

<b>DATE WRITTEN</b>	10th October 2022
<b>REPORT AUTHOR</b>	Judith Jones
<b>CASE OFFICER</b>	Caroline Pulley
<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	19th October 2022

**Application No.**  
P/22/0029

**Date**  
11th February 2022

**Determining Authority**  
MTCBC

**Proposed Development**

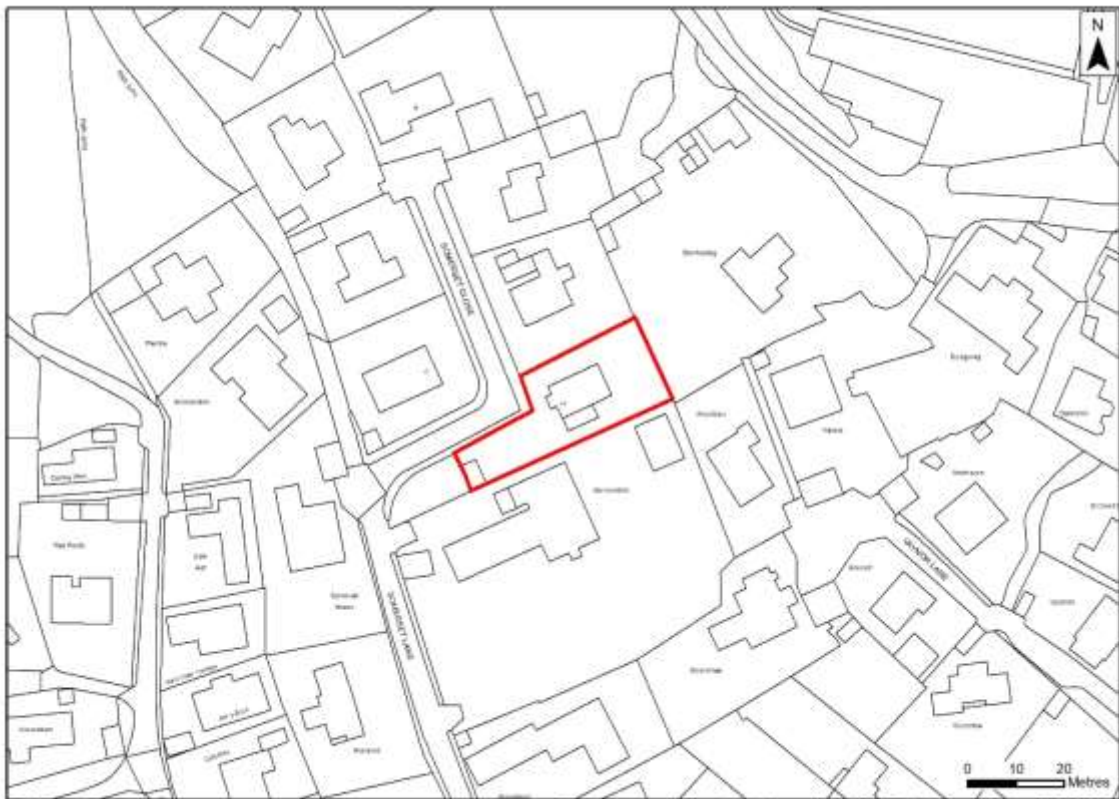
**Location**

**Name & Address of Applicant/Agent**

Proposed side extension and new roof with dormers

7 Somerset Close  
Cefn Coed  
Merthyr Tydfil  
CF48 2NY

Mr Liam Sullivan  
c/o George And Co  
1st Floor Woodfired Studios  
62 High Street  
Merthyr Tydfil  
CF47 8DE



Councillor Tovey has requested this application be reported to committee in order to consider the impact of the proposed development on the amenities of the neighbouring properties. Councillor Tovey considers the proposal would only overlook a car parking area and not any windows. As such, he does not 'think that the visual impact on the neighbouring property would be huge'.

## APPLICATION SITE

Number 7 Somerset Close is a gable fronted bungalow situated in the residential area of Cefn Coed. The property is located within a small cul-de-sac off Somerset Lane. It is bound by a bungalow (of similar scale and design) to the north-west (6 Somerset Close) and a large, detached dwelling (Bryncerddin) to the south. Its rear garden abuts the garden of a detached dwelling known as Brynheulog.

The property has an orange brick finish, a concrete tiled roof and a garage positioned along its south facing side wall. When viewed from the highway to the west, the front of the house is comparable to the level of the road. However, the levels to the south of the property fall away and as a result, the property's driveway and garage are below the floor level of the main house. Also, due to the topography of the street, the houses and their land all step down. This means that 6 Somerset Close is at a higher level than 7 Somerset Close (the application property), which in turn is higher than Bryncerddin to the south.

The position of the application property is such that the southern side elevation faces onto the side garden area of Bryncerddin where there is a tarmac area and a large detached garage set at a lower level. The boundary between this neighbouring property and the application dwelling is currently defined by a stone wall, above which is a hedgerow. The rear garden is enclosed on the application property's side by post and rail fencing and a hedge but there are a number of tall conifer trees on the inside boundary of the neighbouring property (Brynheulog).

## PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a side extension and increased roof height with the introduction of front and rear dormer windows.

The existing bungalow measures 7.2m wide, 11.4m in depth and 4.1m in height to the ridge of its roof (when measured from the front elevation). Attached to its south facing side elevation is a garage measuring 3.2m wide, 7.1m long with a maximum height of 2.3m. The proposed development seeks to replace the side garage with a side extension and raise the height of the dwelling's roof to allow first floor accommodation to be provided in the roof space. As a result of these changes, the footprint of the property would be increased to 11.4m in width. The gap between the extended property and the dividing boundary with Bryncerddin to the south would be reduced by a metre (leaving a difference of 1.2m between the two properties). The roof of the property would also be removed and replaced and raised in height above the existing property and the new extension. The new roof would have a maximum height of 8.1m from the lowest ground level to the south, representing an increase in height of 2.8m when compared to the existing roof. It is important to note that the new roof would be orientated in the opposite direction so that the gable ends would face a northerly and

southerly direction (i.e. towards 6 Somerset Close and Bryncerddin). Currently, the gable faces onto the road and the roof slopes from each side of the bungalow.

The front elevation of the extended property would feature two dormer windows and two skylight windows in the roof space. The two dormers would each measure 2.65m wide, 3.3m deep and 2.3m in height above the roof slope and would be finished in timber cladding. On the ground floor, a single window and a doorway featuring a 2.4m high canopy would be provided. The rear elevation would comprise two dormer windows finished in timber cladding. The larger of the two dormers would measure 6m wide, 3.3m deep and 2.3m in height. The smaller dormer would measure 2.65m wide, 3.3m deep and 2.3m in height. On the ground floor, the rear elevation would contain two narrow full height windows and a bi-fold door. The south facing side elevation formed by the extension would contain three windows (two at ground floor serving a garden room and a landing window at first floor). The windows in the northern side elevation would remain unchanged. Internally, the dwelling would be reconfigured to provide an open plan living room/kitchen, utility room, bathroom and a garden room on the ground floor with four bedrooms (one with an en-suite) and a bathroom being provided in the newly formed roof space.

## PLANNING HISTORY

There is no recent planning history relating to this property.

## 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 and a site notice was displayed within the vicinity of the site.

As a result of the first publicity exercise undertaken on the application, a letter of objection was received from the resident of Bryncerddin to the south. The main concerns and issues are summarised below:

- Impracticability to construct the proposed side extension without the loss of a hedgerow due to its proximity. It is noted that the hedgerow currently provides a natural screen between the properties;
- Future maintenance concern due to the lack of an access path;
- Impact of the development on the neighbour's stone wall;
- Loss of privacy due to overlooking; and
- Visual impact of the development.

Following receipt of amended drawings, a second publicity exercise was carried out with the local residents and as a result a further letter of objection has been received from the owner of Bryncerddin. The main concerns raised in addition to the above points are summarised below:

- The proposal due to its design, scale and location would have an unacceptable detrimental visual overbearing impact on Bryncerddin.
- The plans illustrate that the new footprint would extend beyond the existing garage and therefore closer to the neighbour's house and immediately next to the hedgerow. The extension would cause extensive and possibly irreparable damage to the hedge.
- The addition of a first floor would result in a substantial increase in ridge height which would normally be unacceptable under planning policy.
- It is noted that the architect has failed to indicate on the plans the neighbour's lounge and kitchen windows and the main entrance door to Bryncerddin.
- Proposal would create stability issues on the boundary.

## 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:

Sections 3.3 – 3.16 set 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 EnW1: Nature Conservation and Ecosystem Resilience

Policy EnW3: Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

LDP 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 – A Design Guide for Householder Development

It is noted in SPG 6 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...'*

Also, it highlights *'When considering the best location for an extension (including conservatories, there are likely to be a number of factors to consider, such as the space available around your property, the potential impacts on neighbours, as well as its prominence and appearance of the extension within the street scene.'*

More specifically with regards to roof alterations and loft conversions, SPG 6 states that where it is necessary to increase the height of a roof, this can significantly affect the character and properties of the dwelling, as well as its rhythm and form in relation to neighbouring properties. The SPG also notes that careful consideration should be given to the siting and design of dormer windows to ensure that they are a sympathetic addition to the dwelling, particularly in terms of their size, roof style, fenestration and materials. It confirms that dormer windows should be *'...small, incorporating a pitched roof that reflects the style of the dwelling and be discretely located to the side or rear'*

*of the dwelling. Flat roof dormer windows will often appear too bulky, out of proportion and can make the dwelling appear top heavy...'*

## PLANNING CONSIDERATIONS

The dwelling is located within an established residential area in the settlement boundary and as such, the principle of extending the property is acceptable subject to the 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 increase to the mass and height of the dwelling in association with the proposed side extension and roof alterations would amount to an acceptable form of development with regard to the impact of the scheme upon the amenities of neighbouring properties and the character and appearance of the dwelling and the wider street scene. The impact of the proposal on parking and highway safety is also a consideration.

### Character and appearance

The proposed roof alterations, increase in the roof height and the introduction of the dormers would enable the number of the bedrooms in the property to increase by providing additional accommodation in the roof space. While it is acknowledged that alterations proposed to the roof and footprint of this dwelling would significantly alter the scale and appearance of the existing property, these works would not have a harmful impact on the character and appearance of the surrounding area. It is acknowledged that the bungalow to the north of the application property is of a very similar scale and design. However, the houses in this area vary in terms of their scale, appearance and overall design. Taking this into account, the proposed extension and alterations to the property's roof would not cause material harm to the character and appearance of the area. Additionally, the scale and overall design of the proposed dormers would be proportionate to, and consistent with, the resulting roof form. Accordingly, the proposal would not cause material harm to the character and appearance of the existing dwelling and surrounding area. Thus, in this respect, the proposed development would be in accordance with Policy SW11 of the LDP and SPG 6 - A Design Guide for Householder Development.

### Impact on the amenities of neighbouring properties

Turning to the impact of the proposal on the residential amenity of the neighbouring properties and the objections that have been received, it is noted that the site is currently occupied by a modest scale bungalow which has a height of only 4.1m when measured from the front of the property. Although it is noted that ground to the south of the property does fall away and the property has been built up on this side, the roof of the dwelling slopes away from the neighbouring properties to the north and south. This combined with the low height and its positioning within the curtilage means that, at present, the property has a limited overbearing and overlooking impact on the adjoining properties.

The boundary between the application property and Bryncerddin to the south is formed by a low hedge, below which is a natural stone retaining wall measuring approximately 2m in height. The applicant's garage is set back a metre from the edge of the hedge

and the dwelling is set back a further 3.3m. This creates a visual break between the properties, thereby limiting any overbearing and overlooking impact of the application property on the neighbouring property Bryncerddin. The proposed side extension extends the full width of the property and would be constructed between the main part of the dwelling and the boundary of Bryncerddin, which is approximately 2m below the level of the application property. When viewed from this neighbouring property, the roof of the extension would have a maximum height of 8.1m (and given the difference in levels an approximate height of 10.1m when measured at the ground level of Bryncerddin) and a depth of 11.4m. It would be set in from the dividing boundary with Bryncerddin by 1m and would be situated tight against the existing hedge which runs along the boundary. As the extension would be positioned to the north, given the sun's path, the level of overshadowing experienced as a result of the extension and new roof would not be significantly harmful to the amenity of the occupiers of Bryncerddin. However, due to the height differences and close relationship between the two properties, the extension would have a significant overbearing and overlooking impact on this property. It is appreciated that the extension would face onto the part of the neighbour's garden which is covered in a hard surface. However, this area forms an important section of the neighbour's private outdoor amenity space and as such, the impact of the development on this area is still an important consideration and the concerns raised by the occupier of this property are material to the determination of this application. The objector specifically notes that this area is well used as the main entrance to Bryncerddin. It is also noted that it is a secluded part of the property which provides much amenity value for the occupiers.

It is acknowledged that a 1m gap would be maintained between the proposed extension and the dividing boundary. However, as the extension is elevated above the neighbour's private amenity area, the presence of an 8.1m high, full width gable wall would result in a visually dominant feature. There is additional concern that the three windows located in the side wall of the extension would give rise to a harmful level of overlooking, which would also be detrimental to the amenities currently enjoyed by the occupiers of the neighbouring property. While it is noted that the first floor landing window could be obscurely glazed and the cills of the ground floor windows have been raised to overcome actual overlooking to Bryncerddin, the presence of such large windows directly adjacent to the common boundary, would create a perceived level of overlooking which would be harmful to the privacy and general amenities currently enjoyed by the occupiers of Bryncerddin. Further to this, while the plans do illustrate the floor level of the extension being stepped down from the main dwelling and the ground floor side windows being positioned 1.7m above the internal floor level, the local planning authority would have no control over the height of the internal floor level being raised in the future. This means that the ground floor of extension could be raised and, as a result, anyone standing in front of the two side windows would have direct views into the neighbours' garden. This would be unacceptable. Overall, having regard to the close proximity and siting of the extension, the change in roof design and height and relationship to Bryncerddin, 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 properties situated along the northern side boundary and western rear boundary has also been assessed. While it is accepted that the proposed increase in roof height would be noticeable from 6

Somerset Close to the north, this neighbouring property is at a slightly higher level to the application site and there is a separation distance of 12.6m between the two properties. As such, while it is accepted that the development would form a visible feature from this property, the development would not be overbearing nor would it cause a significant overshadowing impact to this property. It is also noted that the window arrangement on this side of the application property would remain unchanged by this proposal. As such, there would be no harmful overlooking to this neighbouring property.

With respect of the property to the west, Brynheulog, given the orientation of the two properties and separation distances that would be maintained, there would be no adverse overlooking or overbearing impacts. It is also noted that the boundary of Brynheulog is screened by tall conifer trees. As such, the development would not have a significant adverse impact on this property in terms of overlooking, overshadowing or overbearing impacts.

Having regard to the above, the proposed development would fail to accord with Policy SW11 of the LDP in that it would have an unacceptable overbearing and overlooking impact on the neighbouring property to the south known as Bryncerddin.

#### Parking and Highway Safety

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

#### Ecology

Given the nature of the works proposed to the roof, the Council's Ecologist requested a Preliminary Roost Assessment (PRA) to assess the impact of the proposal on priority and protected species and their habitats. A Preliminary Roost Assessment of the site is considered necessary to assess the potential ecological impacts of the proposed development, or to identify whether further survey work is required before a full assessment can be made.

Planning Policy Wales (PPW) clearly sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (para 6.4.5 refers). As an ecology survey has not been submitted with this application, the local planning authority are not able to ascertain whether the proposed works would have any impact on bats or nesting birds. Therefore, the application does not accord with Policies EnW1 and EnW3 of the LDP.

#### Other matters raised during the publicity exercise not addressed above

- The agent has advised that the hedgerow dividing the application property and the neighbouring property Bryncerddin would be retained. However, given the close proximity of the extension to this hedge, it is anticipated that the hedgerow



would be lost. Although this is a concern, the hedgerow could be removed without planning permission.

- The impact of the works on the neighbour's stone retaining wall is a civil matter and is not a reason to refuse planning permission.

### Conclusion

The proposed development would give rise to an unacceptable level of overlooking and harmful overbearing impact upon the neighbouring property known as Bryncerddin. Therefore, the scheme does not accord with Policy SW11 of the LDP and SPG 6 - A Design Guide for Householder Development. In addition, no information has been provided to assess the potential ecological impacts of this scheme.

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, fenestration arrangement, siting, mass and height would result in a harmful overlooking and overbearing form of development to the adjacent residential property to the south known as Bryncerddin. As such, there would be a significant loss of residential amenity contrary to Policy SW11 of the Merthyr Tydfil Borough Council Replacement Local Development Plan.
2. No information has been provided to demonstrate that the development would not cause any significant loss of habitats or populations of species, locally or nationally. As such the proposal is contrary to Policies EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.