

FLINTSHIRE COUNTY COUNCIL

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

DATE: **18TH JUNE 2014**

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

SUBJECT: **APPEAL BY MR & MRS MARK JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DOUBLE GARAGE WITH STORAGE SPACE ABOVE AT TREFALYN, 53 RUTHIN ROAD, MOLD**

1.00 APPLICATION NUMBER

1.01 051396

2.00 APPLICANT

2.01 MR & MRS MARK JONES

3.00 SITE

3.01 TREFALYN, 53 RUTHIN ROAD, MOLD, CH7 1QH.

4.00 APPLICATION VALID DATE

4.01 24TH OCTOBER 2013

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision, following the refusal under officer delegated powers of a full planning application for the erection of a detached double garage with storage space above at Trefalyn, 53 Ruthin Road, Mold, CH7 1QH. The appeal was considered by way of an exchange of written representations and was DISMISSED

6.00 REPORT

6.01 The inspector considered the main issue in this case to be the effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to visual impact and overlooking.

6.02 The inspector noted that the proposed garage would have its ridge running parallel to Ruthin Road and this would result in an

approximately 6 metre wide and 5.5 metre high gable being located within 200m to 250mm of Trefalyn's eastern boundary. Given its location, height, scale and mass and in his opinion it would have a dominant and oppressive visual appearance when seen from the private open space to the rear of No 1 and the side of No 2 Powys Villas, which is very limited in extent, thereby creating a sense of being hemmed in. A similar visual impact would be gained when looking through any ground floor habitable room windows in the rear elevation of No 1. In his opinion this would result in significant harm to the relevant occupiers living conditions and, as a result, the proposal conflicts with *Flintshire Unitary Development Plan* (UDP) policies GEN1 and HSG12.

6.03 The two rooflights proposed in the rear roof slope could also provide views into habitable rooms in the rear elevation of Four Gables at somewhat shorter distances than such views from windows in the rear elevation of Trefalyn. On the basis of the available evidence the inspector was not convinced that the boundary wall was high enough to prevent such views and a consequential loss of privacy to the occupiers of Four Gables. This loss of privacy would harm the living conditions of the occupiers of Four Gables and add to the conflict with UDP policies already identified above.

6.04 He notes that the appellants compared their proposal with the existing garage at Four Winds. However, although that is also on the boundary it did not have an intimate a relationship with neighbouring dwellings, which have much larger private open spaces to their rears than the one to the rear of No 1 and the side of No 2 Powys Villas, as the appeal proposal would have with Powys Villas. The appellants also referred to a rear access tower forming part of a proposal to convert Trefalyn to flats which has previously been granted planning permission. Nevertheless, in terms of visual impact it would not have been particularly close to the boundary and although it could have overlooked Four Gables the plans submitted are not sufficiently clear to show whether any mitigation, such as obscure glazing, was to be incorporated or not. In any event, it is an accepted planning principle that applications, and appeals, are considered on their individual merits, which is what he had done in this case.

7.00 CONCLUSION

7.01 For the reasons outlined above the appeal was **DISMISSED**.

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