

FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH DECEMBER 2016**

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

SUBJECT: **FULL APPLICATION – AMENDED DETAILS OF DWELLING ON PLOT 3 AT BRYN LLWYD YARD, NORTH STREET, CAERWYS**

APPLICATION NUMBER: **055725**

APPLICANT: **BROOMCO (3857) LTD**

SITE: **LAND AT BRYN LLWYD YARD, NORTH STREET, CAERWYS**

APPLICATION VALID DATE: **25TH JULY 2016**

LOCAL MEMBERS: **COUNCILLOR J.E. FALSHAW**

TOWN/COMMUNITY COUNCIL: **CAERWYS TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS IMPACT OF DEVELOPMENT ON PRIVACY/AMENITY OF OCCUPIERS OF ADJACENT PROPERTY**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes amendments to the position and detailing of the dwelling proposed on plot 3 of the development at Bryn Llwyd Yard, Caerwys, that was previously permitted under planning permission 052760 on 5th June 2015.
- 1.02 Amended plans have been received during progression of the application on which further consultation and publicity has been undertaken.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01
1. Details of high level windows within first floor rear elevation set at a minimum height of 1.8 m from internal floor level, to be submitted/approved and retained in perpetuity.
 2. Development remains subject to the conditions previously imposed on 052760.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor J.E. Falshaw
Initial Submission
Request planning committee determination in order to assess the impact of development on the privacy/amenity of occupiers of adjacent property.

Amended Scheme

No response received at time of preparing report.

Caerwys Town Council

Initial Submission

Feel unable to respond due to the lack of any supporting information and reasons being provided by the applicant for the reduced separation distance between the rear elevation of the dwelling on Plot 3, to its rear boundary.

Amended Scheme

No information has been provided by the applicant as to the reason for amendment to the revised details relating to the proposed dwelling that will occupy Plot 3. The latest revision still fails to address the reduction of distance between the rear elevations of the Plot 3 dwelling to the boundary with the neighbouring property known as Ar Tro.

In addition the site layout plan indicates that the west facing ground floor window at the southern end of Plot 2 would look directly onto the gable end of Plot 3, a distance of under 2 m which would be unsatisfactory for the prospective purchaser of Plot 2.

The introduction of a further dwelling into the development has created problems now requiring to be satisfactorily resolved and the Town Council objects to the latest application on the failure to comply with Policies D1 – Design Quality Location & Layout and D2 – Design of the Flintshire Unitary Development Plan.

4.00 PUBLICITY

- 4.01 Press Notice, Site Notice, Neighbour Notification

Initial Submission

Two letters of objection received the main points of which can be summarised as follows:-

- There is a legal dispute over the precise boundary between the site and adjacent property Ar Tro.
- A reduction in the distance to site boundary from the rear elevation of plot 3 is unacceptable in line with Supplementary Planning Guidance 2 – Space About Dwellings.
- Introduction of obscure fixed glazing to prevent overlooking cannot be secured in perpetuity.

Amended Scheme

One letter of objection received, the main points of which are summarised as follows:-

- Revised plans fail to take account of a boundary dispute.
- The revised windows following a deviation from the originally approved plans by 2.5 m, are in breach of the Council's standards for Space Around Dwellings.

5.00 SITE HISTORY

5.01 044693

Restoration and conversion of existing building to 2 No. dwellings and new development of 4 No. dwellings – Withdrawn 17th March 2010.

047518

Restoration and conversion of vacant buildings to form 2 No. dwellings and erection of 2 No. new dwellings – Permitted 23rd August 2012.

052760

Conversion of existing outbuilding to form 2 No. dwellings and erection of 3 No. dwellings to the rear (amendment to previously approved application 047518) – Permitted 5th June 2015.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D4 – Landscaping.

Policy HE1 – Development Affecting Conservation Areas.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

Policy HSG8 – Density of Development.
Policy EWP12 – Pollution.

Additional Guidance

Local Planning Guidance Note 2 – Space Around Dwellings.
Local Planning Guidance Note 11 – Parking Standards.

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes amendments to the detailing of the dwelling proposed on Plot 3 of the residential development at Bryn Llwyd Yard, Caerwys, that was previously permitted under planning permission reference no. 052760 on 5th June 2015.

7.02 Site/Surroundings

The site the subject of this application is located within both the settlement and conservation area boundaries of Caerwys as defined in the Flintshire Unitary Development Plan. It occupies an important focal point between two existing dwellings Erw Deg and Ar Tro within the village, near to the crossroads at the junction of North Street, Holywell Road and Porthmwyn.

7.03 Background History

Planning permission was obtained under planning permission 052760 on 5th June 2015 for the conversion of the vacant building on site to form 2 No. dwellings and the erection of 3 No. dwellings to the rear. Development has commenced however, and the footprint of the dwelling on Plot 3 is approximately 2.2m closer to the site boundary with Ar Tro than originally approved. The developer has been requested to cease work on this plot, and this application has been submitted to seek to regularise the situation.

7.04 Proposed Development

The plans initially submitted as part of this current application proposed:-

- The retention of the footprint of the dwelling on plot 3 in its current position as built on site; and
- The associated introduction of obscure fixed glazing into the first floor windows within the rear elevation of the proposed dwelling and velux windows in the roofspace, to prevent overlooking of the garden area associated with the adjacent property Ar Tro.

7.05 Amended plans have however been received which whilst proising the retention of the footprint of plot 3 in its current position as built on site, now proposes the introduction of fixed high level windows in the rear elevation at first floor level. The plans illustrate the lower sill height of the windows set at 1.7 m from the internal floor level of the rear

bedrooms.

7.06 Main Planning Consideration

It is considered that the main planning issue in relation to this application is whether as a result of the amended position of the dwelling relative to the site boundary and associated treatment of windows within the rear elevation, there is a detrimental impact on the rear garden area of the adjacent property Ar Tro. It is important to note that this matter relates to overlooking to the garden area only, and not overlooking into the dwelling or the private garden area directly to the rear of the dwelling. Whilst concerns relating to the precise line of the boundary between the site and Ar Tro are duly noted, this is a private legal matter between the respective parties.

7.07 Impact on Privacy/Amenity

In granting planning permission under 052760, the distance between the rear elevation of Plot 3 of the development and the boundary with adjacent property Ar Tro was 10m, this was in order to secure adequate privacy for the users of the rear garden area of Ar Tro, which runs at 90° to the rear elevation of plot 3.

7.08 In setting out the development however, the distance from the proposed position of the closest first floor bedroom window in the rear elevation, to the site boundary would be reduced from 10m as originally approved, to 7.8m.

7.09 In seeking clarification on why the footprint of this dwelling has been set in this position, the applicant's agent has advised as follows:-

"The currently approved layout was based on an old topographical survey undertaken in connection with the approvals upon this site obtained by the previous owner. Our client purchased the site and made the subsequent application, in good faith but when work commenced upon site and the plots were set out, it became clear that the boundary with Ar Tro was not in the position anticipated".

7.10 Whilst fixed/obscure glazed units, were initially proposed as part of this current application to prevent overlooking of the property Ar Tro, amended plans have been received which now propose the introduction of clear glazed high level windows at first floor level within the rear elevation

7.11 Although the proposed use of obscure glazing would overcome the issue of overlooking from plot 3 into the rear garden of Ar Tro, which is a fundamental consideration in determination of this application, officers are also concerned about the living conditions of the future occupiers of plot 3 using a room with fully obscured windows.

7.12 It is considered that a better solution would be to require high level fixed windows, set at a minimum height of 1.8 m from the internal floor

level of the rear bedrooms. The windows could contain clear glazing which would provide for improved habitation of the bedrooms in question, whilst still avoiding any overlooking of the garden area of the adjacent property Ar Tro. If Members are mindful to support this alternative treatment, this can be covered by way of the imposition of planning condition which would require the high level windows to be retained in perpetuity.

- 7.13 In addition to the above, the concerns in relation to the separation distances relative to Plot 2 are duly noted, but as this window is intended to serve a non-habitable room, there is no conflict in terms of overlooking in this respect.

8.00 CONCLUSION

- 8.01 The application has been submitted to seek to regularise the development and address the concerns raised with regard to overlooking. It is my view that the introduction of high level fixed units in the first floor rear elevation would provide for a better solution than that submitted, and subject to this being controlled through the imposition of a planning condition can be supported.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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