

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **29<sup>th</sup> MARCH 2023**

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

**SUBJECT:** **RETROSPECTIVE - AMENDMENT TO PLANNING PERMISSION 062649 TO ALLOW THE REPOSITIONING OF THE ERECTION OF ONE DWELLING WITH INTEGRAL GARAGE**

**APPLICATION NUMBER:** **064109**

**APPLICANT:** **Ms. AMANDA REDMOND**

**SITE:** **PLOT 2, WEST COURT, TABERNACLE STREET, BUCKLEY, FLINTSHIRE, CH7 2JT**

**APPLICATION VALID DATE:** **17<sup>TH</sup> FEBRUARY 2022**

**LOCAL MEMBERS:** **CLLR. R. JONES**  
**CLLR. A. WOOLLEY**

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **AT THE REQUEST OF THE LOCAL MEMBER WHO CONSIDERS THE APPLICATION, GIVEN THE FACT THAT THE DWELLING HAS NOT BEEN DEVELOPED AS PER A PREVIOUS PERMISSION AND IS NOW CONSIDERED TO AFFECT ADJACENT NEIGHBOURS, OUGHT TO BE CONSIDERED BY THE PLANNING COMMITTEE**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This full application is submitted on a retrospective basis to regularise the differences between a previous grant of planning permission (062649) and the 'as built' development of a dwelling on Plot 2, West Court, Tabernacle Street, Buckley.

1.02 This application has been considered in terms of whether the dwelling as built would still comply with the applicable policies of the Development Plan and whether the dwelling has resulted in harm such that would otherwise be unacceptable in planning terms.

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

2.01 Conditions

1. Development to accord with the approved plans.
2. No surface water to connect to the public sewer system.

**3.00 CONSULTATIONS**

3.01 **Local Member Councillor R. Jones:** Considers that the application, being retrospective and affecting the neighbouring amenity, requires it to be heard at the Planning Committee.

**Local Member Councillor A. Woolley:** No response at time of writing.

**Buckley Town Council:** No observations offered.

**Highways:** Satisfied that there shall be sufficient provision made within the site for the parking and turning of 3 no vehicles. Confirms that there is no objection to the proposal.

**Community & Business Protection:** No objection.

**Welsh Water/Dwr Cymru:** No objection. Requests the imposition of a condition requiring that no surface water drain to the existing public sewerage system.

**Natural Resources Wales:** No objections.

**Airbus:** No aerodrome safeguarding objection.

**4.00 PUBLICITY**

4.01 15 Neighbour Notifications were sent to adjoining/nearby properties. Two responses have been received which are summarised as follows:

1. The original application was approved upon plans that were ultimately incorrect;
2. The proposal does not harmonise with the site and surroundings as it protrudes 2.1m to the rear of the adjacent dwelling;

3. Insufficient vehicular parking for the size of the dwelling proposed;
4. Insufficient parking and turning space, to the detriment of pedestrians;
5. Adverse impacts upon existing adjacent living conditions

## **5.00 SITE HISTORY**

5.01 **98/1040** – Demolition of existing dwelling and erection of 4no. dwellings (Outline application) – Approved 20.10.1998

**039182** – Erection of a dwelling – Approved 25.07.2005

**056897** – Erection of 2no. dwellings – Approved 01.09.2017

**062649** – Erection of a Detached Dwelling with Integral Garage – Approved 27.10.2021 (*n.b. This is the application implemented upon this plot and to which the application which is the subject of this report relates*).

## **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan  
Policy STR2 - The Location of Development  
Policy PC1 - The Relationship of Development to Settlement Boundaries  
Policy PC2 - General Requirements for Development  
Policy PC3 - Design  
Policy PC4 - Sustainability & Resilience of New Development  
Policy PC5 – Transport & Accessibility

Supplementary Planning Guidance  
SPGN No. 2 - Space around dwellings  
SPGN No. 11 - Parking Standards

National Planning Policies:  
Planning Policy Wales – Edition 11 (Feb.2021)  
Future Wales: The National Plan 2040 (FWP 2040)

## **PLANNING APPRAISAL**

7.01 Site Description

The site is located in the defined settlement of Buckley, where there is a presumption in favour of sustainable development. The application site comprises a plot of land upon which is constructed a detached 2 storey dwelling with short private access drive leading from Tabernacle Street. The private drive provides access to three other dwellings developed under the previous permissions. The proposed dwelling is built on a moderately sized plot and has access to significant front and rear private garden space.

- 7.02 The site is bounded to the north by Horrel House and Plot 1, West Court to the South. To the south of the access drive are two dwellings granted planning permission under 056897. To the east of the site, beyond the substantial block wall is open space and parking court associated with dwellings upon Princess Avenue.
- 7.03 The surrounding area is predominantly residential with the majority of properties being detached or semi-detached two-storey dwellings. However, the design of the dwellings in the immediate vicinity of the application site is mixed. Therefore there is no dominant architectural style.
- 7.04 The dwelling which is the subject of this application is a two-storey detached dwelling with integral garage. The front elevation has two projecting gables with dual pitched roof, whereby the gable end faces eastwards toward Tabernacle Street. The dwelling is 8.6m in height to the ridge and 5m to the eaves. The footprint provides for a dwelling 15.1 m wide and 10.9m deep
- 7.05 The front elevation has windows to a sitting room on the right and a garage door to the left. The main entrance is centrally located with full height glazing across both ground and first floor. At first floor level in the front elevation there are windows to two bedrooms. The rear elevation has a door to the utility room, two windows and a set of bi-fold doors for the kitchen/dining room at ground floor and two bedroom windows and two bathroom/en-suite windows to the first floor. On the west facing side elevation there are two windows to the ground floor and one en-suite window to the first floor. To the east facing side elevation there is one en-suite window to the first floor.
- 7.06 The dwelling is constructed with facing brick external finish and concrete tiles for the roof. The windows and doors are an anthracite coloured UPVC.
- 7.07 Proposed Development  
The application seeks to regularise a position whereby the dwelling is set some 2m deeper into its plot than was originally approved under 062649. In addition, the dwelling is larger in footprint than that originally approved. As approved the dwelling was 14.5m wide by 10.3m deep. As built the dwelling is 15.1m wide and 10.9m deep. The difference represents an increase in footprint of 15.24m<sup>2</sup> or an increase of 9% upon that previously approved.
- 7.08 The Main Issues  
The main issues to consider are in the determination of this application:
- Principle of Development;
  - Character and Appearance; and

- Impact upon living conditions.

7.09 Principle of Development

PPW11 introduces the concept of placemaking whose positive implementation through good design seeks to ensure people's and community well-being.

7.10 The dwelling is located within the settlement of Buckley, in a street fairly typical of suburban developments. Policy PC1 states that development will be permitted within settlement boundaries.

7.11 Policies PC2 and PC3 require development proposals to harmonise with the site and surroundings in terms of the siting, scale, design, layout, use of space, materials, external appearance and landscaping.

7.12 It should be remembered that the principle of development of this type in this location has been established via previous grants of planning permission. The site had the benefit of outline planning permission for 4 dwellings in 1999 and additional full planning permission for 2 dwellings in 2017. The planning permission which this application seeks to address differences between that approved and that built was granted in 2021.

7.13 It is considered that as a matter of planning principle, the proposals would be broadly in accordance with the above planning policy context.

7.14 Impacts upon Character and Appearance

The existing street scene has a number of architecturally different properties, with the predominant building type in the street scene being two storey semi-detached properties. At the point of the application site there are a number of large, detached properties, including the detached dwelling on the adjacent Plot 1.

7.15 The dwelling is located on a sizeable plot with adequate garden areas. The dwelling does not therefore amount to an overdevelopment of the plot. The external appearance of the proposed dwelling, being brick with glazed elements beneath a concrete tile roof, reflects the modern style of the nearby dwellings and in this respect, is reflective of the character and appearance of the surroundings.

7.16 The dwelling, in its increased size, is considered to be appropriately designed for the street and is considered acceptable at this location in terms of character and appearance.

7.17 Impacts upon Existing Neighbouring and Proposed Living Conditions

The dwelling occupies a position at the head of a cul-de-sac. Its' primary outlook is along the road serving this and the nearby

dwellings and as such there is no direct interface relationship between any of the principal elevations of the proposed or nearby dwellings.

- 7.18 The nearest relationship between the front of the proposed dwelling and a dwelling located to the north is a front to side elevation which provides separation of approximately 10 metres. Whilst there is a bedroom at first floor level, the elevation opposite is blank and therefore it is considered that there are no adverse impacts upon living conditions at either the site or the opposite property.
- 7.19 There is a study/living room window in the western flank wall of the proposed dwelling. However, this window has an outlook to the 2.7m garden wall between the site and land to the west and south. As such, there is no overlooking possible from or into this window. Other windows in the flank walls serve en-suite bathrooms, which are non-habitable rooms. The rear elevation of the dwelling overlooks public open space on the estate to the rear and the 2.7m wall to the rear severely restricts views into the site.
- 7.20 Comments have been received which suggest that the set back in the site of approximately 2 metres in relation to the existing adjacent dwelling would give rise to adverse impacts upon amenity. The proposal does not afford increased opportunities of overlooking and does not impinge upon light to habitable rooms as a result of this amended siting.
- 7.21 The garden area to the rear of the dwelling is some 9.6m deep by 12 metres wide. Whilst SPGN2 – Space Around Dwellings suggests that garden depths should typically be 11m, given the absence of built form immediately to the rear, it is considered this garden depth is acceptable. It is noted that the SPGN suggests that a dwelling providing 3 or more bedrooms should have a private garden space of 70m<sup>2</sup> in area. The garden at the application site is some 115m<sup>2</sup> and therefore complies with this requirement.
- 7.22 As such, in terms of the proposal providing an adequate and usable area of private amenity space to the occupants of the dwelling, it is considered that the scheme is compliant with SPGN. No. 2 – Space Around Dwellings.
- 7.23 It is considered that the proposed dwelling would not give rise to either adverse impacts upon the living conditions of existing nearby occupants or the future occupants of the dwelling itself.
- 7.24 Highway and parking impacts  
It is suggested that the site does not provide adequate space for the parking of vehicles and that space which is provided would, if cars were manoeuvring, give rise to safety risks to pedestrians on the road.

7.25 The application particulars demonstrate that, in addition to the parking spaces proposed within the garage, up to 5 off street parking spaces could be comfortably provided within the site.

7.26 The application has been the subject of consultation with Highways Development Control and the proposal has been assessed against SPGN11 parking standards. It is noted that there is sufficient space for parking of cars in line with the guidance set out in SPGN11 and no objection upon highway safety grounds are raised.

7.27 Accordingly, it is considered that the proposals would not give rise to concerns in respect of highway or pedestrian safety.

7.28 Surface Water Drainage

Members will be aware that all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. This approval is a consenting regime that sits outside of the planning process.

7.28 Accuracy of Drawings

Concerns were raised that the plans are not an accurate depiction of the 'as built' situation on site. This discrepancy has been addressed and amended accurate plans have been the subject of a fresh consultation exercise. A comment was received in the same vein but this was because of an administrative error in the plan originally uploaded for comments. This has been addressed and the plans are confirmed to be accurate.

**8.00 CONCLUSION**

For the reasons set out above, the proposals are considered to be an acceptable form of development in this location and having regard to the applicable planning policies.

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.

8.02 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.

- 8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.04 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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