

FLINTSHIRE COUNTY COUNCIL

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

DATE: **16TH DECEMBER 2015**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPEAL BY PERSIMMON HOMES NORTH WEST AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO DEAL WITH CHANGE IN LEVELS AT THE REAR OF PLOTS 52 – 56 (SCHEME 1) AT FIELD FARM LANE, BUCKLEY – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 053014

2.00 APPLICANT

2.01 Persimmon Homes North West

3.00 SITE

3.01 Plots 52 – 56
Field Farm Lane,
Buckley. CH7 3PD

4.00 APPLICATION VALID DATE

4.01 8th December 2014

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision against a refusal of planning permission for the construction of earthworks and retaining structures to deal with a change in levels at the rear of plots 52 – 56 (Scheme 1) on land at Field Farm Lane, Buckley, CH7 3PD. The application was refused following consideration at the Planning & Development Control Committee on 25th February 2015.

The appeal was determined by way of the written representations

5.02 procedure and a site visit by the Inspector. The appeal was **DISMISSED**.

6.00 REPORT

6.01 The Inspector noted that the scheme (1) the subject of the appeal would principally entail:-

- A level platform to the rear of plots 55 – 56 projecting some 6.9 m.
- A second lower tier (some 1.5 m below the platform) projecting some 6.7 m.
- Proposed steps located centrally in the garden protruding into the lower tier garden.

6.02 In considering the appeal the Inspector considered the main issue to be “The effect of the proposal on the living conditions of nearby residents in relation to privacy and outlook”.

6.03 The Inspector noted that the intended platform/means of enclosure would facilitate a situation whereby overlooking and loss of outlook may occur for existing nearby residents which would be contrary to Policy GEN1 (d) of the Flintshire Unitary Development Plan in relation to the impact on amenity.

6.04 The Inspector viewed the development and its impact from the constructed platform, confirming that there would be a clear view from it to the rear of 16 Aberllanerch Drive and its conservatory.

6.05 In terms of the impact on an existing property Field Farm the Inspector concluded that the platform would have a greater projection and height than previous schemes which would allow a clear view into a conservatory which is not mitigated by the screen to plot 56.

6.06 The Inspector acknowledged that two schemes have previously been approved, facilitating the construction of an acceptable earthworks and retaining structures whereby those schemes would not result in the overlooking of the properties.

6.07 The Inspector did not consider this to be a determining issue however, and noted the suggestion to raise the boundary fence by adding a trellis on top. It was also noted by the Inspector that a further panel of equivalent height to the platform fence would be needed on the lower tier of plot 56 but this is not proposed. The changes required to modify the scheme for it to be acceptable were considered to be significant, which without further consultation would be prejudicial to the interests of affected properties.

7.00 CONCLUSION

- 7.01 Whilst the fall back positions of existing permissions were acknowledged, they do not alter the Inspector's conclusions in relation to the appeal scheme which is materially different. For this reason the appeal was **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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