have been extended to the side and rear. The property is orientated to face a north-easterly direction onto the street. It has a small open garden to the front with a couple of steps leading down to the front door. To the side of the property there is a driveway providing off-road parking for two vehicles. At the rear there is a single storey extension and a small enclosed garden area.

The property is bound by neighbouring properties on both sides and the rear gardens of other dwellings to the rear. The topography of the area means that the garden levels between the houses vary. Notably, the application property is at a higher level to number 7 Bishops Grove to the west. There is also a step in floor level between the application property and the adjoining semi-detached dwelling to the east, number 5 Bishops Grove. It should also be noted that the application property is also at a higher level than the neighbouring gardens to the rear.

PROPOSED DEVELOPMENT

This application seeks planning permission to construct a first floor extension above an existing single storey extension. The proposed first floor addition would provide a new bedroom to the rear of the property and allow for the provision of a dressing room and an en-suite bathroom. It would measure 4.8m in width by 3.35m in depth and would be finished in materials to match the existing property. Its pitched roof would have a maximum height of 7.7m from ground level. The extension would be served by two rear facing windows each measuring 1.4m wide and 1m in height. In addition, the plans detail the siting of three skylight windows within the roof plane of the existing dwelling. These windows would serve a main bathroom, dressing room and the en-suite bathroom.

PLANNING HISTORY

The recent planning history relating to the property is as follows:

P/08/0103	-	Erection of single storey rear extension Certificate of Lawful Development Approved 07.03.2008
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CONSULTATION

None undertaken with this type of application.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties.

As a result of this publicity exercise, one letter of objection has been received from the resident of 7 Bishops Grove (to the west) raising concern that the proposal would have an overbearing, overshadowing and overlooking impact on the neighbouring property.

In particular, the writer highlights the following points/concerns:

- The two properties (the application dwelling and 7 Bishops Grove) have been constructed at an angle and are within close proximity to each other, on small plots. The writer explains that any extension from either property would be an intrusion on the other but this is exacerbated by the fact that the application property is at a higher level to the objector's property.
- The writer raises concern that the existing single storey extension already has an overshadowing impact on 7 Bishops Grove and the development of a first floor extension would substantially overshadow the neighbour's property and would significantly increase the loss of natural light/sunlight.
- It is pointed out that the extension includes the siting of two, very large clear glass windows which would further impact on the levels of privacy currently enjoyed by the neighbour.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Paragraphs 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.

Paragraph 3.9 refers to character and states that '*...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...*'

Paragraph 3.14 refers to context appraisal and states that these *'...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...'*

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is 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.

Paragraph 4.16 and 4.17 state that *'...achieving good design is the responsibility of all those involved in the design process...who should consider how each aspect of the design process meets the objectives of good design and responds to local context...'*

Local Policy

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

Policy SW4: Settlement Boundaries;

Policy SW11: Sustainable Design and Placemaking;

Policy SW11 is the main primary consideration and points 1 to 3 are particularly relevant and state that new development should *'...be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density; integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape; and, not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design...'*

- Supplementary Planning Guidance (SPG's)

SPG 6 – Householder Design

It is noted in the SPG that *'...any extension or alteration to your property should be sympathetic to its surroundings in terms of its scale, siting and appearance, to ensure it complements neighbouring properties and the wider street scene...'*

'...the size, shape and siting of an extension to your house must be of an appropriate height and form that is in keeping and subservient to the existing building and its setting...'

In the case of two-storey rear extensions, the SPG states that appropriate separation distances should be maintainable between habitable rooms. Additionally, when considering separating distances between properties, it highlights that *'the topography of the site and the orientation of the dwelling in relation to neighbouring properties are also important factors...'*

PLANNING CONSIDERATIONS

The dwelling is located within an established residential area in the settlement boundary, as such the principle of extending the property is acceptable subject to compliance with relevant policies and material planning considerations. Therefore, the key issues to consider under the assessment of this application relate to whether the proposed first floor extension would amount to an acceptable form of development with regard to the impact of the development upon the residential amenities of those living nearby. The impact of the extension on the character and appearance of the dwelling is also an important consideration.

Impact on character and appearance of the existing property and the surrounding area

In terms of visual impact, the proposed first floor extension would extend to almost the full width of the dwelling, however it would be located to the rear of the property. As such, it would not be visible from the front street scene and would therefore not have a dominant or adverse impact on the appearance of the dwelling when viewed from within Bishops Grove. The design and scale of the extension is also acceptable with the external walls being finished with matching brick and the roof being pitched to match the form of the existing dwelling. As such, in this regard, the proposal is in accordance with Policy SW11 of the LDP.

Residential Amenity

The greatest impact from the proposed development, in terms of overlooking, overbearing and loss of light impacts would be to the properties located to the east, west and south, namely numbers 5, 7 and 3 Bishops Grove.

The first floor extension would extend to almost the full width of the rear of the property and would be constructed between 5 Bishops Grove, the adjoining semi-detached dwelling located to the east and 7 Bishops Grove, located to the west. It would have a maximum height of 7.7m and a depth of 3.35m. It would be set in from the dividing boundary with number 5 Bishops Grove (adjoining semi-detached dwelling) by 300mm.

Due to the proposed increase in height, the proposed first floor extension would result in some loss of light to 5 Bishops Grove. However, as this neighbouring property has a southerly facing aspect and its rear facing window is set in from the dividing boundary, the level of overshadowing experienced as a result of the extension would be limited and would not be significantly harmful. Furthermore, due to its scale and its positioning in relation to the neighbouring first floor window, the extension would not have any significant overbearing impact on this property. In terms of overlooking, no side facing windows are proposed within the extension and the potential for increased overlooking of the rear garden of 5 Bishops Grove is limited, as such, no harm would be caused.

Whilst the extension would be detached from dwelling to the west, 7 Bishops Grove, due to the angles, the height differences and close relationship between the two properties, the extension would have a significant impact on this property. It is noted that a gap of approximately 1.6m would be maintained between the proposed extension and the boundary fence. However, as the extension is elevated above the neighbour's garden, the presence of a two-storey brick wall so close to the boundary would result in a visually dominant feature. This overbearing impact is exacerbated by the small size of the plots and the proximity of the dwellings to one another. There is additional concern that the bedroom window located

closest to the western boundary would allow for direct and intrusive views into the neighbours garden. At present, while the two properties are sited in close proximity to one another, the privacy of 7 Bishops Grove is maintained by the siting of an obscure bathroom window next to the common boundary. However, as a result of the development, this window would be replaced with a larger, clear glass bedroom window which would allow views towards 7 Bishops Grove, thus reducing the levels of privacy currently enjoyed by the occupiers of this neighbouring property. While the neighbours other concern regarding the loss of light/sunlight is also acknowledged, the orientation is such that the proposed extension would have a limited effect on sunlight reaching number 7. However, having regard to the close proximity and siting of the extension in relation to number 7, the development would result in an overbearing and intrusive form of development, which is contrary to Policy SW11 of the LDP.

The impact of the development to the neighbouring property situated along the southern rear boundary (3 Bishops Grove) has also been assessed. While it is noted that no letters of objection have been received from the occupiers of this property, there is concern that the rear garden of this property would experience a greater and more intrusive level of overlooking as a result of the extension being sited closer to the rear boundary. Thus, the relationship between the proposed extension and this neighbouring dwelling would also be unacceptable and would not accord with Policy SW11.

Parking and Highway Safety

Having considered the on-site parking provision available to the side of the dwelling, the proposed development would not give rise to any significant highway safety issues. As such, in this respect, the proposal would comply with Policy SW11.

Conclusion

Whilst the development would not have a detrimental impact on the character and appearance of the existing dwelling, the extension, due to its increased height and proximity to neighbouring properties, would have a harmful overlooking and overbearing impact resulting in a loss of residential amenity. As such, the proposal is contrary to Policy SW11 of the LDP.

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 REASONS

1. The proposed development by virtue of its design, siting, mass and height would result in a harmful overlooking and overbearing impact upon the property to the west known as 7 Bishops Grove. This is contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
2. The proposed extension by virtue of its siting and design would result in a harmful overlooking impact to the property to the south known as 3 Bishops Grove. This is contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.