

FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH JANUARY 2016**

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

SUBJECT: **APPEAL BY MR. BARRY FRYER (LEASON HOMES) AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE OUTLINE APPLICATION FOR THE ERECTION OF 1 NO. DWELLING AT MAES Y GORON, LIXWM – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 053275

2.00 APPLICANT

2.01 Mr. Barry Fryer (Leason Homes)

3.00 SITE

3.01 Land rear of Maes Y Goron,
Lixwm, Holywell

4.00 APPLICATION VALID DATE

4.01 9TH March 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal to grant outline planning permission for the erection of one dwelling at land to the rear of Maes y Goron, Lixwm, Holywell. The application was refused under delegated powers with the appeal dealt with by way of an informal hearing and was **ALLOWED**.

6.00 REPORT

6.01 Background

Members may recall that this application was refused under delegated powers on 22nd April 2015 on the grounds that the principle of residential development was contrary to both National and Local Planning Policies given that the site was located in open countryside and was for non-essential development, that the proposed dwelling would result in adverse overlooking of the private amenities enjoyed by the occupants of the neighbouring properties and that the dwelling would result in a form of backland development that would adversely harm the character of the area.

6.02 Issues

The Inspector considered that the main issues were the effect of the proposal on the character and appearance of the area together with the effect of the proposal on the living conditions of nearby residents in relation to privacy, noise and disturbance.

6.03 Character & Appearance

The site is an irregular piece of vacant land associated with the Maes y Goron estate in Lixwm. The Maes y Goron development was a scheme of 25 units for affordable housing as a rural exceptions site. This development is situated to the north of the site. Linear residential development and a public house are located to the south, west and east of the site. There is a vacant roadside plot with an expired planning permission to the south of the site adjacent to Anchorage. Between this plot and the site is a public right of way which follows a diagonal path through the site to the rear of No. 24 Maes y Goron and into the adjacent field. Access to the site would be from Maes y Goron estate between the site and rear boundary of No. 2 Maes y Goron and the rear of the public house.

6.04 The appeal site is outside of the development boundary as defined by the Flintshire Unitary Development (UDP) and so is the Maes y Goron estate because of its rural exception planning status. Local Planning Policies restrict development outside development boundaries except to essential worker housing, infill, conversion of existing buildings, affordable housing and rural enterprise exception schemes and other developments that require a countryside location or essential works associated with the countryside and has no adverse impact on it. Infill development in Lixwm is restricted to local housing need. This proposal does not meet any of the exemptions and it therefore does not accord with the development plan.

- 6.05 Whilst not in accord with Local Planning Policies there are material considerations to weigh in the balance. The appeal site is in effect hemmed-in by built development. There is one small gap within the development boundary adjacent to Anchorage. The gap between the curtilage of the building development amounts to a footpath width and therefore views of the appeal site are limited to those who traverse the path and from private views from the built development that surrounds the site. The site is not seen in isolation in the countryside. There would be very limited views of the appeal site to and from the countryside. The Inspector considered the site would be an integral part of the built-up area and no definable harm would ensue to the character and appearance of the countryside should this site be developed.
- 6.06 The Inspector also considered that the site is a left-over piece of land from the residential development built and permitted as an exception to the normal policies of rural housing restraint. This was for 25 units. An additional 5 units to the east of Bryn Derw have also been built. No planning condition restriction applies to the appeal site in terms of requiring it be put to amenity land use and no condition prohibits development of the site. Landscaping conditions do not themselves limit or restrict development of the site, and the Council sought a contribution towards open space provision elsewhere in the village. The land has no agricultural status – it is vacant left-over land in the middle of the village. As at least 30 housing units have been built adjoining the appeal site – the location must be regarded as sustainable served by a local school and public house. The development site would be situated in and around the settlement utilising a vacant piece of land which could make some limited contribution to sustaining a rural village.
- 6.07 The Inspector recognised shortfall in housing land supply and TAN1 indicates that where the approved JHLAS shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.
- 6.08 Therefore given the above, the Inspector considered the location of a vacant and sustainable site surrounded by built development, the need to increase housing supply is given considerable weight, whereby the material considerations and compliance with national policies indicate a decision otherwise than in accordance with the development plan.
- 6.09 The development in the Inspector's view is not discordant with the pattern and form of the village. The spatial arrangements of buildings and gardens to the north are angled to the appeal site and to Maes y Goron estate road. Layout is a reserved matter but the illustrative block plan shows the building aligned north-south facing the footpath

and the triangular piece of land adjacent to the path behind Nos 18/20 Maes y Goron. This layout may change, but it serves to demonstrate that it could be orientated to address the public footpath and the public road at a greater distance. The Inspector considered that the development could be aligned so that it harmonises with the layout of buildings and spaces in the area.

6.10 Amenities of Adjoining Residents

The maximum ridge height parameter of the development would be 10 m. The illustration which accompanied the appellant's statement now shows a dwelling aligned north-south and two storeys in height. The block plan does not show the correct alignment of the boundary fence to the rear of Nos 2-16 as the diagonal fence line continues through to the edge of the path that passes the side of No. 18. This means that there is a larger area comprising a triangular piece of land within the appeal site, thereby providing some 18 m between the rear wall of the proposed dwelling house and the rear boundary fence line of the Maes y Goron development.

6.11 The location plan provides the correct boundary configuration which accompanied the planning application. This land is within the appeal site. This provides in the view of the Inspector an acceptable separation distance in terms of overlooking with regard to the Council's published standards 'Space around dwellings Local Planning Guidance Note No. 2'. Furthermore, the proposed dwelling would have an aspect towards the diagonally aligned boundary and houses and therefore the view from the development would avoid direct overlooking. It was also noted that land levels for the development would be lowered by some 1 m to further reduce the impact on privacy.

6.12 The Local Planning Authority indicated that the access would lead to an increase in activity of vehicles passing the side and rear of No. 2 Maes y Goron and the rear of Ty Lafant. There would be a 4.5m gap for the proposed access at the narrowest point of the appeal site. This would be between the rear of the public house annex and the 2m high boundary fence of No. 2. This would extend for a short length and then the site opens up either side of this narrower part. The access as shown runs alongside the gable and side 2m high boundary of No. 2. The Inspector considered there was sufficient space between the access and this boundary to ensure that living conditions are not harmed.

- 6.13 Access is a reserved matter and the boundaries alongside it could be landscaped to reduce the impact further on the occupants of neighbouring properties. A 4.5m wide access is sufficient to permit two cars to pass each other and this appears excessive for one dwelling. With landscaping and a minor realignment of the drive and some reduction in its width it was considered that there is sufficient scope to ameliorate any adverse effects in relation to noise and disturbance. The Inspector considered the access is acceptable in principle, details of which would be a reserved matters.
- 6.14 The Inspector therefore concluded the proposal would not harm the living conditions of nearby residents in relation to privacy, noise and disturbance.

7.00 CONCLUSION

- 7.01 The Inspector concluded on the first issue that the material considerations justifications a decision other than in accordance with the development plan. There would be no harm to the character and appearance of the area and the development of a vacant and sustainably located site surrounded by built development together with the need to increase housing supply indicates a decision in favour of allowing this appeal.
- 7.02 On the second issue, the Inspector found no harm to living conditions. It was noted about the residents' concerns about compliance with previously imposed conditions and that the site hosts wildlife. However, the site whilst outside the development boundary is now surrounded by built development and is not a piece of land which was afforded protection as amenity land by planning condition. For these reasons, it was concluded that the appeal should be **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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