

FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **APPEAL BY MISS J. HOOD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 1 NO. DWELLING AT 24 BOROUGH GROVE, FLINT – DISMISSED**

1.00 APPLICATION NUMBER

1.01 052761

2.00 APPLICANT

2.01 Miss J. Hood

3.00 SITE

3.01 24 Borough Grove, Flint,
Flintshire. CH6 5DR

4.00 APPLICATION VALID DATE

4.01 3rd October 2014

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal to grant outline planning permission for the erection of a dwelling at 24 Borough Grove, Flint, Flintshire. The application was refused under delegated powers with the appeal dealt with by way of an informal hearing and was **DISMISSED**.

6.00 REPORT

6.01 Background

Members may recall that this application was refused under delegated powers on 23rd December 2014 on the grounds that the proposal was considered to have a detrimental impact upon the character and appearance of the area and the amenities of the existing and proposed occupiers.

6.02 Issues

The Inspector considered that the main issues in this case were the effects of the proposal on the character and appearance of the area and the effects of the proposal on the living conditions of future occupants of the dwelling in relation to privacy.

6.03 Character & Appearance

Borough Grove is characterised by two storey dwellings arranged around a cul-de-sac in the form of a half-circular configuration with rear gardens spanning out from its respective uniform and regular building layout. The opposite side of Borough Grove is a linear arrangement of buildings with generous size rear gardens. Behind the appeal site are terrace two storey dwellings with deep gardens at park Avenue. The appeal site is a triangular piece at the side and to the rear of No. 24 which has a frontage onto the cul-de-sac road of Borough Grove and a rear aspect towards the unmade track and the rear gardens of Park Avenue.

6.04 Development of the garden area would the Inspector considered disrupt the characterised uniformity and layout of buildings and spaces that surround them and would be at odds with this harmonious arrangement. It would the Inspector argued introduce a new residential dwelling at the back of houses which is not a common feature of the area and would disrupt the pattern, form and regular spacing of properties with generous gardens, which is a characteristic of this residential area. Secondly, the Inspector considered the proposed single storey dwelling would be an unusual and incongruous feature in an area characterised by two-storey dwellings.

6.05 Despite the fact that there has been development built at the back of other houses in the general area, having assessed these carefully the Inspector considered they are distinguishable from the character of the immediate area of the appeal site which has been set out above. 2 Windsor Avenue, Connah's Quay has a different layout arrangement of buildings to the appeal site, and so does the development at No. 1 Bryn Hilyn, Mold. None of these examples are similar or representative of the layout of the appeal site, and in any event, the Inspector treated this appeal on its individual merits.

6.06 Living Conditions

The proposed development is single storey with an approximate area of 346 m² of garden. This would leave some 29 m² of area for No. 24 and a small rear yard area. The rear yard is some 3 m in depth allowing an angled view from this property into the proposed garden of the appeal property. The Inspector considered the relationship is unsatisfactory and would give rise to an overlooking and privacy problem for the future occupiers of the proposed dwelling. The Inspector recognised that there is a degree of mutual overlooking of gardens of surrounding properties in the area but none as close as the relationship between No. 24 and the proposed private garden area of the appeal dwelling.

6.07 The Inspector concluded that the proposal would harm the living conditions of future occupants of the dwelling in relation to privacy.

6.08 The Inspector considered the amenity of the existing occupants of the dwelling in relation to privacy, amenity space and disturbance, but concluded that these factors are not determinative to the outcome of this appeal. The Inspector noted the concern about the pre-application process and the attempts to overcome the preceding appeal on this site, but none outweighed his conclusions on the main issues.

6.09 The UDP is outside its plan period and as a result cannot demonstrate a 5 year housing land supply as set out in paragraphs 8.1, 8.2 and 6.2 of TAN1. Where the UDP is outside its plan period the local planning authority has been unable to undertake a current study of its housing supply. As a result, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.

6.10 In this case the development did not comply with the development plan in force and therefore less weight would be attributed to the contribution this development would make to housing land supply.

7.00 CONCLUSION

7.01 The Inspector concluded that the planning balance is against allowing this appeal and was subsequently **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

Contact Officer: Alan Wells
Telephone: (01352) 703255
Email: alan.wells@flintshire.gov.uk