

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **4<sup>TH</sup> DECEMBER 2019**

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

**SUBJECT:** **APPEAL BY V. DAVIES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE PROPOSED ERECTION OF FIRST FLOOR REAR EXTENSION AT 23 ALYN BANK, KING STREET, MOLD – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 060052

**2.00 SITE**

2.01 23 Alyn Bank, King Street, Mold.

**3.00 APPLICATION VALID DATE**

3.01 30<sup>th</sup> May 2019

**4.00 PURPOSE OF REPORT**

4.01 To inform Members of a decision in respect of an appeal, following the decision of the Local Planning Authority, under Delegated Powers, to refuse to grant planning permission for the erection of a first floor rear extension above the existing kitchen at 23 Alyn Bank, King Street, Mold.

4.02 The appointed Inspector was C. MacFarlane. The appeal was determined via written representations and was **DISMISSED**.

**5.00 REPORT**

5.01 Main Issues

The Inspector considered the main issue to be effect of the proposed development on the living conditions of the occupiers of 25 Alyn Bank, with regard to light.

5.02 Light

The Inspector noted that the site is a two-storey terraced dwelling within a residential area of properties of similar age and appearance. The dwelling has an existing ground floor rear extension and the proposed development would extend the property to the same extent at first floor level.

5.03 The adjoining property, No. 25, has a rear first-floor window serving a bedroom, which would be positioned close to the side elevation of the proposed extension. Given the relatively modest size of the window, and that it is the only window serving this room, the Inspector noted that the height and proximity of the proposed development would result in a considerable reduction in the amount of light reaching the accommodation. Due to the position of the proposal to the south of No. 25, this reduction in light would be experienced throughout the day. The Council's adopted Supplementary Planning Guidance Note No. 01 'Extensions and Alterations to Dwellings' (SPGN) refers to the '45 degree' and '25 degree' rules when considering the effect of extensions on neighbouring occupiers and, although it is not to be applied prescriptively, the Inspector considered this to be useful guidance. The proposal breaches both these thresholds by a clear margin and would therefore conflict with the guidance in the SPGN. The appellant referred to nearby examples of rear extensions, specifically at No. 21, which would also not comply with the guidance in the SPGN. However, the Inspector noted there are differences in the policy context which applied at the time and the use of the room affected, meaning the development at No. 21 is not directly comparable. The existence of other extensions in the locality did not justify the harm identified, and the Inspector considered the appeal proposed on its own merits.

5.04 Other Matters

The Inspector noted the appellant's comments that the development would improve the quality of the dwelling to the benefit of the well-being of current and future occupiers and of the need to ensure an appropriate mix of housing types which meets the needs of the local area, which is supported by Planning Policy Wales (PPW). This should, however be balanced with other material considerations and would not outweigh the significant harm to the living conditions of the occupiers of No. 25 identified above and the resultant conflict with the adopted UDP. The Inspector also had regard to the desire of the appellant to provide improved accommodation in order to remain in the property. However, the Inspector was mindful that the harm identified would be permanent and is not outweighed by the appellant's particular circumstances. The Inspector recognised that the occupiers of No. 25 have not raised any objections to the proposal but a lack of opposition is not in itself a reason to grant planning permission.

## **6.00 CONCLUSION**

6.01 The Inspector concluded the proposed development would be harmful to the living conditions of 25 Alyn Bank, with regard to light, and would conflict with Policy HSG12 of the Flintshire Unitary Development Plan and the Council's adopted SPGN, which, amongst other things seek to ensure development does not have an unacceptable impact on nearby residents. Accordingly, the appeal was **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