

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **13<sup>TH</sup> MARCH 2024**

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

**SUBJECT:** **ERECTION OF A REPLACEMENT DWELLING**

**APPLICATION  
NUMBER:** **FUL/000419/23**

**APPLICANT:** **JONES ENGINEERING & CONSTRUCTION LTD**

**SITE:** **ST KILDA  
FAGL LANE  
HOPE  
FLIINTSHIRE  
LL12 9RB**

**APPLICATION  
VALID DATE:** **4<sup>TH</sup> MAY 2023**

**LOCAL MEMBERS:** **COUNCILLOR G. HEALEY**

**TOWN/COMMUNITY  
COUNCIL:** **HOPE COMMUNITY COUNCIL**

**REASON FOR  
COMMITTEE:** **LOCAL MEMBER**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This full application seeks permission for the demolition of the existing dwelling upon the site and the erection of a replacement dwelling, together with access formation and the erection of a detached a garage.

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

2.01 Conditions:

1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
2. The development shall be carried out in accordance with the following approved plans and documents:
  - Application form
  - Design and Access Statement
  - Location Plan, Rev.1
  - Existing Site Layout Plan
  - Existing floor plans and elevations – Dwg. No. 3/110
  - Proposed Site Layout Rev.3
  - Proposed Floor Plans Rev.2
  - Proposed Elevations Rev. 2
  - Proposed Garage Rev 3
  - Street Elevation Rev 0
  - Drainage Plan Rev. 2
3. The parking and turning facilities indicated upon the approved plans shall be provided in full prior to the first occupation of the dwelling hereby approved and shall thereafter be retained for this purpose.
4. Notwithstanding the submitted details, prior to the first occupation of the dwelling hereby approved, a scheme detailing the installation of a window to proposed Bedroom 4 , as indicated upon approved plan Ref: Proposed Floor Plan Rev.2 dated 16/6/2023, with top hung casement only and to be obscure glazed shall be submitted to and approved in writing with the Local Planning Authority. The agreed scheme shall be implemented before the dwelling is occupied and retained in accordance with the agreed details thereafter.
5. Notwithstanding the submitted details, prior to their use in the formation of the external surfaces of the dwelling hereby approved, samples of the roofing material and external render colour shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be undertaken in strict accordance with the agreed details.
6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

7. Prior to the commencement of development a scheme for biodiversity enhancement of the site shall be submitted for approval, and thereafter shall be implemented in accordance with the approved details.

### **3.00 CONSULTATIONS**

- 3.01 **Local Member (Councillor G. Healey):** Requests that the application is considered by Planning Committee and is the subject of a site visit. Considers that Members need to view the site and the proposed access in the context of the proximity of the site to the brow of the rise in the road adjacent to the site.

**Hope Community Council:** Supports the proposal.

**Highways Development Control:** Requests the imposition of a condition requiring the provision of the indicated parking and turning facilities.

**Dwr Cymru / Welsh Water:** Request the imposition of a condition restricting land and surface water to the public drainage system. Advises of capacity for foul flows to the Wastewater Treatment Works at Hope and confirms the presence of a phosphate permit at these works.

**Natural Resources Wales:** No objections. : Identifies that site lies within the within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC).

**Airbus:** No objections

### **4.00 PUBLICITY**

- 4.01 Neighbour Notification Letters: Four responses have been received. It should be noted however, that these responses all pre-date the re-consultation which took place on 18<sup>th</sup> December 2023 on the basis of amended plans. Comments received include;

1. Structures to the front garden are not reflective of the character of the street scene;
2. Proposed ridge height is incongruous in street scene;
3. Visibility sight line not provided;
4. Access to the rear for previously approved development will impact upon living conditions;
5. Increased vehicular movements;
6. Increased noise and disturbance;
7. Consent of adjacent owner required for works to the boundary; and
8. Overlooking.

## **5.00 SITE HISTORY**

### **5.01 46870**

Erection of extension at rear of dwelling and alterations to roof  
Permitted 15.12.2009

### **47286**

Alteration to roof to provide first floor accommodation  
Permitted 28.5.2010

### **60697**

Outline application with all matters reserved to alter existing dwelling to reduce frontage, provision of new access minimum 4.5 metres wide and erection of four detached dwellings  
Refused 22.6.2020 Appeal Allowed 2.12.2020

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Local Development Plan**

PC1 - The Relationship of Development to Settlement Boundaries  
PC2 - General Requirement for Development  
PC3 – Design

#### Supplementary Planning Guidance

SPGN 2 – Space around dwellings  
SPGN No.11 Parking Standards

#### National Planning Guidance

Planning Policy Wales - Edition 12 (Feb 2024)  
Future Wales Plan 2040  
TAN 12 – Design

## **7.00 PLANNING APPRAISAL**

### **7.01 Site and Surroundings**

The site comprises the existing detached single storey dwelling, detached single garage to the rear and sits within its own curtilage, with gardens to the rear. The garden area to the front is laid to hardcore and provides a parking and turning area. The site boundaries to the sides and rear comprise a mixture of hedgerows and wooden panel fencing. A low stone wall marks the front boundary to the road. Access is derived via an existing gated vehicular access within the front boundary.

7.02 The site occupies a position within a row of dwellings of similar form, albeit varying in design and appearance set within spacious plots. Extant outline planning permission exists for the redevelopment of land to the rear of the application site for residential development of four dwellings, with access derived from the site frontage for this site and proposed on a shared basis.

7.03 The Proposals

The application proposes the demolition of the existing dwelling and the redevelopment of the site to provide a dwelling with accommodation proposed within the roof and the erection of a detached double garage.

7.04 The Main Issues

The main issues to consider in the determination of this application are;

- Principle of development
- Impacts on character and appearance
- Impacts on living conditions
- Access and highway impacts

7.05 Principle of Development

The application site lies within the settlement boundary of Hope in the Flintshire Local Development Plan. Hope is a Tier 2 Local Service Centre in LDP policy STR2 and there is a presumption in favour of residential development in these settlements. In principle this is considered to be an acceptable development on a previously developed site, in an appropriate and sustainable location for this form of development.

7.06 The proposal is considered to accord with policies STR2 and PC1 in the Flintshire Local Development Plan, and as such it is considered that the principle of development is acceptable.

7.07 Character and Appearance

The existing dwelling on the site is a bungalow with accommodation within the roof. The dwelling is finished in white render beneath a slate roof.

7.08 The proposals to replace the existing dwelling are such that result in a dwelling of a different visual appearance to that presently upon the site, albeit the proposed finish materials are render and grey concrete roof tiles. However, given that the proposed dwelling provides for a building arranged with living space on 2 floors, as is the case in neighbouring dwellings, is set back from the road and note that other dwellings in this street scene are of a variety of designs and utilise different materials in their construction, it is considered that the proposal will not have a significant detrimental impact upon the character and visual appearance of the street scene.

7.09 Particular comments were received in relation to initial proposals for the garage to be sited within the front garden area of the site to the effect that this would be incongruous in relation to existing built form along the street scene and would therefore have been out of character with the area. However, following negotiations, the scheme

has been amended to site the garage to the rear of the proposed dwelling. This is reflective of the current situation on the site.

7.10 Accordingly the proposal is considered to not adversely affect the character and appearance of the area and as such, would be compliant with the aims of policies PC2 and PC3 in this regard.

7.11 Impacts on Living Conditions

Concerns have been raised to the effect that the proposed replacement dwelling will give rise to adverse impacts upon the living conditions of the occupiers of existing adjacent dwellings. The proposals provide for a dwelling with accommodation across two floors. The principal windows face north and south. That is, to the front and rear of the site. There are windows proposed within the side elevations which would face in the direction of the adjacent dwellings The Cottage to the west and Ambleside to the east. In assessing what impact there may be and the extent to which this may result in an adverse impact upon living conditions, it is important to establish the function of the rooms which these windows serve.

7.12 The proposed eastward facing elevation towards Ambleside proposes three windows at ground floor level. These serve a kitchen, and utility room and a study. At first floor level a velux window is proposed to serve a bathroom, although the submitted details indicate that this window is to be obscure glazed and non-opening. Of these rooms, only the study is defined as a habitable room within SPGN2 – Space about Dwellings.

7.13 Considering the existing side elevation of Ambleside, it is apparent that at ground floor level there is an obscure glazed window to a kitchen and a window to an integral garage. Within the roof slope facing the application site there are two velux windows which seem to provide light into the same spaces. Given that the only interface between habitable windows relates to the proposed study, and taking into consideration that the application site sits approximately 1 higher than the adjacent site, and there are no windows at first floor level within Amble side which face onto the application site, one can be content that whilst separation is of the order of 4.5m, there is little to suggest that there is an opportunity for overlooking in either case. Indeed, when considering the existing layout of the dwelling at St. Kilda, where windows serving a bedroom and conservatory face Ambleside, the proposals in terms of openings would represent a betterment in this regard.

7.14 Turning to consider the western facing elevation to The Cottage, it is noted that the proposal provides windows at ground floor to a dining space and to a hallway, neither of which is a habitable room. The proposals at first floor level provide for windows to a stairwell and bedroom. The existing dwelling at St. Kilda provides a window serving a dining space within the west facing elevation. The elevation at The

Cottage has a window to study and dining spaces at ground floor and high level velux windows to 2No. bedrooms and a bathroom at first floor. The only habitable room interface to consider then is what potential adverse impact arises from the ground floor study window at the Cottage and the proposed bedroom window at first floor level at St. Kilda.

- 7.15 The proposals provide for separation between the elevations of the order of 13m and whilst this would fall below the standards set out in SPGN 2, it must be noted that in granting permission for the remodelling of The Cottage, the issue of separation was considered and a condition requiring a screen fence be erected was imposed. Equally, the difference in level between the site and The Cottage must also be factored in as the application sits at a level lower than The Cottage. Therefore, the level of a first floor window in the proposed side elevation will sit lower in relation to the Cottage than would be the case on level sites. There is therefore potential for overlooking. However, the imposition of a condition requiring the window to the bedroom to be obscure glazed and top hung only will serve to reduce the likelihood of adverse overlooking whilst safeguarding the need for the window to facilitate emergency escape if required.
- 7.16 Comments in relation to the suggested levels between the site and adjacent dwelling is noted. However, it is clear that the area slopes gradually downhill in an easterly direction and development steps down the slope accordingly. Therefore proposed finished ground floor levels will appear to be higher, but this is a component of the level change between sites. The important levels relationship is that of eaves and ridge heights which in the case of the relationship between the Cottage and the site, are comparable and, in the case of Ambleside and the site are lower in the case of the ridge height and comparable at eaves level. As such the proposals would not have a dominant relationship with existing adjacent dwellings.
- 7.17 Subject to the suggested condition, it is not considered that the proposals would give rise to significant impacts upon the living conditions of the occupiers of the identified dwellings and therefore would satisfy the requirements of the Policy PC2 in this regard.
- 7.18 Access and Highway Impacts  
The proposals provide for access to be derived from Fagl Lane in this position within the site frontage as is presently the case upon the site. Concerns have been raised by third parties in relation to matters in respect of access visibility and highway safety.
- 7.19 Whilst it is noted that the access point could ultimately form part of a Reserved Matters application in connection with the outline planning permission on the land to the rear, that is not what this application relates to and as such it must be considered on its own merits.

- 7.20 The proposals has been considered by Highways Development Control on this basis and no objection is raised to the proposal. Whilst a request for a condition in relation to the provision of parking and turning facilities is suggested, I note that such facilities are indicated upon the proposed plans. Accordingly, applying such a condition would not be required as the parking and turning arrangements form part of the details upon which the recommendation to grant planning permission is based. It is however considered expedient to condition that such facilities and provided and retained in perpetuity.
- 7.21 Comments in relation to potential increases in traffic would seem to relate to the access as part of the residential development permission. Clearly this application proposes a one for one substitution of dwelling on the site and therefore it is not considered that the proposals would give rise to increased traffic flows nor would be likely to result in increased risk of vehicular accidents.
- 7.22 Accordingly, it is considered that the proposals would not result in adverse impacts to highways safety and as such satisfies the requirements of policies PC2 and PC5 of the Plan.
- 7.23 Other matters  
Comments have been made in respect of the proposals giving rise to increased noise and disturbance. As above, the proposal is for the replacement of one dwelling with another and therefore it is not considered this will give rise to increased noise or disturbance outside of that reasonably expected during the construction phase.
- 7.24 Matters of perceived noise and disturbance arising from the potential redevelopment of land to the rear is a matter for consideration in connection with such proposals as and when they are put before the Local Planning Authority for consideration and as such should be attributed very little weight in the determination of this application.

## **8.00 CONCLUSION**

The principle of the proposal is acceptable and there would be no significant adverse effect on the living conditions of occupiers, on the character and appearance of the location or on the highway. The application is therefore recommended for approval.

### **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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