

FLINTSHIRE COUNTY COUNCIL

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

DATE: **5TH SEPTEMBER 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. C. RIDGWAY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOLLOWING THE RETROSPECTIVE APPLICATION FOR THE RETENTION OF A BUILDING FOR USE AS AN OFFICE ANCILLARY TO THE MAIN DWELLING AT CALEDFWLCH, Ffordd Pentre Bach, NERCWYS, FLINTSHIRE.**

1.00 APPLICATION NUMBER

1.01 049211

2.00 APPLICANT

2.01 Mr Christian Ridgway
Caledfwlch
Ffordd Pentre Bach
Nerwys
Mold
Flintshire
CH7 4EG

3.00 SITE

3.01 Caledfwlch
Ffordd Pentre Bach
Nerwys
Mold
Flintshire
CH7 4EG

4.00 APPLICATION VALID DATE

4.01 25th October 2011

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision, following the refusal of planning permission under delegated powers on 28th February 2012 for the retrospective application for the retention of a building for use as an office ancillary to the main dwelling at Caledfwlch, Ffordd Pentre Bach, Nercwys, Flintshire. The appeal was considered by way of the written representations process and was ALLOWED.

6.00 REPORT

- 6.01 The appeal involves the bungalow, Caledfwlch, built in the 1990's and since extended. In 2010 the Authority was asked to confirm that the erection of a single storey double garage at the property was permitted development. When the building was erected it was brought to our attention that it was not being constructed in accordance with the details submitted in that it was significantly higher than shown and on inspection was found to have been laid out to provide a suite of offices/storage, etc, at ground floor level with a large space at first floor, served by a gable window, which was capable of providing further office space. Although the garage doors were retained on the front elevation the building was not capable of being used as a garage because of the internal walls which served the office layout.
- 6.02 The applicant was advised to stop work and there followed discussion over the nature of the development involved. It was claimed that the building was to be used in connection with the applicant's accountancy business, which in itself could fall under an 'ancillary' definition and would not require planning permission. Officers took the view, however, that the design of the building took it beyond a domestic scale and that in its prominent position forward of the single storey dwelling, that it was visually detrimental to the character of the area and it was refused on this basis.
- 6.03 On appeal, the Inspector considered the main issue to be the effect the development would have on the character and appearance of the surrounding area and on the character and appearance of the adjacent dwelling. He referred to Caledfwlch as a large single storey dwelling located within a cluster of dwellings alongside the Ffordd Pentre Bach and considered the new building as being intended to provide office accommodation for the residents, as ancillary space to the main house.
- 6.04 He referred to the appeal building as having the appearance of a large double garage in a prominent position close to the road. He acknowledged that it was a large building with, on the face of it, a higher ridge height and steeper pitch than the adjacent dwelling. However, the Inspector was of the opinion that the perspective view of the building from the road gave it a subservient appearance and a broadly consistent height with that of the dwelling. Again he acknowledged that the building was in a prominent position but he felt

that it was seen in the context of the existing dwelling and the surrounding cluster of buildings. Consequently, he did not consider it to be overly conspicuous, overbearing or incongruous.

- 6.05 Whilst determining that the scale and design of the building was acceptable he conditioned that it should not be occupied other than for purposes ancillary to the residential use of the dwelling Caledfwlch.
- 6.06 The Inspector's failure to address the business use in greater detail causes some difficulty as it is quite clear that the building is capable of being used at a level which would go way beyond what might be considered "ancillary", consequently we are left in a position where we will need to monitor to ensure no change of use has taken place. Whereas we have an UDP policy (RE4) which supports the establishment of small scale rural enterprises, this business is not one which requires a rural location and the policy is based on the premise that it involves the conversion of an existing rural building. The situation here is that a building designed specifically for the business use is effectively being allowed on appeal and conditioned so that it should be used for this purpose only in an ancillary manner, it is then left to the local planning authority to decide if this condition is being breached, as is very likely to happen.

7.00 CONCLUSION

- 7.01 However, the Inspector considered that the building was of a reasonable size and height, in relation to its domestic context and did not detract from the character and appearance of the surrounding area as a result, subject, as stated above, to its use remaining ancillary to the residential use. Consequently for the reasons given above, and having considered all other matters raised, he ALLOWED the appeal.

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