

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **20/02/2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL MADE BY MISS L MCFARLANE UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AGAINST A FAILURE TO GIVE NOTICE WITHIN THE PRESCRIBED PERIOD OF A DECISION ON AN APPLICATION FOR PLANNING PERMISSION AT 15 HAWARDEN DRIVE, BUCKLEY**

1.00 APPLICATION NUMBER

1.01 **049623**

2.00 APPLICANT

2.01 **MISS L MCFARLANE**

3.00 SITE

3.01 **15 HAWARDEN DRIVE, BUCKELY**

4.00 APPLICATION VALID DATE

4.01 **02/04/2012**

5.00 PURPOSE OF REPORT

5.01 To inform members of the appeal decision, following the failure of Flintshire County Council to determine within the prescribed period an application for planning permission for proposed demolition of existing single storey rear extension and erection of new single storey rear extension at 15 Hawarden Drive.

Had the council determined the application within the prescribed period Committee resolved that it would have refused planning permission on the basis that the proposal would harm the character and appearance of the dwelling and area, and that it would harm living

conditions.

The appeal was considered by way of the Hearing procedure and has been ALLOWED with conditions.

6.00 REPORT

- 6.01 The inspector considered the main issues to be as follows:
the effect of the proposal on character and appearance of the dwelling and the surrounding area, and the effect of the proposal on the living conditions of occupiers of nos. 13 and 17 Hawarden Drive in relation to outlook.
- 6.02 Character and Appearance
The inspector considered that the view of the proposal in the street scene would be limited. There are several examples of extensions projecting from the side or rear of surrounding properties which indicates that there is nothing unique about the existing roof configuration of the semi-detached pair or the context in which they are situated.
- 6.03 The Inspector did not accept that the proposal would impact significantly on the character of the street scene because it encloses the gap between properties. He noted that there were several garages opposite the site effectively closing the gap between properties and which were set back from the street to a similar extent as the proposed extension.
- 6.04 In respect of scale the inspector states that the scale of the proposal is diminished by its limited visibility, its set-back and by the existing boarded gates located on the drive. Additionally, the proposal would appear more subordinate in terms of its bulk than the roof of the adjoining property's extension.
- 6.05 The inspector did not consider the size of the extension to be an issue. He had calculated the percentage increase in floor space to be 78%, but felt that whilst this is above the policy guideline of 50%, the development would not impact adversely upon the character of the dwelling and streetscene, and so the lack of strict accord with the policy interpretation does not in itself result in an unacceptable development.
- 6.06 It is not considered by the Inspector that the proposal would harm the character of the dwelling; it would be sympathetic to it and preferable to what currently exists on site. There would be sufficient space remaining post development which accords with policy in respect of overdevelopment. The layout of the garden would be as such that it would provide an improved living environment for the occupiers of the development.

- 6.07 Having seen the appeal site from the adjoining properties, the Inspector does not consider that the outlook from these properties would be significantly harmed by the development. The projection of the proposed extension beyond that of the wall of the extension at no. 17 does not significantly impinge on outlook or the garden space of this property, due to the main aspect of the extension being on the east side.
- 6.08 The proposal would project some 1.7m in front of the conservatory at no. 13, however the conservatory has a side wall and high level obscure window and the proposed roof of the extension would span away from the conservatory. As a result the inspector does not consider that the proposal would impact detrimentally on the living conditions of the occupier.

7.00 CONCLUSION

- 7.01 The Inspector does not consider the proposal would conflict with UDP policies GEN 1, D1, D2 and HSG 12 in relation to the issue of living conditions.

The Inspector also concludes that the proposal would not harm the living conditions of the occupiers of No.s 13 and 17 Hawarden Drive in relation to outlook.

The appeal is therefore allowed.

Contact Officer: Jenni Faire
Telephone: 01352 703327
Email: jenni.faire@flintshire.gov.uk